



STRATEGIC PLANNING COUNCIL AGENDA

Date: October 7, 2008
Starting Time: 2:00 p.m.
Ending Time: 4:00 p.m.
Place: SU-18

CHAIR: Deegan

MEMBERS: Barton, Brannick, Claypool, Cuaron, Dowd, Duran, Frederick, Gowen, Gropen, Halttunen, Hoffmann, Hogan-Egkan, Japtok, Jennum, Kovrig, Lienhart, Madrigal, McCluskey, Owens, Sheahan, Talmo, Titus, Tortarolo, von Son

RECORDER: Ashour

| | Attachments | Time |
|---|-------------|---------|
| A. <u>MINUTES</u> | | 5 min. |
| 1. Approve minutes of September 16, 2008 | | |
| B. <u>ACTION ITEMS/SECOND READING</u> | | 30 min. |
| 1. Accreditation Self Study | Exhibit B1 | |
| a. Standard I | | |
| b. Standard II | | |
| c. Standard III | | |
| d. Standard IV | | |
| e. Planning Agendas (attachment) | | |
| 2. 2008-2009 AIP | Exhibit B2 | |
| C. <u>ACTION ITEMS/FIRST READING</u> | | 30 min. |
| 1. Deactivation of Institutional Review Committee | Exhibit C1 | |
| 2. Staff Development and Training Governance Structure Form | Exhibit C2 | |
| 3. Chapter 7 Board Policies: BP 7130, 7140, 7150, 7160, 7236, 7240, 7341, 7345, 7347, 7350, 7370, 7510, 7800, 7850 | Exhibit C3 | |
| Chapter 7 Board Procedures: AP 7125, 7131, 7213, 7214, 7215, 7231, 7232, 7233, 7237, 7240, 7336, 7342, 7345, 7370, 7371 | | |
| 4. Emergency Response Group's Recommendations | Exhibit C4 | |
| D. <u>INFORMATION/DISCUSSION</u> | | 15 min |
| 1. FY2007-08 Financials & FY2008-09 Budgets | Exhibit D1 | |
| 2. Vetting of Educational Contracts | | |
| E. <u>REPORTS OF PLANNING COUNCILS</u> | | 15 min. |
| 1. Administrative Services Planning Council – Bonnie Ann Dowd | | |
| 2. Human Resource Services Planning Council – John Tortarolo | | |
| 3. Instructional Planning Council – Berta Cuaron | Exhibit E3 | |
| 4. Student Services Planning Council – Joe Madrigal | | |

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|---|--------|
| F. <u>REPORT FROM ACCREDITATION SELF-STUDY</u> | 5 min |
| G. <u>REPORT FROM BUDGET COMMITTEE</u> | 10 min |
| H. <u>REPORTS OF CONSTITUENCIES</u> | 15min. |
| 1. Administrative Association – Laura Gropen | |
| 2. Associated Student Government – Robert Fredericks | |
| 3. Confidential/Supervisory Team – Lee Hoffmann | |
| 4. CCE/AFT – Neill Kovrig | |
| 5. Faculty Senate – Monika Brannick | |
| 6. PFF/AFT – Shannon Lienhart | |
| I. <u>OTHER ITEMS</u> | |



STRATEGIC PLANNING COUNCIL MEETING MINUTES October 7, 2008

A regular meeting of the Palomar College Strategic Planning Council scheduled for October 7, 2008, was held in SU-18. President Robert Deegan called the meeting to order at 2:00 p.m.

ROLL CALL

Members Present: Barton, Brannick, Claypool, Cuaron, Deegan, Dowd, Duran, Fredrick, Gropen, Gowen, Japtok, Jennum, Kelly, Kovrig, Lienhart, Madrigal, McCluskey, Owens, Titus, Tortarolo
Recorder: Cheryl Ashour
Members Absent: Halttunen, Hoffmann, Talmo, von Son
Guests: Mary San Agustin, Jayne Conway, Tim Hernandez for Lynda Halttunen, Glynda Knighten, Tom Medel, Mark Oggel, Molly Smith, Diane Veach, Mark Vernoy

A. MINUTES

1. Approve Minutes of September 16, 2008

MSC (Gowen/Duran) to approve the Minutes of September 16, 2008 as presented

B. ACTION ITEMS/SECOND READING

1. Accreditation Self Study

There was discussion regarding item nine of the planning agendas. **(Exhibit B1)** Changes were made to the wording.

MSC (Kovrig/Brannick) with one abstention (Barton) to accept the Accreditation Self Study and revised Planning Agendas

2. 2008-2009 Annual Implementation Plan (AIP)

MSC Gowen/Cuaron to accept the 2008-2009 Annual Implementation Plan **(Exhibit B2)**

The Planning Agendas included in the Self-Study will be included in the 2008-2009 AIP upon approval of the Governing Board.

C. ACTION ITEMS/FIRST READING

1. Deactivation of Institutional Review Committee (Exhibit C1)

Berta Cuaron stated that the Institutional Review Committee has been inactive for approximately two years. The institutional review and planning process has been incorporated into the Instructional Planning Council and Student Services Planning Council. The other two planning councils are working on similar procedures.

MSC (Owens/Frederick) to move to action

MSC (Owens/Duran) (3 nays: Kovrig/ McCluskey/Claypool) to deactivate the Institutional Review Committee

2. Staff Development and Training Governance Structure Form (Exhibit C2)

MSC (Dowd/Kovrig) to move to action

MSC (Kovrig/Duran) to accept the changes to the Staff Development and Training Governance Structure

3. Chapter 7 Board Policies and Procedures

Board Policies 7130, 7140, 7150, 7160, 7236, 7240, 7341, 7345, 7347, 7350, 7370, 7510, 7800 and 7850 and Board Procedures 7125, 7131, 7213, 7214, 7215, 7231, 7232, 7233, 7237, 7240, 7336, 7342, 7345, 7370 and 7371 were distributed to SPC members. **(Exhibit C3)** Everyone was asked to take these to their constituent groups for further review. This item will return for action at the next SPC meeting.

4. Emergency Response Group's Recommendations

Kelly Hudson MacIsaac presented the Emergency Response Group's recommendations. **(Exhibit C4)** Funding has been identified for the first three priorities from Prop M, capital funds and redevelopment money. The fourth priority will not be implemented until funding is identified. Discussion ensued. Everyone was asked

to take the recommendations to their constituent groups for further review. This item will return for action at the next SPC meeting.

D. DISCUSSION/INFORMATION ITEMS

1. FY 2007-08 Financials and FY2008-09 Budgets

Bonnie Ann Dowd distributed handouts from the Chancellor's Office showing the annual state and system budget process and a general apportionment timeline/cycle. **(Exhibit D1)** Dr. Dowd distributed the one page combined document showing the Palomar College FY2007-08 Financials and, at that point in time, the FY2008-09 projected budget.

2. Vetting of Educational Contracts

Shannon Lienhart stated that she is concerned that there are some educational contracts that haven't gone through shared governance. The Faculty Senate plans to review the vetting of educational contracts. This issue will return to SPC after the Faculty Senate has addressed it. In the meantime, an educational contract will be under "new business" on the Governing Board agenda and not the 60-day report.

E. REPORTS FROM PLANNING COUNCILS

1. Finance & Administrative Services Planning Council

Bonnie Ann Dowd reported that FASPC met on September 18 and October 2. Ken Jay gave a report on Aramark and Follett. Michelle Barton discussed the FASPC self evaluation. Facilities Review Committee gave a report regarding bike racks, crosswalks, parking spaces at the child care facility and unused staff parking spaces in Lot 12.

2. Human Resource Services Planning Council

John Tortarolo reported that HRSPC will meet today.

3. Instructional Planning Council

Berta Cuaron reported that IPC received a report from the VTEA Advisory Committee (now called Perkins Planning and Advisory Committee). Vice President Cuaron distributed a document showing common themes from 2007-2008 Institutional Program Review and Planning. **(Exhibit E3)** IPC is in the process of setting their 2008-09 goals. Members discussed student learning outcomes and planning agendas from the self-study. Last week IPC had a special meeting to look at the full-time faculty hiring for 2009-10. Ms. Cuaron distributed a document showing the estimated number of faculty positions needed for 2010.

4. Student Services Planning Council

Joe Madrigal reported that SSPC met September 24. Mary SanAgustin gave a report regarding our veteran students and what is being done to serve their needs. SSPC discussed the budget reports provided by Vice President Dowd. Lynda Halttunen gave a report on the Early Acceptance Program.

F. REPORT FROM ACCREDITATION SELF-STUDY – no report

G. REPORT FROM BUDGET COMMITTEE

Bonnie Ann Dowd reported that the Budget Committee met on September 23. Their next meeting is scheduled for October 14. Vice President Dowd gave an update on the status of the state budget impasse. They reviewed their governance structure.

H. REPORTS OF CONSTITUENCIES

1. Administrative Association

Laura Gropen reported that a general meeting is scheduled for the end of this month.

2. Associated Student Government

Rob Frederick reported that ASG has been working on the student parking issue, financial aid, recycling and counseling.

3. Confidential/Supervisory Team – no report

4. CCE/AFT

Neill Kovrig reported that CCE had a general classified staff meeting last Thursday.

5. Faculty Senate

Monika Brannick reported that the Faculty Senate finalized the work group looking at Chapter 4 of the Policies and Procedures. They discussed Board Policy 7216 and online teaching. The Academic Standards and Practices Committee was assigned to look at the issue of academic dishonesty. The Academic Technology Committee plans to look into online teaching.

6. PFF/AFT – no report**I. ADJOURNMENT**

There being no remaining items, the meeting was adjourned at 4:05 p.m.

DRAFT 2 – INCLUDES SPC INPUT

Planning Agendas

1. The Learning Outcomes Council (LOC) will guide and support the college's completion of the Development phase of Student Learning Outcomes Assessment Cycles (SLOACs) at the course, program, and institutional (general education) levels. In this process, the LOC will move the college toward the Proficiency phase of SLOACs. (I.B, II.A)
2. The college will review the Strategic Planning and the Institutional Program Review and Planning processes to identify ways to improve the Annual Implementation Plans, including funding of priorities. (I.B)
3. The college will discuss, design, adopt, and implement a budget development process that
 - a. better aligns with and allocates funding for both short-term and long-term strategic planning priorities;
 - b. allows flexibility for responding to emergencies and exigencies; and
 - c. sustains the district's current fiscal stability and solvency. (I.B, III.B, III.D)
4. The Basic Skills Committee will
 - a. implement, evaluate, and revise as necessary the Basic Skills action plan, including the teaching/learning centers, the Freshman Experience, and the Professional Development components; and
 - b. promote dialogue about, understanding of, and response to the Basic Skills Initiative, including integrated instructional support services. (II.A, II.C).
5. In the area of Professional Development, the college will
 - a. offer broader and more comprehensive professional development activities for faculty, staff, and administrators on Student Learning Outcomes Assessment Cycles, students' basic skills needs, and students' diverse learning styles;
 - b. develop professional development opportunities for faculty, staff, and administrators to learn about their colleagues' academic and career/technical programs; and
 - c. concentrate on engaging part-time faculty in these activities and opportunities. (II.A, III.A, IV.A)
6. The [new name group] will develop a plan to improve the ratio of credit hours taught by full-time faculty to the credit hours taught by part-time faculty while also increasing the number of full-time faculty. (II.A, III.A)
7. The college will develop a systematic process based on discussion among constituent groups to identify and plan for the staffing levels and flexibility necessary for continuity of services in support of students. (II.C, III.A, III.B)

8. The college will ensure that all constituent groups have a written code of ethics aligned with Governing Board policy. (III.A)
9. The college will consider the recommendations of the Emergency Preparedness Workgroup as part of its ongoing planning, preparation, and training for the safety and security of the college community. Recommendations incorporated into the district's Emergency Preparedness Plan will be prioritized and funding resources will be identified. (III.B)
10. The Strategic Planning Council will engage in formal dialogue on its shared governance and decision-making processes in order
 - a. to distinguish the types of decisions that have significant institution-wide implications and thus must be arrived at through systematic participative processes;
 - b. to clarify the authorities and responsibilities of the decision-makers and other participants in these processes in order to produce decision-making guidelines; and
 - c. to enhance opportunities for all college constituencies to learn about shared governance. (IV.A)



Strategic Plan 2009

Annual Implementation Plan

2008-2009

“The Strategic Planning Council recognizes the importance of using the governance process to identify, prioritize, and allocate funding to ensure the success of the Objectives and Activities listed in this Annual Implementation Plan. While the SPC may not be named as an assigned group on each Objective and Activity, its role is implicit throughout.”

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| Objective/Activity 1 Goal : ALL | Primary Person(s): Vice President, Instruction; Accreditation Tri-Chairs |
| Prepare Palomar’s self-study for reaffirmation of accreditation. | Assigned Groups: Accreditation Steering Committee; Accreditation Standard Writing Groups |
| | Time Line: March, 2009 |
| <u>Funding Information – One Time Funds Budgeted or Needed</u> 1. Budgeted a. Amount \$30,000 in 2008-09 b. Funding Source - General Funds 2. Needed -0- a. Amount Needed or Sought | <u>Funding Information – Ongoing Funds Budgeted or Needed</u> 1. Budgeted a. Amount -0- b. Funding Source 2. Needed -0- a. Amount Needed or Sought |
| December 2, 2008 | |
| May 5, 2009 | |

Strategic Plan
Annual Implementation Plan 2008-2009

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| Objective/Activity 2 Goal : ALL | Primary Person(s): Superintendent/President; Vice President, Instruction (Accreditation Liaison Officer) |
| Begin addressing Palomar's self-identified planning agenda developed through the College's self-study accreditation. | Assigned Groups: Strategic Planning Council, Accreditation Steering Committee |
| | Time Line: Ongoing |
| <u>Funding Information – One Time Funds Budgeted or Needed</u> 1. Budgeted a. Amount b. Funding Source - General Funds 2. Needed -0- a. Amount Needed or Sought | <u>Funding Information – Ongoing Funds Budgeted or Needed</u> 1. Budgeted a. Amount -0- b. Funding Source 2. Needed -0- a. Amount Needed or Sought |
| December 2, 2008 | |
| May 5, 2009 | |

Strategic Plan
Annual Implementation Plan 2008-2009

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| Objective/Activity 3 Goal : Student Success | Primary Person(s): Co-Chairs Learning Outcomes Council |
| <p>As a result of Palomar's self-assessment for effective practices in Basic Skills instruction and support, develop and implement student success centers to increase student engagement, persistence, and completion.</p> <p>This activity addresses the following objectives in the 2009 Strategic Plan:</p> <ul style="list-style-type: none"> • Develop and implement an institution-wide plan that includes strategies to improve retention (course completion) and persistence (semester to semester attendance and completion) • Increase instructional faculty's awareness and referral of students to services that support student success. <p>Increase student awareness and use of services that support student success.</p> | <p>Assigned Groups: Student Learning Outcomes Council; Curriculum Committee; Instructional Planning Council; Student Services Planning Council</p> <p>Time Line: Design TLC at Escondido in Summer/Fall 2008, implement a TLC at Escondido in Spring 2009, continue exploring location options for a TLC on San Marcos campus.</p> |
| <p><u>Funding Information – One Time Funds Budgeted or Needed</u></p> <ol style="list-style-type: none"> 1. Budgeted <ol style="list-style-type: none"> a. Amount b. Funding Source Basic Skills (restricted funds), General Fund 2. Needed <ol style="list-style-type: none"> a. Amount Needed or Sought | <p><u>Funding Information – Ongoing Funds Budgeted or Needed</u></p> <ol style="list-style-type: none"> 1. Budgeted <ol style="list-style-type: none"> a. Amount b. Funding Source 2. Needed <ol style="list-style-type: none"> a. Amount Needed or Sought |
| December 2, 2008 | |
| May 5, 2009 | |

Strategic Plan
Annual Implementation Plan 2008-2009

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| Objective/Activity 4 Goal : Student Success | Primary Person(s): Vice President, Student Services; Vice President, Instruction |
| Define and communicate classroom and college expectations of students that foster shared responsibility for learning outcomes. | Assigned Groups: Student Services Planning Council; Instructional Planning Council; Learning Outcomes Council; Faculty Senate; Associated Student Government |
| | Time Line: May, 2009 |
| <u>Funding Information – One Time Funds Budgeted or Needed</u> 1. Budgeted a. Amount -0- b. Funding Source Current expenses covered by District general fund, Matriculations, EOP&S and Foundation support. Expansion & enhancements will need additional support. 2. Needed a. Amount Needed or Sought -0- | <u>Funding Information – Ongoing Funds Budgeted or Needed</u> 1. Budgeted a. Amount \$3,000,000.00 (budgeted salaries) b. Funding Source Unrestricted & categorical funds 2. Needed a. Amount Needed or Sought -0- |
| December 2, 2008 | |
| May 5, 2009 | |

Strategic Plan
Annual Implementation Plan 2008-2009

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| Objective/Activity 5 <i>Goal : Student Success</i> | Primary Person(s) Vice President, Instruction; Faculty Senate President |
| Develop a plan to increase the number of full-time faculty and the 75/25 ratio, while recognizing the need to increase the diversity among full-time faculty. | Assigned Groups: Strategic Planning Council; Human Resource Services Planning Council for Model EEO Plan; Faculty Senate; 75/25 Work Group, Palomar Faculty Federation |
| | Time Line: May, 2009 |
| <u>Funding Information – One Time Funds Budgeted or Needed</u> 1. Budgeted a. Amount -0- b. Funding Source - General Fund 2. Needed -0- a. Amount Needed or Sought | <u>Funding Information – Ongoing Funds Budgeted or Needed</u> 1. Budgeted a. Amount -0- b. Funding Source 2. Needed -0- a. Amount Needed or Sought |
| December 2, 2008 | |
| May 5, 2009 | |

Strategic Plan
Annual Implementation Plan 2008-2009

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| Objective/Activity 6 Goal : Teaching and Learning | Primary Person(s) Faculty Senate President; PFF Co-Presidents; Academic Technology Coordinator |
| Advance campus discussions related to on-line teaching and learning. These discussions will center on (1) Faculty Workload, (2) Faculty Performance Standards, (3) Student Evaluations, and (4) Student Access (both to technology and to face-to-face classes vis-à-vis on-line classes). | Assigned Groups: Faculty Senate Academic Technology Committee; Academic Technology Group; Professional Development; PFF; Associated Student Government: TERB |
| | Time Line: May, 2009 |
| <u>Funding Information – One Time Funds Budgeted or Needed</u> 1. Budgeted a. Amount -0- b. Funding Source 2. Needed -0- a. Amount Needed or Sought | <u>Funding Information – Ongoing Funds Budgeted or Needed</u> 1. Budgeted X a. Amount b. Funding Source Faculty Contracts 2. Needed -0- a. Amount Needed or Sought |
| December 2, 2008 | |
| May 5, 2009 | |

Strategic Plan
Annual Implementation Plan 2008-2009

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| Objective/Activity 7 Goal : Teaching and Learning | Primary Person(s) Faculty Senate President; Vice President, Instruction |
| Provide up-to-date technology and related technical and equipment support for instructional purposes. | Assigned Groups: Strategic Planning Council; Academic Technology Group; Information Services; AV Services |
| | Time Line: May, 2009 |
| <u>Funding Information – One Time Funds Budgeted or Needed</u> 1. Budgeted a. Amount b. Funding Source Proposition M provided initial funding along with the Matriculation restricted funds budget for Assessment Center and SU204 2. Needed a. Amount Needed or Sought | <u>Funding Information – Ongoing Funds Budgeted or Needed</u> 1. Budgeted a. Amount -0- b. Funding Source 2. Needed a. Amount Needed or Sought -0- |
| December 2, 2008 | |
| May 5, 2009 | |

Strategic Plan
Annual Implementation Plan 2008-2009

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| Objective/Activity 8 Goal : Teaching and Learning | Primary Person(s) Co-Chairs of Learning Outcomes Council; Faculty Senate; Co-Chairs of Curriculum Committee |
| Enculture the discussion and implementation of learning outcomes cycles. | Assigned Groups: Learning Outcomes Council; Curriculum Committee |
| | Time Line: May 2009 |
| <u>Funding Information – One Time Funds Budgeted or Needed</u> 1. Budgeted a. Amount -0- b. Funding Source 2. Needed -0- a. Amount Needed or Sought | <u>Funding Information – Ongoing Funds Budgeted or Needed</u> 1. Budgeted X a. Amount \$50,000/year #1,2 & 3 = \$10,000 (Student Services) b. Funding Source General Fund #1, 2 & 3 – General Fund covers salary expenses and retreat paid for with Matriculation funds. (Student Services) 2. Needed -0- a. Amount Needed or Sought (\$50,000/year) |
| December 2, 2008 | |
| May 5, 2009 | |

Strategic Plan
Annual Implementation Plan 2008-2009

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| Objective/Activity 9 Goal : <i>Organizational and Professional Development</i> | Primary Person(s) Superintendent/President |
| Evaluate formal communication channels and improve the vertical and horizontal communication within the governance structure. | Assigned Groups: Strategic Planning Council; Instructional Planning Council; Student Services Planning Council; Human Resource Services Planning Council; Administrative Planning Council; Research and Planning |
| | Time Line: May, 2009 |
| <u>Funding Information – One Time Funds Budgeted or Needed</u> 1. Budgeted a. Amount -0- b. Funding Source 2. Needed a. Amount Needed or Sought -0- | <u>Funding Information – Ongoing Funds Budgeted or Needed</u> 1. Budgeted a. Amount -0- b. Funding Source 2. Needed a. Amount Needed or Sought -0- |
| December 2, 2008 | |
| May 5, 2009 | |

Strategic Plan
Annual Implementation Plan 2008-2009

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| Objective/Activity 10 Goal : Resource Management | Primary Person(s) Superintendent/President; Director, Research and Planning |
| Develop and implement a process for submitting, approving, and managing grants. | Assigned Groups: Strategic Planning Council; Research and Planning; Director, Grant Funded Student Programs; Director, Fiscal Services |
| | Time Line: May, 2009 |
| <u>Funding Information – One Time Funds Budgeted or Needed</u> 1. Budgeted a. Amount: b. Funding Source Budgeted, Restricted Funds for Gran process 2. Needed a. Amount Needed or Sought | <u>Funding Information – Ongoing Funds Budgeted or Needed</u> 1. Budgeted a. Amount b. Funding Source 2. Needed a. Amount Needed or Sought \$125,000 annually (estimated need) |
| December 2, 2008 | |
| May 5, 2009 | |

Strategic Plan
Annual Implementation Plan 2008-2009

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| Objective/Activity 11 Goal : Facilities Improvement | Primary Person(s) Vice President, Finance & Administrative Services |
| Complete the master signage plan for all district facilities | Assigned Groups: Finance & Administrative Services Planning Council |
| | Time Line: May, 2009 |
| <u>Funding Information – One Time Funds Budgeted or Needed</u> 1. Budgeted a. Amount -0- b. Funding Source 2. Needed a. Amount Needed or Sought -0- | <u>Funding Information – Ongoing Funds Budgeted or Needed</u> 1. Budgeted a. Amount -0- b. Funding Source 2. Needed a. Amount Needed or Sought No additional funds required for FY2007-08. |
| December 2, 2008 | |
| May 5, 2009 | |

Strategic Plan
Annual Implementation Plan 2008-2009

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| Objective/Activity 12 Goal : Facilities Improvement | Primary Person(s) Manager, Facility Planning/Environmental Health & Safety; Chief of Police |
| Continue to develop procedures to respond to emergency situations. | Assigned Groups: Safety and Security Committee; Campus Police Committee |
| | Time Line: May, 2009 |
| <u>Funding Information – One Time Funds Budgeted or Needed</u> 1. Budgeted a. Amount \$100,000 estimated b. Funding Source No additional general funds required for FY2007-08. 2. Needed a. Amount Needed or Sought -0- | <u>Funding Information – Ongoing Funds Budgeted or Needed</u> 1. Budgeted a. Amount -0- b. Funding Source 2. Needed a. Amount Needed or Sought Uncertain at this time until plan is completed |
| December 2, 2008 | |
| May 5, 2009 | |

INSTITUTIONAL REVIEW COMMITTEE

Role

The Institutional Review Committee develops the models, methodology, and processes by which all programs and services at Palomar College are reviewed on an annual basis to evaluate their efficiency, effectiveness, and alignment with the Strategic Plan, Educational and Facilities Master Plan and those institution-wide plans to be developed in the future. The Committee develops specific criteria and procedures by which individual programs, functions, and services are evaluated. It works with the appropriate staff to develop criteria, gather data, and coordinate reviews for the Planning Councils.

Products

- Procedures, criteria, and tools relating to the evaluation of all District functions and activities
- Develop and provide training pertinent to institutional review

Reporting Relationship

Strategic Planning Council for role, process, and updates; Planning Councils for products

Meeting Schedule

4th Thursday of every month, 2:00 – 3:30 p.m.

Chairs

A faculty member from the membership of the Committee appointed by the Faculty Senate
An administrator appointed by the Superintendent/ President

Members

- Vice President for Instruction (or designee)
- Vice President for Human Resources (or designee)
- Vice President for Student Services (or designee)
- Vice President for Finance and Administrative Services (or designee)
- Seven Faculty Members representing divisions, library, or student services, appointed by the Faculty Senate
- Two Classified Unit Employees appointed by CCE/AFT
- One Administrative Association Member appointed by AA
- One Confidential and Supervisory Team Member appointed by CAST
- Director of Institutional Research and Planning (or designee)
- One Student appointed by ASG
- Faculty Co-Chair of the Curriculum Committee

Approved by SPC 12-02-03



GOVERNANCE STRUCTURE GROUP REQUEST

| | | | | | | | |
|---|----------------|----------|------------------|---------------------------------|---------------------|--|-------------------|
| Request submitted by: John Tortarolo | | | | Date: September 12, 2008 | | | |
| Proposed Name of Requested Group: Staff Development and Training Committee | | | | | | | |
| | Council | X | Committee | | Subcommittee | | Task Force |
| Action Requested: | | | Add | Delete | Change | | |
| <p>Role, Products, Reporting Relationships:</p> <p>Role: Identify and assess staff development and training needs, recommend funding, and review outcomes.</p> <p>Products: A Staff Development and Training Plan for the application and distribution of Staff Development & Training funds.</p> <p>Reporting Relationship: Strategic Planning Council</p> <p>Meeting Schedule: 2nd Thursday ^{4th Tuesday} of each month 10:30-12:00am ^{10:30am} or as needed</p> <p>Chairs:</p> <ul style="list-style-type: none"> Vice President, Human Resource Services Coordinator, Faculty Professional Development <p>Members:</p> <ul style="list-style-type: none"> Two representatives from the Professional Development Review Board Two representatives from the Professional Growth Committee One Senior Administrator from the Professional Development Review Board One Administrative Association Member appointed by AA One Confidential/Supervisory Team Member appointed by CAST One Classified Employee appointed by CCE | | | | | | | |

Formatted: Superscript

Reviewed by Strategic Planning Council:

Comments:

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| 9/16/03 | First Reading |
| 10/7/03 | COMMITTEE DECLARED INACTIVE AS OF 10/7/03 |
| 12/5/06 | Reactivated |

Human Resources
DRAFT as of 9/12/08

AP 7125 VERIFICATION OF ELIGIBILITY FOR EMPLOYMENT

Reference:

8 U.S. Code Section 1324a

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

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

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

OR

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

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

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

Office of Primary Responsibility: Human Resource Services

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

Date Approved:

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

Human Resources
DRAFT as of 8/22/08

AP 7381~~7131~~ HEALTH AND WELFARE BENEFITS

References:

Government Code Sections 53200 et seq.

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

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

Office of Primary Responsibility: Human Resource Services

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

Date Approved:

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

Human Resources
DRAFT as of 9/12/08

AP 7213 PART-TIME FACULTY: BENEFITS

Reference:

Education Code Section 87860

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

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **suggested as good practice**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Approved:

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

Human Resources
DRAFT as of 9/12/08

AP 7214 PART-TIME FACULTY: OFFICE HOURS

Reference:

Education Code Section 87880

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

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **suggested as good practice**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Approved:

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

Human Resources
DRAFT as of 9/12/08

AP 7215 ACADEMIC EMPLOYEES: PROBATIONARY CONTRACT FACULTY

References:

Education Code Sections 87600 et seq.

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

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

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

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

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

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

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

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

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

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

The Governing Board shall give written notice of its decision and the reasons therefore to the employee on or before March 15 of the academic year covered by the existing contract. The

notice shall be by registered or certified mail to the most recent address on file with the Human Resource Services Office. Failure to give the notice as required to a contract employee under his or her first or second contract shall be deemed an extension of the existing contract without change for the following academic year.

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

Office of Primary Responsibility: Human Resource Services

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

Date Approved:

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

Human Resources
DRAFT as of 9/12/08

AP 7231 SENIORITY

References:

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

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

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **suggested as good practice**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Approved:

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

Human Resources
DRAFT as of 9/12/08

AP 7232 CLASSIFICATION REVIEW

References:

Education Code Sections 88001 and 88009

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

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

Office of Primary Responsibility: Human Resource Services

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

Date Approved:

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

Human Resources
DRAFT as of 9/12/08

AP 7233 CLAIMS FOR WORK OUT OF CLASSIFICATION

Reference:

Education Code Section 88010

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

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

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

Office of Primary Responsibility: Human Resource Services

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

Date Approved:

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

Human Resources
DRAFT as of 9/12/08

AP 7237 LAYOFFS

References:

Education Code Section 87743, 88117, and 88127

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

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **suggested as good practice**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Approved:

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

Human Resources
DRAFT as of 9/12/08

AP 7240 CONFIDENTIAL EMPLOYEES

Reference:

Government Code Section 3540.1(c)

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

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

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **suggested as good practice**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Approved:

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

Human Resources
DRAFT as of 9/12/08

AP 7336 CERTIFICATION OF FREEDOM FROM TUBERCULOSIS

Reference:

Education Code Section 87408.6

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

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

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

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

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

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

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

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

Office of Primary Responsibility: Human Resource Services

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

Date Approved:

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

Human Resources
DRAFT as of 9/12/08

AP 7342 HOLIDAYS

Reference:

Education Code Section 79020

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

Also see BP/AP 4010 titled Academic Calendar

Office of Primary Responsibility: Human Resource Services

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

Date Approved:

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

Human Resources
DRAFT as of 9/12/08

AP 7345 CATASTROPHIC LEAVE PROGRAM

Reference:

Education Code Section 87045

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

Office of Primary Responsibility: Human Resource Services

NOTE: This procedure is **suggested as good practice**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Approved:

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

Human Resources
DRAFT as of 9/12/08

AP 7370 USE OF DISTRICT RESOURCES FOR POLITICAL ACTIVITY

References:

Education Code Sections 7050 et seq.

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

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

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

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

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

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

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

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

~~Summary of Legal Requirements and Restrictions:~~

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

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

~~[CA ED s 7055]~~

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

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

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

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

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

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

~~Political Contributions~~

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

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

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

~~[CA ED § 7056(b)]~~

~~Campaign Activities~~

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

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

~~Lobbying~~

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

~~[CA ED § 7056(b)]~~

~~Campaign Activities~~

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

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

Lobbying

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

Guidelines for Political Activities

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

PAC 4/20/99

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

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

NOTE: This procedure is **legally advised**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this procedure. The language in **black type** is current Palomar Procedure 4.1 titled Political Activities on Campus approved on April 20, 1999. The language in **green ink** reflects revisions/additions made by Human Resource Services. This procedure was reviewed on April 18, 2008, May 16, 2008, and September 12, 2008 by the Policy and Procedure Task Force.

Date Approved:

(Replaces current Palomar Procedure 4.1)

Human Resources
DRAFT as of 9/12/08

AP 7371 PERSONAL USE OF PUBLIC RESOURCES

References:

Government Code Section 8314:
Penal Code Section 424

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

Office of Primary Responsibility: Human Resource Services

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

Date Approved:

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

BP 7130 COMPENSATION AND BENEFITS

References:

Education Code Sections 45022, 70902(b)(4), 87801, and 88160;
Government Code Section 53200

The Governing Board shall establish and authorize salary schedules, compensation, and benefits (including health and welfare benefits) for all classes of employees and each contract employee subject to collective bargaining or meet and confer processes as applicable.

❖ **From current Palomar Policy 7.09 titled Salary**

~~The salary schedules for all employees of the District are approved by the Board. See current salary schedules.
EC 45022, 87801~~

❖ **From current Palomar Policy 155 titled Compensation**

~~Salary Schedules are adopted annually.~~

❖ **From current Palomar Policy 155.1 titled Salary Schedule Credit**

~~The Sabbatical Leave Committee reviews and acts on requests from academic personnel for salary credit. Salary schedule credit may be granted for academic course work or activities deemed equivalent.~~

❖ **From current Palomar Policy 155.11 titled Academic Course Work**

~~Academic Course Work~~

- ~~A. Completion of any upper division or graduate level course work at an accredited institution, with transcripts of units of credit and grades as evidence. No committee action is necessary.~~
- ~~B. Completion of lower division course work including Palomar College courses. Advance approval is required. Requests for advance approval are to be submitted prior to beginning the course. The submission of an application for advance approval of salary credit does not guarantee that advance approval will be granted; however, if submitted prior to the beginning of the course or at least one month prior to the activity, the request will not be denied on the basis of date submitted. In no case will units in excess of three (3) be awarded for lower division course work in any single four-year period of employment at Palomar College.~~

❖ **From current Palomar Policy 155.12 titled Equivalency Credit**

Equivalency Credit

~~In no case will equivalency credit units in excess of six be awarded during any four-year period. No work in progress for equivalency credit may be carried forward from one four-year period to another unless a substantial portion was completed during the four-year period to which the request applies.~~

~~No application will be accepted for work completed prior to the academic staff member's contract employment at Palomar College.~~

~~In evaluating a request, the Sabbatical Leave Committee may seek additional information from persons qualified in the subject matter area. The Committee will evaluate the proposal in terms of the required preparation time and the value of the work to the institution and to the individual. Any proposal shall be judged on the basis of 100 hours of involvement as equivalent to a three-unit course.~~

~~Equivalency credit may be awarded for the following:~~

~~A. Work experience, provided the employment is related directly to the fields in which the academic staff member is rendering service, or the work is of such nature as to provide a substantial increase in the employee's skills, knowledge, or understanding of the basic aspects of his/her work.~~

~~B. Projects which approximate academic equivalency to transfer credit courses will be evaluated in terms of time and effort spent on the project and the value of the project to the individual and the institution.~~

~~C. Course development, which would include work spent in developing new courses, curricula, or programs for which the academic staff member is remunerated shall not be considered as qualifying for salary credit equivalency unless it meets the following criteria:~~

- ~~1. The work is appreciably in excess of that normally spent in preparation of new courses, and~~
- ~~2. The education innovations are extensive and have required an unusual measure of creative effort in their development.~~

~~D. Conferences, Workshops, and Seminars~~

~~Salary credit is not ordinarily given for attendance at conferences, workshops, and seminars. Participation will be evaluated for scholarly significance and equivalency credit by the Committee upon presentation of evidence of attendance/participation and documentation of hours of involvement.~~

~~GB 10-85~~

❖ **From current Palomar Policy 155.41 titled Assigned Time for Faculty Leadership (93-16512)**

Assigned Time for Faculty Leadership

~~The officers of the Faculty Senate and The Faculty are provided assigned time during the academic year to carry out the responsibilities of the Faculty Senate and The Faculty.~~

~~GB 6-28-94~~

❖ **From current Palomar Policy 155.42 titled Summer Compensation for Faculty Leadership (93-16513)**

Summer Compensation for Faculty Leadership

~~The officers of the Faculty Senate and The Faculty receive a summer stipend to carry out the responsibilities of the Faculty Senate and The Faculty.~~
GB-6-28-94

❖ **From current Palomar Procedure 155.1 titled Salary Schedule Credit**

Salary Schedule Credit

~~Each academic employee is expected to maintain a self-guided program of professional improvement throughout his/her professional career. In addition to meeting the requirements of the Professional Development policy, academic employees have the opportunity to receive salary schedule credit through course work and projects as described in Board policy.~~

~~Forms to request salary schedule credit are available in the Office of Instruction. It is recommended that the staff member thoroughly review the Salary Schedule Credit policy before completing the form and before attending the Sabbatical Leave Committee meeting at which his or her request is to be considered.~~

~~When a request for salary credit is made which appears to duplicate a situation for which credit previously has been granted, the academic employee shall furnish information to the committee indicating how the duplicate situation has appreciably contributed to growth within the profession.~~

~~Except for upper division or graduate level course work, advance approval by the Sabbatical Leave Committee is required.~~

~~It is the responsibility of the applicant to specifically identify how the work will contribute to professional growth. Requests for advance approval are to be submitted prior to beginning the work. Submission of an application for advance approval does not guarantee advance approval will be granted; however, if submitted at least one month prior to the activity, the request will not be denied on the basis of date submitted.~~

~~In no case will salary schedule credit be awarded if Associated Student funds have been allotted for the completion of the work.~~

~~Salary credit may be awarded for work completed while the academic employee is on sabbatical leave, provided all other criteria have been met.~~

~~It is the responsibility of the academic employee to verify completion of any work for which advance approval of salary credit was granted. No final units will be awarded until such verification is received.~~

~~Forms are available in the Office of Instruction.~~

~~The regulations regarding salary credit conform with the following interpretations of the Education Code:~~

- ~~A. If an academic employee attends a degree-granting institution and is reimbursed by the District for travel, registration, or other expenses, the academic employee may not receive salary credit unless payment of an additional fee is made by the employee.~~
- ~~B. If an academic employee goes to a non-degree-granting institution and receives certification of attendance, and the academic employee is reimbursed by the District for travel, registration or other expenses, the employee may not receive salary equivalency credit.~~

- ~~C. If the District releases the academic employee from duties to attend a workshop, seminar, or conference, and the academic employee incurs expenses not reimbursed by the District, the academic employee may receive salary credit.~~
- ~~D. If an Instructional Grant is awarded to an academic employee for a completed project, the academic employee may not receive salary credit for the same project.~~

❖ **From current Palomar Procedure 155.41 titled Assigned Time for Faculty Leadership**

Assigned Time for Faculty Leadership

~~An FTE of 1.4 for the academic year is assigned to the Faculty Leadership to be allocated at the direction of the Faculty Council.~~

❖ **From current Palomar Procedure 155.42 titled Summer Compensation for Faculty Leadership**

Summer Compensation for Faculty Leadership

~~\$3,600 is provided to the Faculty Leadership to be allocated as stipends at the direction of the Faculty Council.~~

❖ **From Palomar Policy 528.2 titled Tax-Sheltered Annuity Program (87-12287, 96-18068)**

~~The Governing Board of the Palomar Community College District authorizes the participation of District employees (other than student employees and those employees whose contributions would not exceed \$200 per year) in tax sheltered annuity programs. A tax sheltered annuity (TSA) is defined as an investment program which defers federal and state income taxes on that part of current salary invested until such time as the annuity or investment is returned to the individual, either by retirement or by withdrawal. Each individual participating TSA provider (insurance company or company selling shares in a regulated investment company) must be approved by the Governing Board.~~

❖ **From current Palomar Procedure 528.2 titled Tax-Sheltered Annuity Program**

BACKGROUND

~~1.1 Internal Revenue Code (IRC) Section 403(b) allows tax deferral for TSA purchases by employees of public schools. TSAs have been available as a method of providing retirement benefits since 1958. Initially, qualified employees were allowed to establish TSAs by purchasing annuity contracts through insurance companies. In 1974, Congress enacted the Employee Retirement Income Security Act (ERISA) which permitted custodial accounts that invest in mutual funds to be treated as TSAs under IRC Section 403(b). The essential requirements and features of a TSA program under IRC Section 403(b) are as follows:~~

~~1.1.1 The participant must be an employee of a qualified organization.~~

~~1.1.2 The purchase of an annuity contract or contributions to a custodial account must be made by the employer.~~

~~1.1.3 The most prevalent method for contributing to a TSA is through a salary reduction~~

~~agreement. A salary reduction agreement is an agreement between the employer and employee under which the employee takes a reduction in salary or forgoes a salary increase and has the employer contribute that amount to the TSA.~~

~~1.1.4 The salary reduction agreement must be legally binding and irrevocable for amounts earned while the agreement is in effect.~~

~~1.1.5 An employee may make one or more agreements with the same employer during any one taxable year, and may terminate the agreement with respect to amounts not yet paid.~~

~~1.1.6 The amount which may be contributed to a TSA by an employee is subject to several limitations based on the individual employee's salary and current and previous contributions to tax deferred plans, including TSAs, state retirement plans, Section 125 cafeteria plans, 401(k) plans, IRA/SEP, Keogh, etc. In general, the maximum amount by which an employee may reduce his/her salary, and make a corresponding contribution to a TSA, is the LESSER of:~~

- ~~a. 20% of salary (after pre-tax contributions to STRS/PERS) times years of service with the employer, less all prior contributions to certain plans;~~
- ~~b. the lesser of 25% of salary (after contributions to STRS/PERS) or \$30,000; or~~
- ~~c. \$10,000.~~

~~DUTIES AND RESPONSIBILITIES~~

~~2.1 The Governing Board~~

~~2.1.1 Approves TSA Plan.~~

~~2.1.2 Approves addition of TSA vendors to District list. This applies to companies who have not previously participated in the District's TSA program and participating companies who have undergone a corporate entity change through merger, acquisition, etc.~~

~~2.2 The Superintendent/President~~

~~2.2.1 Has authority delegated by the Governing Board to purchase TSAs on behalf of District employees and to administer the District TSA program.~~

~~2.2.2 Delegates authority to responsible District personnel.~~

~~2.3 The Director of Fiscal Services~~

~~2.3.1 Receives authority to administer the District's TSA Plan as delegated by the President through the Vice President for Finance and Administrative Services.~~

~~2.3.2 Develops procedures to administer TSA Plan pursuant to Section 7 of the TSA Plan which authorizes the Superintendent/President or his/her designee to establish any procedures that are necessary and advisable in effecting proper administration of the District's TSA Plan.~~

~~2.3.3 Reviews company agreements for completeness.~~

~~2.3.4 Submits company agreements for Board approval, if such agreement has been properly executed and if at least one amendment of employment contract/salary reduction agreement has been received from an interested employee of the District.~~

~~2.3.5 Signs company agreements as Authorized Officer of the District.~~

~~2.3.6 Reviews and accepts amendment of employment contract/salary reduction on agreement form and supporting maximum exclusion allowance calculation.~~

~~2.3.7 Reviews and accepts notice of termination of amendment contract/salary reduction agreement forms.~~

~~2.3.8 Develops and provides forms necessary to make available the provisions of IRC 403(b) to eligible District employees.~~

~~2.3.9 The Director of Fiscal Services is authorized to reject forms which are inaccurate, incomplete or not prepared in accordance with District policies and procedures. This authority is granted under Section 7 of the TSA Plan which authorizes the Superintendent/President or his/her designee to establish any procedures that are necessary and advisable in effecting proper administration of the District's TSA Plan. Also, inaccurate maximum exclusion allowance calculations may be rejected by the Director of Fiscal Services under Section 4 of the TSA Plan which states that salary reductions shall not be in excess of the maximum reduction.~~

~~2.3.10 Obtains legal advice regarding the District's TSA program, when necessary.~~

~~2.3.11 Maintains list of approved TSA vendors and provides list to interested employees, when requested.~~

~~2.4 The Internal Auditor~~

~~2.4.1 Reviews amendment of employment contract/salary reduction agreement forms and related maximum exclusion allowance calculation worksheets and advises the Director of Fiscal Services regarding the accuracy and reasonableness of information submitted therein.~~

~~2.4.2 Advises the Director of Fiscal Services on TSA-related matters.~~

~~2.4.3 Performs annual review of maximum exclusion allowance worksheets submitted by employees to determine if adjustments to individual contributions are necessary.~~

~~2.4.4 Answers questions from faculty and staff on TSA-related matters.~~

~~2.5 The Payroll Office~~

~~2.5.1 Maintains all TSA-related forms submitted during the employee's term of employment with the District, including amendment of employment contract/salary reduction agreement and notice of termination forms, and any correspondence between the District and the employee on TSA-related matters.~~

~~2.5.2 Maintains files for each TSA vendor. These files will contain the company agreement executed by the company and the District, a copy of the vendor's TSA agreement for annuities and/or custodial accounts and any correspondence between the company and the District, or any other third party.~~

~~2.5.3 Implements amendment of employment contracts/salary reduction agreements forwarded from Fiscal Services and makes appropriate payroll deductions for participating employees.~~

~~2.5.4 Processes notice of termination forms forwarded from Fiscal Services.~~

~~2.5.5 Assigns District vendor number to new TSA vendors.~~

~~2.5.6 Remits participating employee contributions to applicable TSA vendors with appropriate data, as stated in company agreement.~~

~~2.5.7 Prepares IRS Form W-2 for participating employees reflecting the annual TSA contribution in accordance with IRS regulations.~~

~~2.5.8 Answers questions from faculty and staff on TSA-related matters.~~

2.6 The Company (Annuity or Custodial Account)

~~2.6.1 Executes company agreement, without changes.~~

~~2.6.2 Complies with all provisions of the company agreement.~~

~~2.6.3 Complies with all state and federal laws and regulations applicable to TSAs.~~

~~2.6.4 Assists clients with TSA-related matters.~~

2.7 The Employee

~~2.7.1 Knows and understands the TSA regulations and requirements or obtains tax advice from a competent source. All personal tax, financial and retirement planning decisions are the sole responsibility of the employee.~~

~~2.7.2 Completes and submits in a timely manner the necessary forms and certifications required to initiate, modify or terminate contributions to a TSA, in accordance with IRS regulations and District policy and procedures.~~

~~2.7.3 Completes and submits annual maximum exclusion allowance calculation to ensure that TSA contributions are within limits imposed under the Internal Revenue Code.~~

~~2.7.4 Reads and understands the terms and conditions of the amendment of employment contract/salary reduction agreement and abides by same.~~

PROCEDURES/IMPLEMENTATION

3.1 How to Set Up a TSA

~~3.1.1 Employee selects a TSA vendor from the District's list of vendors that have been approved by the Governing Board for participation in the District's TSA plan. The District list of TSA vendors is available in Fiscal Services (A-2). If the employee wishes to set up a TSA with a vendor who is not currently on the District list, the employee may do so by following the procedures outlined in 3.4 below.~~

~~3.1.2 Employee contacts the TSA vendor(s) of his/her choice and obtains the company's TSA application, a description of the company's TSA plan and investment options for annuities and/or mutual funds and prospectuses for selected investment options. The employee should read and understand the terms and conditions of the company's TSA agreement and the nature of the available investment options before making any decision to invest in a TSA.~~

~~3.1.3 Employee obtains an amendment of employment contract/salary reduction agreement form from Fiscal Services.~~

~~3.1.4 Employee decides how much he/she wants to contribute to a TSA, subject to limitations. It is the responsibility of each employee to determine his/her own limitations in consultation with a financial advisor. To ensure that the employee's TSA contribution does not exceed legal limits, the District requires that the employee submit a maximum exclusion allowance calculation worksheet with the amendment of employment contract/salary reduction agreement form. The employee should request his/her broker, agent or financial advisor to prepare and sign a maximum exclusion allowance calculation worksheet. But even if the employee is not setting up the TSA through a broker or agent, the employee is still required to prepare and submit the exclusion allowance calculation. A sample maximum exclusion allowance worksheet, which is derived from the formulas contained in IRS Publication 571 – "Tax-Sheltered Annuity Programs for Employees of Public Schools and Certain Tax-Exempt Organizations," is available in Fiscal Services.~~

~~3.1.5 Employee submits the executed amendment of employment contract/salary reduction agreement form, along with the maximum exclusion allowance calculation (prepared and signed by the employee and/or the employee's broker, agent or financial advisor) to Fiscal Services. If the vendor's TSA application requires the signature of a District representative, the application may also be submitted at this time.~~

~~3.1.6 The amendment of employment contract/salary reduction agreement forms must be completed by the employee and reviewed and approved by District representatives. Employees who normally receive a paycheck on the last day of the month must submit the appropriate forms and documentation by the 15th day of the month. Employees who normally receive a paycheck on the 20th of the month must submit the appropriate forms and documentation by the 5th day of the month. These deadlines may be affected by holiday periods during certain months. The employee should contact the Payroll Office regarding specific deadlines.~~

~~3.1.7 Fiscal Services affixes a date stamp to the amendment of employment contract/salary reduction agreement form acknowledging receipt of the TSA forms.~~

~~3.1.8 The TSA forms received by Fiscal Services are forwarded to the Internal Auditor, who reviews the documents for completeness and verifies the accuracy and reasonableness of the calculations and representations therein. The Internal Auditor consults with the Director of Fiscal Services regarding any errors or deficiencies noted in the submitted documents. In such cases, the employee is contacted by the Internal Auditor regarding the errors or deficiencies. If no exceptions are noted, the Internal Auditor initials the exclusion allowance calculation to indicate that the verification has been performed.~~

~~3.1.9 The Director of Fiscal Services signs and dates the amendment of employment contract/salary reduction agreement form as District Representative. As necessary, the Director of Fiscal Services also signs the insurance or investment company's TSA application and returns it to the employee for forwarding to the TSA vendor.~~

~~3.1.10 The executed amendment of employment contract/salary reduction agreement form and exclusion allowance calculation are forwarded by Fiscal Services to the Payroll Office. Payroll Office personnel initiate appropriate payroll deductions. The TSA documents submitted by the employee are filed in the employee's personnel folder in the Payroll Office.~~

~~3.2 How to Make Changes to a TSA~~

~~3.2.1 Effective December 31, 1995, TSA participants may make multiple changes to amendment of employment/salary reduction agreements during any one tax year.~~

~~3.2.2 The employee obtains and submits an amendment of employment contract/salary reduction agreement form and maximum exclusion allowance calculation as outlined in 3.1.1 through 3.1.6 above. This modified agreement will supersede in its entirety any other amendment of employment contract/salary reduction agreement previously submitted by the employee.~~

~~3.3 — How to Terminate Contributions to a TSA~~

~~3.3.1 The employee may elect to stop all contributions to a TSA. The Internal Revenue Code allows an employee to terminate a TSA contribution with respect to amounts not yet paid.~~

~~3.3.2 The employee obtains a Notice of Termination of Amendment of Employment Contract/Salary Reduction Agreement form from Fiscal Services.~~

~~3.3.3 The employee submits the executed Notice of Termination form to Fiscal Services.~~

~~3.3.4 All terminations are effective as of the end of the pay period in which the Notice of Termination was submitted and accepted.~~

~~3.3.5 Fiscal Services affixes a date stamp to the notice of termination form to acknowledge receipt of the form.~~

~~3.3.6 Fiscal Services forwards the notice of termination form to the Payroll Office. Payroll Office personnel review the form to ensure it has been submitted in accordance with District procedures and indicate acceptance of the form by signing as District Representative.~~

~~3.3.7 Payroll Office personnel terminate appropriate payroll deductions. The notice of termination form submitted by the employee is filed in the employee's TSA folder in the Payroll Office.~~

~~3.4 — How to Add a TSA Vendor to the District List~~

~~3.4.1 The District allows employees to contribute to the TSA vendor of their choice provided that the company has executed and submitted the appropriate company agreement and the company's participation in the District's TSA plan has been approved by the Governing Board.~~

~~3.4.2 For a company which offers tax sheltered annuities (annuity and custodial accounts) to be approved as a participant in the District's TSA plan, the following steps must be taken:~~

- ~~1. An eligible employee must request that the company be granted approval. The employee should obtain and complete an amendment of employment contract/salary reduction agreement form from Fiscal Services. This form along with a maximum exclusion calculation worksheet and the company name, address and name of contact should be submitted to Fiscal Services.~~
- ~~2. Fiscal Services will send the appropriate company agreement to the company.~~
- ~~3. The company must execute and return the company agreement.~~
- ~~4. Fiscal Services will submit the company's request to the Governing Board for approval.~~

~~3.5 — Annual Calculation of the TSA Contribution Limitations~~

~~3.5.1 It is important that the employee calculates his/her TSA contribution limitation at least annually to ensure that the employee does not make excess contributions to a TSA. Excess contributions to a TSA may result in adverse tax consequences to the employee and to the~~

~~District. Participating employees should refer to IRS Publication 571, entitled "Tax-Sheltered Annuity Programs for Employees of Public Schools and Certain Tax-Exempt Organizations," for an explanation of potential personal tax liabilities resulting from excess contribution to a TSA.~~

~~3.5.2 The District requires that the participating employee submit an exclusion allowance calculation worksheet whenever a TSA is set up or modified. This calculation should be prepared and signed by the employee's broker, agent or financial advisor or by the employee and should be submitted with the amendment of employment contract/salary reduction agreement form to ensure that the amount of the TSA contribution does not exceed legal limits.~~

~~3.5.3 In addition, the District requires that each participating employee submit an exclusion allowance calculation in September of each year. The calculation should be based upon projected earnings through the end of the year. The Payroll Office will send a memorandum reminder to all participating employees in August to ensure that employees are aware that the required calculation should be submitted.~~

~~3.5.4 If the participating employee becomes aware that a TSA contribution in excess of the legal limits has been made on their behalf or that an excess contribution may result by the end of the current tax year, the employee should take immediate steps to correct the situation. If an excess contribution has been made to the employee's TSA annuity or custodial account, it may be corrected with no adverse tax consequences by notifying the TSA vendor about the excess contribution by March 1 of the following tax year and having the TSA vendor pay the employee that amount by April 15. The employee should contact the TSA vendor and arrange for the excess contribution to be returned directly to the employee. If the employee's TSA arrangement does not provide for direct payment of excess amounts, the employee should contact the Payroll Office. If an excess contribution does not currently exist but may occur before the end of the current tax year, the employee may modify or terminate his/her TSA contribution to avert the excess contribution.~~

FORMS AND TSA-RELATED DOCUMENTS – All available in Fiscal Services

~~4.1 Governing Board Resolution, as adopted~~

~~4.2 Tax-Sheltered Annuity Plan, as adopted~~

~~4.3 Amendment of Employment Contract/Salary Reduction Agreement~~

~~4.4 Notice of Termination~~

~~4.5 Company Agreement (Annuities)~~

~~4.6 Company Agreement (Custodial Accounts)~~

~~4.7 Sample Maximum Exclusion Allowance Worksheet~~

~~4.8 IRS Publication 571 – Tax-Sheltered Annuity Programs for Employees of Public Schools and Certain Tax-Exempt Organizations (This pamphlet is also available by contacting the IRS at 1-800-TAX-FORM)~~

~~4.9 List of participating TSA vendors~~

[Compensation is subject to BP 7140 titled Collective Bargaining for represented employees.](#)

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

NOTE: This policy is **legally required**. The language in **red type** is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this policy. The language in **black type** is current Palomar Policies 7.09 titled Salary, 155 titled Compensation, 155.1 titled Salary Schedule Credit, and 155.11 titled Academic Course Work with no adoption date as well as 155.12 titled Equivalency Credit adopted on 10-85, 155.41 titled Assigned Time for Faculty

*Leadership adopted on 6-28-94, 155.42 titled Summer Compensation for Faculty Leadership adopted on 6-28-94, and BP 528.2 titled Tax-Sheltered Annuity Program dated 3-8-88 and revised on 1-14-97 and current Palomar Procedures 155.1 titled Salary Schedule Credit, 155.41 titled Assigned Time for Faculty Leadership, 155.42 titled Summer Compensation for Faculty Leadership with no adoption date, and 528.2 titled Tax-Sheltered Annuity Program with no date. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed on September 12, 2008 by the Policy and Procedure Task Force.*

Date Adopted:

(Replaces current Palomar Policies 7.09, 155, 155.1, 155.11, 155.12, 155.41, 155.42, 528.2 and current Palomar Procedures 155.1, 155.41, 155.42, 528.2)

Human Resources
DRAFT as of 9/12/08

BP 7140 COLLECTIVE BARGAINING

References:

Government Code Sections 3540 et seq.

If eligible employees of the District select an employee organization as their exclusive representative, and if after recognition by the District or after a properly conducted election, an exclusive representative is certified as the representative of an appropriate unit of employees under the provisions of the Educational Employment Relations Act, Government Code Sections 3540 et seq., the District will meet and negotiate in good faith on matters within the scope of bargaining as defined by law.

❖ **From current Palomar Policy 107 titled Recognition of Employee Organizations (64-414)**

~~The Superintendent/President is designated as the representative of the Governing Board to meet and confer with representatives of employee organizations. Upon request he/she will consider, as fully as it is deemed reasonable, such presentations as are made by the employee organization on behalf of its members.~~

~~GB 5-25-65~~

Also see BP 2610 titled Presentation of Initial Collective Bargaining Proposals

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

NOTE: This policy is **legally required**. The language in **red type** is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this policy. The information in **black type** is current Palomar Policy 107 titled Recognition of Employee Organizations adopted on 5-25-65. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Adopted:

(Replaces current Palomar Policy 107)

BP 7150 EMPLOYEE EVALUATIONS**References:**

Education Code Sections 70902 and 87663-87683;
Accreditation Standard III.A.1.b

All faculty and permanent staff members will periodically undergo a performance evaluation. The procedures for employee evaluations are delineated in the applicable collective bargaining agreement or employee handbook.

❖ From current Palomar Policy 173 titled Tenure and Evaluation (91-14929)

~~The Palomar Community College District supports the evaluation of job performance as described in Education Code section 87663. Evaluation and tenure review procedures shall be designed by the Faculty Senate to recognize, maintain, support, and encourage excellence in all facets of the educational process. Methods of evaluation shall be adopted or designed to provide meaningful feedback on job performance to both the employee and the appropriate department.~~

~~Probationary faculty shall be evaluated at least once in each academic year of employment. Tenured faculty shall be evaluated at least once every three years. Adjunct and temporary faculty shall be evaluated within the first year of employment and at least once every sixth regular semester of employment thereafter.~~

~~Evaluation and tenure review procedures shall include peer review at the department or division level. Students shall also be involved in faculty evaluation. The evaluation and tenure review process shall include procedures for recommending continued employment or dismissal and for initiating due process. All evaluation and tenure review methods shall refer to specified standards of performance.~~

~~The recommendations from the evaluation committee and the Tenure and Evaluation Review Board are sent by the Tenure Review Coordinator to the Superintendent/ President to be forwarded to the Governing Board.~~

~~Revisions to the Tenure and Evaluations Policy and Procedures are considered to be an Academic Matter.~~

~~The signed evaluation report will become part of the employee's personnel file.~~

~~In accordance with the District's Faculty and Staff Diversity Plan, evaluation and tenure review policies and procedures will be applied without regard to such matters as ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability.~~

~~GB 3/24/92, rev. 1-22-02~~

❖ From current Palomar Procedure 173 titled Evaluation

The policy and procedures described in the Palomar Community College District's Tenure and Evaluation Plan were developed by the Tenure and Evaluations Review Board, and submitted for approval to the Faculty Senate. The policy was then submitted to the Palomar Community College District Governing Board for approval. The policy and procedures have been developed in response to changes in the Education Code through Assembly Bill 1725 and revised Board policy 173.

Definitions

- A. PROBATIONARY FACULTY (CONTRACT) are those faculty members who have tenure-track contracts for regular faculty positions and who have not yet been granted tenure by the District.
- B. TENURED FACULTY (REGULAR) are those faculty members who have contracts for regular positions and who have been granted tenure by the District.
- C. ADJUNCT FACULTY are those non-contractual, non-tenure-track faculty members whose assignments are no more than sixty percent of a full-time load. (Education Code section 87482.5)
- D. TEMPORARY FACULTY are those non-tenure-track faculty members who have temporary contracts for faculty positions. (Education Code sections 87470, 87471, 87478, 87481, 87482)

Standards of Performance for Faculty

A. Instructors

1. The instructor shall establish a classroom environment to promote teaching and learning that respects the active role of the student as a learner.
2. The instructor shall meet classes as stipulated in the Class Schedule and maintain the office hours required by the administrative policies of the District.
3. The instructor shall demonstrate depth of academic preparation and subject area competency.
4. The instructor shall demonstrate subject area currency and be proficient in integrating new material into the classroom.
5. The instructor shall fairly and objectively teach the subject matter described in the Palomar College Catalog and Course Outline of Record.
6. The instructor shall present material in a clear, well-organized, and informative manner, using teaching methods and materials that are appropriate to the subject matter and to the needs of the students.
7. The instructor shall demonstrate effective communication skills in the classroom, presenting course material in an interesting and engaging manner.
8. The instructor shall maintain fair and clearly stated grading policies and provide fair and reasonably prompt evaluation of student work.
9. The instructor shall treat students with respect and tolerance, demonstrating patience and a willingness to help when needed and encouraging student participation and questions.
10. The instructor shall provide an environment where persons of diverse cultural and ethnic backgrounds become partners in learning, build on the strengths of their own cultural tradition, and respect, embrace, and learn from persons of other traditions.
11. The instructor shall demonstrate currency in the field and continued professional growth by participation in professional activities. Such activities may include but are not limited to completion of course work; attendance at workshops, seminars,

~~or professional meetings; and participation in conference presentations, exhibits, curriculum development, research, publication, or community service.~~

~~12. The instructor shall demonstrate commitment to the College community and to education by participating in department/program meetings and activities, by participating on campus and department/program committees, by working cooperatively with faculty and staff, and by abiding by the standards of academic freedom. This commitment begins the first semester of employment.~~

~~13. The instructor who performs an administrative or supervisory service as part of the contract shall demonstrate skillful maintenance of the department/program that he or she supervises. The instructor will also stimulate and initiate appropriate changes within the department/program.~~

~~B. Counselors~~

~~1. The counselor shall establish an environment to promote teaching and learning that respects the active role of the student as a learner.~~

~~2. The counselor shall adhere to the weekly schedule of appointments submitted to the department chairperson/director.~~

~~3. The counselor shall demonstrate depth of knowledge, experience, and competency in the field.~~

~~4. The counselor shall demonstrate specialty area currency, familiarity with operations and services of the student services area, and proficiency in integrating new materials, ideas, and techniques into the work place.~~

~~5. The counselor shall present and communicate information fairly and objectively.~~

~~6. The counselor shall present and communicate information in a clear, well-organized manner, using appropriate methods and materials.~~

~~7. The counselor shall communicate with students and colleagues in ways that lead to their enhanced growth and productivity.~~

~~8. The counselor shall advise and counsel students in the areas of career goals, degree objectives, and life values.~~

~~9. The counselor shall treat students with respect and tolerance, demonstrating patience and a willingness to help when needed and encouraging student interaction.~~

~~10. The counselor shall provide an environment where persons of diverse cultural and ethnic backgrounds become partners in learning, build on the strengths of their own cultural tradition, and respect, embrace, and learn from persons of other traditions.~~

~~11. The counselor shall demonstrate currency in the field and continued professional growth by participation in professional activities. Such activities may include but are not limited to completion of course work; attendance at workshops, seminars, or professional meetings; and participation in conference presentations, exhibits, curriculum development, research, publication, or community service.~~

~~12. The counselor shall demonstrate commitment to the College community and to education by participating in department/program meetings and activities, by participating on campus and department/program committees, by working cooperatively with faculty and staff, and by abiding by the standards of academic freedom. This commitment begins the first semester of employment.~~

~~13. The counselor who performs an administrative or supervisory service as part of the contract shall demonstrate skillful maintenance of the department/program that he or she supervises. The counselor will also stimulate and initiate appropriate changes within the department/program.~~

~~C. Librarians~~

~~1. The librarian shall establish an environment to promote teaching and learning that respects the active role of the student as a learner.~~

~~2. The librarian shall be on duty in the library or wherever else the job assignment requires for the stipulated number of hours per week.~~

3. ~~The librarian shall demonstrate depth of knowledge, experience and competency in the field.~~
4. ~~The librarian shall demonstrate specialty area currency, familiarity with operations and services of the library, and proficiency in integrating new materials, ideas, and techniques into the work place.~~
5. ~~The librarian shall present and communicate information fairly and objectively.~~
6. ~~The librarian shall present and communicate information in a clear, well-organized, and informative manner, using appropriate methods and materials.~~
7. ~~The librarian shall communicate with students and colleagues in ways that lead to their enhanced growth and productivity.~~
8. ~~The librarian shall demonstrate reliability, accuracy, and productivity in completing workrelated assignments.~~
9. ~~The librarian shall treat students with respect and tolerance, demonstrating patience and a willingness to help when needed.~~
10. ~~The librarian shall provide an environment where persons of diverse cultural and ethnic backgrounds become partners in learning, build on the strengths of their own cultural tradition, and respect, embrace, and learn from persons of other traditions.~~
11. ~~The librarian shall demonstrate currency in the field and continued professional growth by participation in professional activities. Such activities may include but are not limited to completion of course work; attendance at workshops, seminars, or professional meetings; and participation in conference presentations, exhibits, curriculum development, research, publication, or community service.~~
12. ~~The librarian shall demonstrate commitment to the College community and to education by participating in department/program meetings and activities, by participating on campus and department/program committees, by working cooperatively with faculty and staff, and by abiding by the standards of academic freedom. This commitment begins the first semester of employment.~~
13. ~~The librarian who performs an administrative or supervisory service as part of the contract shall demonstrate skillful maintenance of the department/program that he or she supervises. The librarian will also stimulate and initiate appropriate changes within the department/program.~~

Timeline for Tenure Review and Evaluations

Participants in the **Tenure Review and Evaluations Process** are identified through the four main faculty groups – **tenured, probationary, adjunct and temporary**. Each of these groups require a different procedure and manner of evaluation, described in detail within the Faculty Manual. Critical dates, by which forms are due, evaluations administered, schedules are met and committees formed are identified in a separate **calendar**, adopted by the **Tenure and Evaluations Review Board (TERB)** during the Fall and Spring semesters. Department chairs/directors and evaluations chairs are expected to comply with the dates set in the **TERB calendar**. Hence, the time line that follows is but a general guide.

AUGUST – SEPTEMBER

- * **TERB office** reviews and submits to department chairs/directors lists of all faculty to be evaluated during the fall semester, the period in which all evaluations are expected to occur for the current academic year.
- * Lists of faculty to be evaluated are verified, resolved and committees formed by department chairs and submitted to the **TERB office** for appropriate recording and filing.
- * **TERB board** convenes and adopts calendar.
- * All evaluations committee memberships finalized for faculty groups.
- * Quantitative information prepared: Student evaluations packets distributed to department chairs/directors and evaluations committee chairs.
- * Appropriate memoranda (directions to evaluations committee chairs) and the **TERB** adopted

~~calendar distributed to all principal offices and personnel participating in the evaluations process.~~

OCTOBER – NOVEMBER

- ~~* Student evaluations administered to all faculty groups.~~
- ~~* Peer Review and/or workplace observations in progress for tenured faculty and probationary faculty members.~~
- ~~* Adjustments, etc., made in committee(s) memberships.~~
- ~~* All student evaluations completed and returned to **TERB office** by the last instruction day in **November** for scanning and typing of student's comments.~~

DECEMBER

- ~~* **TERB office** determines status of evaluations for all faculty groups.~~

JANUARY

- ~~* Scanned reports and typed comments for student evaluations returned to evaluations committee chairs in order to prepare final evaluations reports on tenured and probationary faculty.~~
- ~~* Scanned reports and typed comments for student evaluations returned to department chairs/directors for adjunct faculty.~~

FEBRUARY

- ~~* **TERB board** meets to adopt spring calendar.~~
- ~~* Completed reports on **probationary** faculty due in TERB office by **last teaching day of first week of month** in order to prepare for **March 15 (hire or not recommendation)** deadline.~~
- ~~* Completed reports on **tenured** faculty due in **TERB office** (see **critical dates calendar adopted by TERB**).~~
- ~~* Committees formed to address evaluations of **tenured** faculty missed during fall semester because of leave, illness or other mitigating circumstances.~~

MARCH

- ~~* Evaluation activities are in progress for **tenured, probationary** and newly hired **adjunct** faculty.~~

APRIL

- ~~* **TERB office** returns scanned reports and typed student comments to evaluations committee chairs to prepare final reports for tenured faculty evaluated in the spring.~~
- ~~* **Final (spring) reports** forwarded to **TERB** for appropriate administrative signatures.~~

MAY

- ~~* Return scanned reports and typed comments for student evaluations of adjunct faculty to department chairs/directors.~~
- ~~* Return scanned reports and typed comments for student evaluations of probationary faculty to evaluations committee chairs.~~

Procedures for Tenure and Evaluations Review of Probationary Faculty

A. Purpose

~~The tenure and evaluations review process is designed to ensure that the Palomar Community College District maintains a standard of excellence in what may be considered the final stage of the search and selection process. Granting tenure grants membership into the College community. Therefore, the decision to recommend the granting or denial of tenure is a more critical decision than the initial decision to hire. Hiring does not guarantee tenure. The recommendation to grant or deny tenure is based upon the careful scrutiny of a probationary~~

~~faculty member's job performance during the tenure and evaluations review process.~~

~~The minimum degree requirement for tenure as a District faculty member is the bachelor's degree or equivalent from an accredited institution or an equivalent foreign degree. This requirement will apply to faculty teaching in vocational programs effective January 1, 1995.~~

~~The Governing Board may grant an exception to this policy when rare and compelling reasons justify such an exception and when the Tenure and Evaluations Review Board and the Faculty Senate recommend that an exception be granted.~~

~~Tenure and evaluations review is a four-year evaluation process intended for probationary faculty. They will be evaluated during the fall and spring semesters of their first three years and during the fall semester of their fourth year. The full evaluation process will be conducted during the fall semester of the first, second and fourth years of employment. During the spring semester of the first three years of employment and during the fall semester of the third year of employment, only student evaluations will occur, with the findings appropriately contributing to the decisions made during completion of the full evaluation process in the fall semesters of the second and fourth years of employment.~~

- ~~1. During the first year, the Governing Board will, by March 15, either 1) enter into a contract for the following academic year, or 2) not enter into a contract for the following academic year and state the reasons why. (Education Code sections 87608 and 87610)~~
- ~~2. During the second year, the Governing Board will, by March 15, either 1) enter into a contract for the following two academic years, or 2) not enter into a contract for the following academic year and state the reasons why. (Education Code sections 87608.5 and 87610)~~
- ~~3. During the fourth year, the Governing Board will, by March 15, either 1) grant tenure or 2) not employ the probationary employee as a tenured employee and state the reasons why. (Education Code sections 87609 and 87610) Because the decision to grant tenure must be made in time to meet the March 15 deadline, no student evaluations will be required during the spring semester of the fourth year.~~

~~The tenure and evaluations review process begins during the first month of the fall semester of a candidate's employment and concludes with either granting tenure or deciding not to rehire, in accordance with the provisions of Education Code sections 87608, 87608.5, 87609, 87610, and 87740.~~

~~All probationary faculty evaluation materials forwarded by the Tenure and Evaluations Review Coordinator are the responsibility of the Human Resources Office until tenure is granted. The materials become a permanent part of the faculty member's personnel file.~~

~~The peer review process in the evaluation of probationary faculty which is mandated by Education Code section 87663 is achieved through tenure and evaluations review committees.~~

~~B. Tenure and Evaluations Review Committee Membership~~

~~A tenure and evaluations review committee shall be formed for each probationary faculty member and shall consist of the following five voting members selected for four years:~~

- ~~1. The evaluatee's department chair/program director or a designee from the department/program selected by the department/program. The original department chair/program director or designee shall continue to serve on the committee throughout the four-year process when feasible.~~
- ~~2. A tenured faculty member from within the evaluatee's department/program, and preferably discipline, selected by the department/program. If department/program size or circumstances precludes this requirement, a tenured faculty member from a related discipline will be appointed by the Tenure and Evaluations Review Coordinator.~~

3. ~~A tenured faculty member randomly selected by the Tenure and Evaluations Review Coordinator.~~
4. ~~The evaluatee's division dean or an administrative designee selected by the dean.~~
5. ~~The appropriate assistant superintendent/vice president. The vice president need not be present at all meetings but shall meet with each committee prior to the completion of the annual committee recommendation.~~

~~If a committee member is unable to serve, a replacement shall be selected in accordance with the descriptions above. The evaluatee may challenge either the randomly selected faculty member or the faculty member selected by the department/program by the deadline indicated in the Evaluations Calendar. In such a case, the department/program and/or the Tenure and Evaluations Review Coordinator in accordance with the descriptions above shall select a replacement.~~

~~Should a probationary faculty member have an assignment in two or more departments/programs he/she shall have a peer, chair/director, and/or dean from each department/program serve on the committee. Also, if the probationary faculty member has an assignment in two or more divisions, each division dean will review the Tenure and Evaluations Review Report.~~

~~C. Tenure and Evaluations Review Committee Chairperson~~

~~The department chair/program director or designee will serve as the committee chair. In the event of an assignment between two or more departments/programs, the department chair/program director or designee with the greatest contractual interest in the evaluatee will serve as the committee chair. The committee chair shall:~~

1. ~~Call the meetings.~~
2. ~~Coordinate the activities of the committee to adhere to the Evaluations Calendar and contact the Tenure and Evaluations Review Coordinator if there are problems.~~
3. ~~Collect and critically review the required and supporting evaluation materials.~~
4. ~~Write the Tenure and Evaluations Review Report only after consultation with the members of the tenure and evaluations review committee.~~
5. ~~Meet with the evaluatee to discuss the results of the evaluation process. Committee members may attend.~~
6. ~~Obtain the evaluatee's and committee members' signatures on the Tenure and Evaluations Review Report.~~
7. ~~Submit the Tenure and Evaluations Review Report complete with all supporting evaluation materials to the Tenure and Evaluations Review Coordinator on or before the deadline indicated in the Evaluations Calendar.~~
8. ~~Represent the committee to the Tenure and Evaluations Review Board.~~

~~D. Tenure and Evaluations Review Committee Responsibilities~~

~~Each committee member shall:~~

1. ~~Know the tenure and evaluations review process.~~
2. ~~Attend tenure and evaluations review committee meetings.~~
3. ~~Critically review the required and supporting evaluation materials.~~

~~The committee members shall:~~

1. ~~Discuss the evaluation materials.~~
2. ~~Assist the committee chairperson in writing the Tenure and Evaluations Review Report that describes the evaluatee's job performance.~~
3. ~~Suggest improvements as appropriate.~~
4. ~~Recommend (in the first, second, and fourth years) that the evaluatee be rehired, not be rehired, or be granted tenure, as appropriate. The tenure and evaluations review committee shall request mediation by the Tenure and Evaluations Review Board when there is serious disagreement regarding the evaluation rating and/or employment recommendation.~~
5. ~~Determine re-evaluation frequency to monitor progress in area(s) needing remediation.~~

In the event that suit is brought against any District employee as a result of participation in the tenure and evaluations review process, the District shall assume full responsibility for costs of legal defense and payment of compensatory damages. The District shall assume liability for payment of punitive damages

awarded against a tenure and evaluations review committee member who acted within the course and scope of his or her District employment and who acted in good faith, without actual malice, and in the apparent best interests of the District if payment of the claim or judgment would be in the best interests of the District.

~~E. Criteria for Tenure and Evaluations Review~~

The Standards of Performance for Faculty form the specific criteria for tenure and evaluations review for each faculty position and are reflected in the evaluation forms.

The following information shall NOT be used in the tenure and evaluations review process, nor shall such material or information be referenced in any committee records:

- ~~1. Ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability.~~
- ~~2. Anonymous letters or material with the exception of the student evaluations that are a component of the evaluation process.~~
- ~~3. Information that, in the judgment of the tenure and evaluations review committee, is unrelated to the evaluatee's performance as specified in the Standards of Performance for Faculty.~~
- ~~4. The private life of an evaluatee.~~

~~F. Method for Tenure and Evaluations Review~~

The committee members shall review:

- ~~1. The Professional Improvement Form submitted by the evaluatee describing goals for student contact, institutional service, professional service and other activities. A copy of the evaluatee's current approved Professional Development Contract must be attached to this form when submitted.~~
- ~~2. Materials submitted by the evaluatee that are used in the classroom or work place, such as syllabi, exams, etc.~~
- ~~3. Evaluations by the appropriate constituency.~~

~~For instructor evaluatees, student evaluations are obtained from all contract classes being taught by the evaluatee.~~

~~For counselor evaluatees, student evaluations are obtained from all contract classes, if any, being taught by the evaluatee plus two sets of at least fifteen (15) student evaluations obtained following counseling sessions between the evaluatee and students.~~

~~For librarian evaluatees, student evaluations are obtained from all contract classes, if any, being taught by the evaluatee plus two sets of at least fifteen (15) student evaluations obtained following bibliographic instruction or small group orientations conducted by the evaluatee.~~

~~For unique job specifications and/or requirements which do not fit into the above classifications and patterns, the determination of the appropriate constituency and method of being evaluated by that constituency must be made by the department/program in conjunction with the Tenure and Evaluations Review Coordinator.~~

~~The determination of the constituency and method of evaluation by that constituency must be approved by the appropriate dean, vice president and the Tenure and Evaluations Review Board.~~

- ~~4. Classroom or work place observation by committee members beginning in the first semester of the tenure and evaluations review process. An observation report must be completed by each observer. During the full evaluations conducted in the fall semesters of the first, second, and fourth years, at least three committee members will make separate observations.~~
- ~~5. Written evaluation of the evaluatee referencing the Standards of Performance for Faculty by the~~

department chair/program director or designated supervisor to whom the candidate reports. Any department member who so chooses may also submit a signed written evaluation of the evaluatee to the committee chair referencing the Standards of Performance for Faculty. The tenure and evaluations review committee must receive this information by the deadline indicated in the Evaluations Calendar.

6. Additional material submitted by other faculty or staff members with information about an evaluatee's job performance, based on significant personal experience, presented in a signed, written statement to the committee chair. The tenure and evaluations review committee must receive this information by the deadline indicated in the Evaluations Calendar.

7. Evaluation material that is part of the personnel file which is approved for review by the Vice President for Human Resource Services in consultation with the dean, vice president, and/or the Tenure and Evaluation Review Coordinator when legally and ethically permissible.

8. When appropriate, an evaluatee without a bachelor's degree may provide documentation and arguments of compelling reasons to justify granting tenure. The decision is subject to review and approval by the Tenure and Evaluations Review Board and requires approval by the Governing Board of the rationale for the request for an exception.

The following procedure will be implemented when any probationary faculty member's complete tenure evaluation is not in the Tenure and Evaluations Review Coordinator's office by February 1 or the following Monday if the first falls on a weekend.

Step 1: The Tenure and Evaluations Review Coordinator will request in writing an immediate meeting with the committee chair and appropriate dean. A copy of this request will be sent to the appropriate Vice President. The purpose of the meeting is to determine the reason for noncompliance with Education Code 87663 and through collaboration to develop a plan for completing the evaluation within ten (10) working days. It is crucial to complete probationary faculty evaluations in a timely manner as the decision to hire or not has to be made in time to meet the deadline for the March 15 notice by the Governing Board.

Step 2: If the complete evaluation is still not forthcoming after those ten (10) additional working days, the Tenure and Evaluations Review Coordinator will write a letter to the appropriate dean and vice president requesting that another committee chair be appointed and that the evaluation be completed immediately.

A copy of that letter will be brought before the Tenure and Evaluations Review Board; at that time, additional recommendations may be made. By majority vote, the Tenure and Evaluations Review Board may recommend to the appropriate vice president that a letter reflecting these circumstances be placed in the personnel file of the committee chair and/or member(s) as appropriate. If the vice president does not concur with the Tenure and Evaluations Review Board recommendation, the vice president will communicate to the Tenure and Evaluations Review Board the reason(s) for the decision.

If in the judgment of the division dean, inconsistencies appear in the evaluation materials, then the evaluation must be referred back to the tenure review committee for clarification and reconsideration. If in the judgment of the division dean or the committee, issues remain, then the evaluation will be referred to the Tenure and Evaluations Review Board for mediation.

G. The Probationary Faculty Member

The evaluatee will have access to all information used in the evaluation process. In order to protect the anonymity of students, written comments must be shared orally or be typed and given to the evaluatee.

The evaluatee shall:

1. Know the tenure and evaluations review process.
2. Submit the Professional Improvement Form to the tenure and evaluations review committee chair by the deadline indicated in the Evaluations Calendar.
3. Submit materials used in the classroom or work place to the committee chair by the deadline

indicated in the Evaluations Calendar.

4. Submit specific written goals and plans for addressing the targeted area(s) if the evaluation results in a needs improvement or an unsatisfactory rating.

5. Provide evidence that the problem(s) in the targeted area(s) has/(have) been corrected.

Procedures for Peer Review of Tenured Faculty

A. Purpose

The evaluation procedures for tenured faculty are designed to assist faculty in evaluating their own performances and to recognize and support excellence and to encourage improvement.

Each faculty member is encouraged to identify and address areas for his/her own growth.

Tenured faculty evaluations occur every three years. They will normally occur in the fall semester. When circumstances prevent an evaluation from occurring in the fall semester, such as a faculty member being on leave, it will occur in the spring semester.

In the three year cycle of tenured faculty evaluations the relatively even distribution of evaluations in an individual department or program may fluctuate for various reasons. When this occurs, the department chairperson/program director may elect to reestablish a more even distribution by periodically scheduling tenured faculty for evaluation in two years rather than three. This can only be done with the concurrence of the tenured faculty being evaluated and must not involve any duress or pressure to concur.

The peer review process in the evaluation of tenured faculty which is mandated by Education Code section 87663 is achieved through peer review committees.

B. Peer Review Committee Membership

A peer review committee shall be formed for each tenured faculty member during every third academic year after the last academic year in which the faculty member was evaluated and shall consist of the following two members:

1. The department chair/program director or a designee from within the department/program and, if possible, from within the discipline.
2. A tenured faculty member selected by the evaluatee or, when requested by the evaluatee, a tenured faculty member randomly selected by the Tenure and Evaluations Review Coordinator.

Should a faculty member have an assignment in two or more departments/programs, he/she shall have a chair/director or designee from each department/program serve on the committee.

Also, if the faculty member has an assignment in two or more divisions, then each division dean will review the Peer Evaluation Report.

C. Peer Review Committee Chairperson

The department chair/program director or designee will serve as the committee chair. In the event of an assignment between two or more departments/programs, the department chair/program director or designee with the greatest contractual interest in the evaluatee will serve as the committee chair. The committee chair shall:

1. Call the meetings.
2. Coordinate the activities of the committee to adhere to the Evaluations Calendar and contact the Tenure and Evaluations Review Coordinator if there are problems.
3. Collect and critically review the required and supporting evaluation materials.
4. Write the Peer Evaluation Report only after consultation with the members of the peer review committee.
5. Meet with the evaluatee to discuss the results of the evaluation process. Committee members may attend.

6. Obtain the evaluatee's and the committee members' signatures on the Peer Evaluation Report.

7. Submit the Peer Evaluation Report complete with all supporting evaluation materials to the Tenure and Evaluations Review Coordinator, who will ascertain completeness and forward the packet for appropriate administrative review and signatures. These materials must be submitted by the deadline indicated in the Evaluations Calendar.

8. Represent the committee to the Tenure and Evaluations Review Board.

~~D. Peer Review Committee Responsibilities~~

~~Each committee member shall:~~

~~1. Know the peer review process.~~

~~2. Attend the peer review committee meetings.~~

~~3. Critically review the required and supporting evaluation materials.~~

~~The committee members shall:~~

~~1. Discuss the evaluation materials.~~

~~2. Assist the chairperson in writing a Peer Evaluation Report that describes the evaluatee's job performance.~~

~~3. Assist the faculty member in establishing appropriate goals and an action plan when necessary.~~

~~4. Recommend an evaluation rating of high professional performance, standard professional performance, substandard professional performance, or unsatisfactory performance.~~

~~5. Require that any faculty member who receives an overall evaluation rating of substandard professional performance or unsatisfactory shall be reevaluated each subsequent semester until he/she achieves an overall satisfactory rating. A committee shall be established to develop a plan for extended monitoring of the evaluatee's improvement. This committee shall include the evaluatee, the peer review committee chair, the department chair/program director, the appropriate division dean, and the Tenure and Evaluations Review Coordinator, all working to oversee an individualized program to facilitate the remediation process.~~

~~A maximum of four semesters is allowed for this process of formative assistance to improve the evaluation rating. If substantial progress is being made but additional time is needed to achieve a satisfactory rating, the Tenure and Evaluations Review Board will make a recommendation, based on evidence presented in each individual case, to the Governing Board which will make a final decision. If substantial progress is not being made, the peer review committee may recommend to the Governing Board, through the Tenure and Evaluations Review Board, that the faculty member be terminated.~~

~~In the event that suit is brought against any District as a result of participation in the peer review process, the District shall assume full responsibility for costs of legal defense and payment of compensatory damages. The District shall assume liability for payment of punitive damages awarded against a peer review committee member who acted within the course and scope of his or her District employment and who acted in good faith, without actual malice, and in the apparent best interests of the District if payment of the claim or judgment would be in the best interests of the District.~~

~~E. Criteria for Peer Review~~

~~The Standards of Performance for Faculty form the specific criteria for evaluation of tenured faculty, and are reflected in the evaluation forms.~~

~~The following information shall NOT be used in the peer review process, nor shall such material or information be referenced in any committee records:~~

~~1. Ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability.~~

~~2. Anonymous letters or material with the exception of the student evaluations that are a component of the evaluation process.~~

3. Information that, in the judgment of the peer review committee, is unrelated to the evaluatee's performance as specified in the Standards of Performance for Faculty.
4. The private life of an evaluatee.

F. Method for Peer Review

The committee members shall review:

1. The Professional Improvement Form submitted by the evaluatee describing goals for student contact, institutional service, professional service, and other activities. A copy of the evaluatee's current approved Professional Development Contract must be attached to this form when submitted.

2. Materials submitted by the evaluatee that are used in the classroom or work place, such as syllabi, exams, etc.

3. Three evaluations by the appropriate constituency.

For instructor evaluatees, student evaluations from two contract classes and a peer review component comprise the appropriate constituency. (See section H.)

a. For faculty who serve in more than one department/program, the student evaluation should include a class from each department/program, if possible.

b. Where possible, the evaluations should not include students from a lecture section and the same related laboratory.

For counselor evaluatees, student evaluations are obtained from one contract class, if one is being taught by the evaluatee plus one set of at least fifteen (15) student evaluations obtained following counseling sessions between the evaluatee and students. If no contract classes are being taught by the evaluatee, then two sets of at least fifteen (15) student evaluations are obtained following counseling sessions between the evaluatee and students. Each counselor must also select a peer review component. (See section H.)

For librarian evaluatees, student evaluations are obtained from one contract class, if one is being taught by the evaluatee plus one set of at least fifteen (15) student evaluations obtained following bibliographic instruction or small group orientations conducted by the evaluatee. If no contract classes are being taught by the evaluatee, then two sets of at least fifteen (15) student evaluations are obtained following tours or small group orientations conducted by the evaluatee. Each librarian must also select a peer review component. (See section H.)

For unique job specifications and/or requirements which do not fit into the above classifications and patterns, the determination of the appropriate constituency and method of being evaluated by that constituency will be made by the department/program in conjunction with the Tenure and Evaluations Review Coordinator. The determination of the constituency and method of evaluation by that constituency must be approved by the appropriate dean, vice-president and the Tenure and Evaluations Review Board.

4. Additional material submitted by other faculty or staff members about an evaluatee's job performance, based on significant personal experience, presented in a signed, written statement to the committee chair. The peer review committee must receive this information by the deadline indicated in the Evaluations Calendar.

5. Evaluation material that is part of the personnel file which is approved for review by the Vice President for Human Resource Services in consultation with the dean, vice president, and/or the Tenure and Evaluation Review Coordinator when legally and ethically permissible.

If, in the judgment of the division dean, inconsistencies appear in the evaluation materials, then the evaluation must be referred back to the peer review committee for clarification and reconsideration. If in the judgment of the division dean or the committee, issues remain, then the evaluation will be referred to the Tenure and Evaluations Review Board for mediation.

The following procedure will be implemented when any tenured faculty member's complete peer

evaluation is not in the Tenure and Evaluations Review Coordinator's office by February 20 or the following Monday if the 20th falls on a weekend.

Step 1: The Tenure and Evaluations Review Coordinator will contact the committee chair to determine the reason the evaluation is incomplete and offer assistance to complete the task. The Tenure and Evaluations Review Coordinator, the committee chair, and the evaluatee will mutually agree upon, and set in writing, a new completion deadline not to extend more than 15 working days beyond the February 20 due date.

Step 2: If the complete evaluation is not in the Tenure and Evaluations Review Coordinator's office by the date mutually set during the above contact, a memo will be sent to the evaluatee, committee chair, and members of the committee requesting them to meet with the Tenure and Evaluations Review Coordinator as soon as possible to explain the reasons for the further delay. A copy of this memo will be sent to the appropriate division dean and vice president.

Step 3: If the complete evaluation is still not forthcoming by the agreed upon date after the specially convened meeting described in step 2, the Tenure and Evaluations Review Coordinator will write a report about the unreasonable delay. Any portions of the evaluation that have been completed will be attached to the report.

The report will not be an evaluation of the evaluatee but rather an assessment of the situation and why the

committee is not in compliance with Education Code 87663.

This action will automatically result in the completion of the evaluation of the evaluatee during the subsequent semester by the original committee members.

The Tenure and Evaluations Review Coordinator's report, stating the reasons for delay and recommendations, will be brought before the Tenure and Evaluations Review Board. The Tenure and Evaluations Review Board may make additional recommendations and may, by majority vote, request that the appropriate vice president place a letter in the personnel file of the committee chair and/or committee member.

If in the judgment of the division dean, inconsistencies appear in the evaluation materials, then the evaluation must be referred back to the peer review committee for clarification and reconsideration. If in the judgment of the division dean or the committee, issues remain, then the evaluation will be referred to the Tenure and Evaluations Review Board for mediation.

G. The Tenured Faculty Member

The evaluatee will have access to all information used in the evaluation process. In order to protect the anonymity of students, written comments must be shared orally or be typed and given to the evaluatee.

The evaluatee may initiate due process proceedings at any time. (Refer to Governing Board Policy 177 for policy and procedure.)

The evaluatee shall:

1. Know the peer review process.
2. Submit the Professional Improvement Form to the peer review committee chair by the deadline indicated in the Evaluations Calendar.
3. Select a tenured faculty member to serve on the peer review committee or ask the Tenure and Evaluations Review Coordinator to randomly select a faculty member to serve.
4. Select two of his/her classes for evaluation by students. (See section H.)
5. Select one peer evaluation. (See section H.)
6. Submit materials used in the classroom or work place to the committee chair by the deadline indicated in the Evaluations Calendar.
7. Submit specific written goals and plans for addressing the targeted area(s) if the evaluation results in a needs improvement or an unsatisfactory rating.

~~8. Provide evidence that the problem(s) in the targeted area(s) has/(have) been corrected.~~

~~H. Options for Evaluation~~

~~The faculty member who is being evaluated must have student evaluations from two different classes. He/She must choose the desired method for both classes from the list given below and may use the same method for each class. The faculty member must also have one peer evaluation. He/She must choose the desired method of peer evaluation from the list given below.~~

~~Options for Student Evaluation~~

~~1. Evaluation by the appropriate constituency~~

~~Evaluations are administered to the appropriate constituency by a committee member or a faculty/staff designee. Standard forms for instructors, counselors, and librarians have been approved. Alternative forms must be submitted to the Tenure and Evaluations Review Board for approval prior to implementation.~~

~~2. Small Group Instructional Feedback~~

~~A committee member agrees to facilitate a group interview with one of the evaluatee's classes, at which time the following questions are asked, along with any others the committee member deems necessary: What have you liked most about this course? What has the instructor done that has helped you to learn the material? What have you liked least? How can the instructor enhance your learning? The facilitator must summarize, type, and give the students' comments to the evaluatee so that the evaluatee can respond directly to the students about their comments.~~

~~3. Unit Evaluations given in a single course~~

~~Unit evaluations are short evaluations administered by a committee member to students at least three times during the semester in a course chosen by the evaluatee. The first evaluation occurs during the first four weeks of the semester. The second and third evaluations may be spaced as desired by the instructor. These evaluations ask each student the following questions, along with any others the committee member deems necessary: What have you liked most about this course? What has the instructor done that has helped you to learn the material? What have you liked least? How can the instructor enhance your learning? After each evaluation session, the committee member must type and give the students' comments to the instructor immediately so that the suggestions may be addressed in the classroom.~~

~~4. An alternative method approved by the Tenure and Evaluations Review Board prior to implementation.~~

~~Options for Peer Evaluation~~

~~1. Classroom or work place observation by a committee member.~~

~~Arrangements are made with the evaluatee for a member of the peer review committee to observe the evaluatee in the classroom or in the work place. After this observation, the committee member will complete an observation form assessing the evaluatee's job performance and offering suggestions for improvement if needed. Job-specific observation forms may be created and must be approved by the Tenure and Evaluations Review Board prior to implementation.~~

~~2. Team Evaluation~~

~~A team evaluation may be chosen when two or more faculty members teach a class together with opportunity for mutual observation and participation. One of the faculty members with whom the evaluatee teaches will complete an evaluation form assessing the evaluatee's job performance and offering suggestions for improvement if needed.~~

~~3. Video Evaluation~~

~~The evaluatee will provide the committee with a videotape of himself or herself making a job-related presentation. After the evaluatee and one or more committee members as chosen by the evaluatee have viewed and discussed the tape, the committee member(s) will complete a Classroom and/or Video Observation Form assessing the faculty member's job performance and offering suggestions for improvement if needed.~~

~~4. Teaching Portfolio~~

~~The teaching portfolio is a collection of materials documenting teaching performance. The portfolio might include course materials that reflect how instructors are evaluating/assessing student learning, course syllabi, samples of written assignments, descriptions of class activities, descriptions of innovations attempted, and curriculum development examples; material from others such as peer evaluations and letters of recommendation; student evaluations, and summaries of research, course work, or publications.~~

~~5. An alternative method approved by the Tenure and Evaluations Review Board prior to implementation.~~

Procedures for Evaluation Review of Temporary and Non-Tenure Track Faculty

A. Purpose

~~The evaluation process for temporary and non-tenure track faculty is performed within the first two semesters of employment and at least once every three years thereafter. Evaluation is designed to provide meaningful feedback on job performance to both the evaluatee and the appropriate department/program.~~

~~All faculty evaluation materials forwarded by the Tenure and Evaluations Review Coordinator are the responsibility of the Human Resources Office. The materials become a permanent part of the faculty member's personnel file.~~

B. Evaluation Review Committee Membership

~~An evaluation review committee shall be formed for each temporary and non-track faculty member and shall consist of the following five voting members:~~

- ~~1. The evaluatee's department chair/program director or a designee from the department/program selected by the department/program.~~
- ~~2. A tenured faculty member from within the evaluatee's department/program, and preferably discipline, selected by the department/program. If department/program size or circumstances precludes this requirement, a tenured faculty member from a related discipline will be appointed by the Tenure and Evaluations Review Coordinator.~~
- ~~3. A tenured faculty member randomly selected by the Tenure and Evaluations Review Coordinator.~~
- ~~4. The evaluatee's division dean or an administrative designee selected by the dean.~~
- ~~5. The appropriate assistant superintendent/vice president. The vice president need not be present at all meetings but shall meet with each committee prior to the completion of the committee recommendation.~~

~~The evaluatee may challenge either the randomly selected faculty member or the faculty member selected by the department/program by the deadline indicated in the Evaluations Calendar. In such a case, the department/program and/or the Tenure and Evaluations Review Coordinator in accordance with the descriptions above shall select a replacement.~~

~~Should a temporary or non-tenure track faculty member have an assignment in two or more departments/programs he/she shall have a peer, chair/director, and/or dean from each department/program serve on the committee. Also, if the temporary or non-tenure track faculty member has an assignment in two or more divisions, each division dean will review the Evaluation Review Report.~~

C. Evaluation Review Committee Chairperson

~~The department chair/program director or designee will serve as the committee chair. In the event of an assignment between two or more departments/programs, the department chair/program director or designee with the greatest contractual interest in the evaluatee will serve as the committee chair. The committee chair shall:~~

- ~~1. Call the meetings.~~
- ~~2. Coordinate the activities of the committee to adhere to the Evaluations Calendar and contact the Tenure and Evaluations Review Coordinator if there are problems.~~
- ~~3. Collect and critically review the required and supporting evaluation materials.~~

4. ~~Write the Evaluation Review Report only after consultation with the members of the evaluation review committee.~~
5. ~~Meet with the evaluatee to discuss the results of the evaluation process. Committee members may attend.~~
6. ~~Obtain the evaluatee's and committee members' signatures on the Evaluation Review Report.~~
7. ~~Submit the Evaluation Review Report complete with all supporting evaluation materials to the Tenure and Evaluations Review Coordinator on or before the deadline indicated in the Evaluations Calendar.~~
8. ~~Represent the committee to the Tenure and Evaluations Review Board.~~

~~D. Evaluation Review Committee Responsibilities~~

~~Each committee member shall:~~

1. ~~Know the evaluation review process.~~
2. ~~Attend evaluation review committee meetings.~~
3. ~~Critically review the required and supporting evaluation materials.~~

~~The committee members shall:~~

1. ~~Discuss the evaluation materials.~~
2. ~~Assist the committee chairperson in writing the Evaluation Review Report that describes the evaluatee's job performance.~~
3. ~~Suggest improvements as appropriate.~~
4. ~~Recommend an exceptional, very good, satisfactory, needs improvement, or unsatisfactory evaluation rating. The evaluation review committee shall request mediation by the Tenure and Evaluations Review Board when there is serious disagreement regarding the evaluation rating.~~
5. ~~Determine re-evaluation frequency to monitor progress in area(s) needing remediation.~~

~~In the event that suit is brought against any District employee as a result of participation in the evaluation review process, the District shall assume full responsibility for costs of legal defense and payment of compensatory damages. The District shall assume liability for payment of punitive damages awarded against an evaluation review committee member who acted within the course and scope of his or her District employment and who acted in good faith, without actual malice, and in the apparent best interests of the District if payment of the claim or judgment would be in the best interests of the District.~~

~~E. Criteria for Evaluation Review~~

~~The Standards of Performance for Faculty form the specific criteria for evaluation review for each faculty position and are reflected in the evaluation forms.~~

~~The following information shall NOT be used in the evaluation review process, nor shall such material or information be referenced in any committee records:~~

1. ~~Ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability.~~
2. ~~Anonymous letters or material with the exception of the student evaluations that are a component of the evaluation process.~~
3. ~~Information that, in the judgment of the evaluation review committee, is unrelated to the evaluatee's performance as specified in the Standards of Performance for Faculty.~~
4. ~~The private life of an evaluatee.~~

~~F. Method for Evaluation Review~~

~~The committee members shall review:~~

1. ~~The Professional Improvement Form submitted by the evaluatee describing goals for student contact, institutional service, professional service and other activities.~~
2. ~~A copy of the evaluatee's current approved Professional Development Contract and materials submitted by the evaluatee that are used in the classroom or work place, such as syllabi, exams, etc.~~
3. ~~Evaluations by the appropriate constituency~~

~~For instructor evaluatees, student evaluations are obtained from all contract classes being taught~~

by the evaluatee.

For counselor evaluatees, student evaluations are obtained from all contract classes, if any, being taught by the evaluatee plus two sets of at least fifteen (15) student evaluations obtained following counseling sessions between the evaluatee and students.

For librarian evaluatees, student evaluations are obtained from all contract classes, if any, being taught by the evaluatee plus two sets of at least fifteen (15) student evaluations obtained following bibliographic instruction or small group orientations conducted by the evaluatee.

For unique job specifications and/or requirements which do not fit into the above classifications and patterns, the determination of the appropriate constituency and method of being evaluated by that constituency must be made by the department/program in conjunction with the Tenure and Evaluations Review Coordinator.

The determination of the constituency and method of evaluation by that constituency must be approved by the appropriate dean, vice president and the Tenure and Evaluations Review Board.

4. Classroom or work place observation by committee members. An observation report must be completed by each observer. At least three committee members will make separate observations.

5. Written evaluation of the evaluatee referencing the Standards of Performance for Faculty by the department chair/program director or designated supervisor to whom the candidate reports. Any department member who so chooses may also submit a signed written evaluation of the evaluatee to the committee chair referencing the Standards of Performance for Faculty. The tenure and evaluations review committee must receive this information by the deadline indicated in the Evaluations Calendar.

6. Additional material submitted by other faculty or staff members with information about an evaluatee's job performance, based on significant personal experience, presented in a signed, written statement to the committee chair. The tenure and evaluations review committee must receive this information by the deadline indicated in the Evaluations Calendar.

7. Evaluation material that is part of the personnel file which is approved for review by the Vice President for Human Resource Services in consultation with the dean, vice president, and/or the Tenure and Evaluation Review Coordinator when legally and ethically permissible.

The following procedure will be implemented when any temporary or non-tenure track faculty member's complete evaluation is not in the Tenure and Evaluations Review Coordinator's office by the deadline indicated in the Evaluations Calendar.

Step 1: The Tenure and Evaluations Review Coordinator will request in writing an immediate meeting with the committee chair and appropriate dean. A copy of this request will be sent to the appropriate Vice President. The purpose of the meeting is through collaboration to develop a plan for completing the evaluation within ten (10) working days.

Step 2: If the complete evaluation is still not forthcoming after those ten (10) additional working days, the Tenure and Evaluations Review Coordinator will write a letter to the appropriate dean and vice president requesting that another committee chair be appointed and that the evaluation be completed immediately.

If in the judgment of the division dean, inconsistencies appear in the evaluation materials, then the evaluation must be referred back to the evaluation review committee for clarification and reconsideration.

If in the judgment of the division dean or the committee, issues remain, then the evaluation will be referred to the Tenure and Evaluations Review Board for mediation.

~~G. The Temporary or Non-Tenure Faculty Member~~

~~The evaluatee will have access to all information used in the evaluation process. In order to protect the anonymity of students, written comments must be shared orally or be typed and given to the evaluatee.~~

~~The evaluatee shall:~~

- ~~1. Know the evaluation review process.~~
- ~~2. Submit the Professional Improvement Form to the evaluation review committee chair by the deadline indicated in the Evaluations Calendar (non-tenure track only).~~
- ~~3. Submit a copy of the evaluatee's current approved Professional Development Contract and materials used in the classroom or work place to the committee chair by the deadline indicated in the Evaluations Calendar.~~
- ~~4. Submit specific written goals and plans for addressing the targeted area(s) if the evaluation results in a needs improvement or an unsatisfactory rating.~~
- ~~5. Provide evidence that the problem(s) in the targeted area(s) has/(have) been corrected.~~

Procedures for Evaluation of Adjunct Faculty

A. Purpose

~~The evaluation process for adjunct faculty is performed within the first two semesters of employment and at least once every three years thereafter. Evaluation is designed to provide meaningful feedback on job performance to both the evaluatee and the appropriate department/program.~~

B. The Evaluator

~~The department chair/program director or designee shall evaluate adjunct faculty.~~

C. Criteria for Evaluation

~~The Standards of Performance for Faculty form the specific criteria for evaluation for each position.~~

~~The only exceptions for adjunct faculty to the standards listed are that they are not required to participate in department/program meetings and on College/District committees and they are not required to maintain office hours.~~

~~The following information shall NOT be used in the evaluation process:~~

- ~~1. Ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability.~~
- ~~2. Anonymous letters or material with the exception of the student evaluations that are a component of the evaluation process.~~
- ~~3. Information that, in the judgment of the evaluator, is unrelated to the evaluatee's performance as specified in the Standards of Performance for Faculty.~~
- ~~4. The private life of an evaluatee.~~

D. Method for Evaluation

~~The evaluator shall:~~

- ~~1. Review the evaluations by the appropriate constituency.~~
- ~~2. When practical, conduct a classroom or work place observations, complete an observation form and submit it to the Tenure and Evaluations Review Coordinator.~~
- ~~3. After the constituents' evaluations have been scanned and comments typed, a copy will be sent to each of the following: the appropriate department chair/program director, the evaluatee, and Human Resources Services. Completing an Adjunct Faculty Evaluation Report is an option for the department chair/program director. If that choice is made, a copy of the signed Report must be given to the evaluatee and a copy sent directly to Human Resources Services.~~

~~E. The Adjunct Faculty Member~~

~~The evaluatee will have access to all information used in the evaluation process. In order to protect the anonymity of students, written comments must be shared orally or be typed and given to the evaluatee.~~

~~Tenure and Evaluations Review Board~~

~~A. Tenure and Evaluations Review of Probationary Faculty~~

~~The Tenure and Evaluations Review Board is a standing operational committee reporting to the Superintendent/President.~~

~~The Tenure and Evaluations Review Board will critically review all probationary faculty evaluations that result in an overall rating of needs improvement or unsatisfactory in order to assure that they comply in substance with the evaluation plan and procedures and that they are complete and consistent. The decision of whether the Tenure and Evaluations Review Report conforms to the evaluation plan and procedures will be determined by a majority vote of the Tenure and Evaluations Review Board.~~

~~The Tenure and Evaluations Review Board will review the documentation and arguments provided by an evaluatee of compelling reasons to justify granting tenure without possession of a bachelor's degree and will inform the Governing Board of the rationale for the exception.~~

~~The Tenure and Evaluations Review Board meets twice a month to discuss and act on requests for changes to the written evaluation plan, to annually review and revise, if necessary, the policy and procedures on tenure and evaluation, to develop plans for continuing improvement of all phases of the existing evaluation plan including forms, to discuss research and initiate experiments, to refine and improve the evaluation process, and to consider problems, complaints, and concerns of the faculty.~~

~~B. Peer Review of Tenured Faculty~~

~~The Tenure and Evaluations Review Board will review evaluations of tenured faculty in the following circumstances:~~

- ~~1. The peer review committee recommends an overall rating of needs improvement or unsatisfactory~~
- ~~2. The peer review committee refers the evaluation to the Tenure and Evaluations Review Board.~~
- ~~3. The division dean refers the evaluation to the Tenure and Evaluations Review Board.~~

~~This step is taken only when, in the judgment of the dean, an inconsistency exists between the committee's recommendation and the evaluation materials accompanying it.~~

~~When such an inconsistency occurs, the evaluation will be returned to the peer review committee for further explanation and support of the recommendation. If the inconsistency remains, the evaluation is referred to the Tenure and Evaluations Review Board.~~

~~When evaluations are referred, the Tenure and Evaluations Review Board will review the evaluation materials, request more information if deemed necessary, and meet with the peer review committee to reach a consensus. If an evaluatee receives an overall recommendation of needs improvement or unsatisfactory, the peer review committee must attach a plan for remedying the deficiencies prior to sending the evaluation packet for administrative signatures.~~

~~This plan must be a specific written plan for the evaluatee's improvement that lists methods, workshops or classes for achieving a satisfactory performance. This plan may be developed cooperatively, and must be acceptable to the evaluatee and the Tenure and Evaluations Review Board, which will review all of the evaluation materials, the plan, and require additional~~

information if deemed necessary.

~~The committee will also establish a four-semester time frame for improvement. The evaluatee must agree to follow the plan and time established. During the subsequent evaluation cycle, the areas that were previously identified as needing improvement will be carefully reviewed and considered.~~

~~If the formative reevaluations do not show improvement, the evaluatee will be placed on notice that his/her performance is unsatisfactory. An evaluation will be scheduled for the academic year following the continued unsatisfactory rating, and if this evaluation does not result in an overall satisfactory evaluation rating in the deficient area(s), the peer review committee may recommend to the Tenure and Evaluations Review Board that the faculty member be terminated.~~

~~If the Tenure and Evaluations Review Board's decision after the subsequent evaluation is to recommend a satisfactory rating, then the evaluatee and the peer review committee will be notified, and the faculty member will be evaluated in three years in accordance with Education Code section 87663.~~

~~If the peer review committee finds that the subsequent evaluation results warrant an unsatisfactory evaluation rating, the Tenure and Evaluations Review Board will recommend dismissal to the Governing Board in time to meet the agenda deadline for Governing Board action by March 15. Dismissal of tenured faculty is the responsibility of the Governing Board in accordance with Education Code section 87732.~~

~~The Tenure and Evaluations Review Board shall comply with Education Code section 87031 regarding information to be used in the evaluation process and the evaluatee's access to all information used in the evaluation process.~~

~~The faculty member being evaluated may initiate due process proceedings at any time. (Refer to Governing Board Policy 177 for policy and procedures.)~~

~~C. Tenure and Evaluations Review Board Membership~~

~~Membership on the Tenure and Evaluations Review Board is comprised of one administrator, one At Large faculty member, and one faculty member from each of the following areas: Human Arts and Sciences; Media, Business and Community Services; Arts and Languages; Mathematics and the Natural and Health Sciences; Vocational Technology; Counseling or Library/Media Center or Student Support Programs.~~

~~With the exception of the administrative position, which is filled by the Assistant Superintendent/Vice President for Instruction or designee, the Tenure and Evaluations Review Board members are chosen for a renewable two-year term by a vote of the faculty from the respective areas. The At Large position and one position each in Human Arts and Sciences and Media, Business and Community Services are filled at the end of the spring semester of odd numbered years. One position each in Arts and Languages, Mathematics and the Natural and Health Sciences, Vocational Technology, and Counseling or Library/Media Center or Student Support Programs is filled at the end of the spring semester of even-numbered years. The Faculty Senate Elections Committee will solicit nominations from within the appropriate divisions and will conduct the election process to fill vacancies on the Tenure and Evaluations Review~~

~~Board and to elect an alternate for each position. If an elected faculty member is unable to fulfill the term of office, the elected alternate will automatically be named as the replacement for the Tenure and Evaluations Review Board position to serve the remainder of the term.~~

~~If the Tenure and Evaluations Review Board must review a Tenure and Evaluations Review Board member's evaluation, the Assistant Superintendent/Vice President for Instruction will appoint a temporary replacement member for the duration of that review.~~

~~At least six members and the Tenure and Evaluations Review Coordinator must be present if decisions regarding tenure or evaluation reports are to be made.~~

~~The Tenure and Evaluations Review Coordinator will serve as chairperson of the Tenure and Evaluations Review Board.~~

Tenure and Evaluations Review Coordinator

A. Term of Office

~~The Tenure and Evaluations Review Coordinator is a tenured faculty member who is provided with eighty percent assigned time (10 months) in order to manage the Tenure and Evaluations program. The Coordinator is appointed each year jointly by the Superintendent/President and the Faculty Senate. This position reports administratively to the Assistant Superintendent/Vice President for Instruction. The Coordinator's performance is evaluated by the Tenure and Evaluations Review Board. This position is limited to no more than three consecutive years of service. Faculty members interested in serving may submit a letter of interest and a resume to the Faculty Senate Office no later than February 15 of each year. Incumbents wishing to serve more than a single year in this position must reapply each year.~~

B. Duties

~~The duties of the Tenure and Evaluations Review Coordinator include:~~

- ~~1. Chairing the Tenure and Evaluations Review Board.~~
- ~~2. Coordinating all faculty evaluations.~~
- ~~3. Conducting tenure and evaluations review and peer review workshops for faculty.~~
- ~~4. Conducting tenure and evaluations review orientations for new faculty.~~
- ~~5. Developing materials that describe procedures and answer questions about the evaluation processes.~~
- ~~6. Developing evaluation methods and forms that conform to the standards of performance for each position.~~
- ~~7. Monitoring the progress of tenure and evaluations review for all probationary faculty.~~
- ~~8. Appointing randomly selected faculty to tenure and evaluations review committees and peer review committees when needed.~~
- ~~9. Monitoring the department evaluations of all temporary and adjunct faculty.~~
- ~~10. Maintaining records of the tenure and evaluations, and peer review processes.~~
- ~~11. Notifying tenured faculty of when their peer reviews must occur.~~
- ~~12. Monitoring the progress of all peer review committees.~~
- ~~13. Submitting final signed evaluations for tenured faculty to Human Resources and sending a copy to the faculty evaluatee.~~
- ~~14. Writing a year-end report.~~
- ~~15. Collaborating with the Professional Development Coordinator to develop programs that support and encourage each faculty member's effectiveness.~~
- ~~16. Maintaining a balanced budget.~~
- ~~17. Hiring, training, and supervising support staff.~~

C. Evaluation

~~Performance evaluation of the Tenure and Evaluations Review Coordinator shall be conducted annually by the Tenure and Evaluations Review Board.~~

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

NOTE: The information in **blue type** is additional language to consider including in this policy. There does not appear to be a current Palomar Policy that addresses this issue. The language in **black ink** is from current Palomar Policy 173 titled Tenure and Evaluation adopted on 3-24-92 and revised on 1-22-02 and current Palomar Procedure 173 titled Evaluation with no date. This policy is **suggested** as **good practice**. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Adopted:

(Replaces current Palomar Policy 173 and Procedure 173)

BP 7160 PROFESSIONAL DEVELOPMENT**Reference:**Accreditation Standard III.A.5

All eligible employees will be afforded opportunities and encouraged to participate in professional development/professional growth activities.

The details regarding professional development/professional growth are delineated in the applicable collective bargaining agreement or employee handbook.

❖ From current Palomar Policy 167 titled Professional Development (87-12256)

~~Opportunities will be provided for faculty members to continually extend their professional competence by keeping current in their fields, by increasing their workplace effectiveness (e.g., enhancing teaching or counseling skills) and by contributing to the organizational dynamics of the College.~~

~~GB 2-23-88~~

❖ From current Palomar Procedure 167 titled Professional Development**Rationale**

~~Institutional commitment to a program, which generates knowledge, skills, and creative work in the staff members' areas of professional activity, is important for three reasons:~~

~~Faculty know that, in order to provide the finest education for students of Palomar College, they must be current in their fields and have opportunities for general intellectual growth. However, time and other constraints limit the fulfillment of these essential professional needs. Faculty and students alike benefit in the classroom when this professional vitality is maintained.~~

~~The reputation of Palomar College as an excellent educational institution is enhanced by the prominence of faculty members' activities within their professional areas. With the close proximity of California State University's San Marcos campus, the most respectable, and perhaps the most effective, means for maintaining enrollments is the College's reputation for quality in the classroom and excellence throughout the institution. We cannot expect to cultivate such excellence consistently without systematic attention to professional development.~~

~~Effective communication on campus, and thus the efficiency of the institution, depends not only on formal structures but also on productive familiarity between people, allowing for the free expression of divergent perspectives and opinions. The respect for others that facilitates this openness can be developed as people work together on productive and fulfilling projects. The development of these relations is valuable within departments and programs, across disciplinary lines, and between administrative, faculty and classified elements on campus.~~

Relation to the College Calendar

~~Title 5, Part 6, Division 6, Chapter 8 of the Education Code requires that faculty have a minimum of 175 contractual days annually. Orientation day is an additional District-required day. Only 160 of these 176 days are required to be instructional days. The regulations permit as many as 15 days to be designated for staff development. Palomar College annually adopts an academic calendar specifying the days for classroom instruction and orientation day. The remaining days are reserved for professional development activities and are arranged by each faculty member.~~

Participation in Professional Development Activities

~~The Professional Development Plan is intended to apply to all probationary and tenured faculty and adjunct and temporary faculty. Participation is required as a part of these employees' contractual responsibilities and is a consideration in tenure and evaluation decision. Others may participate in activities on a space-available basis.~~

~~Professional development days are normally six hours long. A faculty member may request to include activities on instructional days as long as activities on instructional days do not replace that day's normal duties.~~

~~Counselors and librarians contract for the annually designated number of hours of professional development. Their professional development may occur on instructional dates as long as the activity does not conflict with job responsibilities and the required number of contracted days per year are identified in the department's records for each employee.~~

~~Faculty members on one-semester leave must account for half of the number of days and hours set aside for professional development for the year. Faculty on load-banked leave, however, account for the full number of days and hours for the year. Faculty with partial contracts must account for the same proportion of professional development days and hours.~~

~~Professional development hours will be paid to adjunct faculty teaching any credit semester-length course. Any eight-week course that is at least three credit units will also be eligible for professional development pay. The number of hours of paid professional development activities is equal to one week.~~

~~Administrators and Classified Staff are welcome to participate in professional development activities on a space-available basis by calling the professional development office. Supervisory approval may be required. Credit for professional growth may be requested through the appropriate Professional Growth Committee.~~

~~Students and family members may participate in certain activities on a space-available basis. Call the professional development office to request reservations for qualified guests.~~

~~Employees of specially funded programs may participate in activities; however, pay issues regarding attendance and participation is determined by the funding source.~~

~~Members of campuses participating in the North County Higher Education Alliance may participate on a space available basis. Call the professional development office to request reservations for qualified guests.~~

Self-Designed Activities

~~The following are appropriate kinds of activities for professional development. This list is divided into three areas, corresponding to the three objectives identified in the statement of policy. Specific projects that fall under these categories must be well planned, professionally~~

appropriate, and described in detail on the professional development contract.

Category 1: Currency and Growth in One's Field

- ~~A. Prepare for conference and workshop presentations. Oral or written presentations to professional conferences, whether invited or a response to a call for papers, are included here.~~
- ~~B. Attend professional conferences and workshops. This is not limited to those who are presenters at the conference or workshop.~~
- ~~C. Create or learn to use computer-assisted instruction.~~
- ~~D. Write for publication. The topic must be related to the writer's field of expertise. Included are journal articles, popular magazine articles, scholarly books, textbooks, and other curricular materials. These projects would reflect the College's guidelines on publication.~~
- ~~E. Engage in constructive activities and original research in one's field or in a related field. This may be at a departmental or interdepartmental level, or it may be inter-institutional. The activities should be well defined and as specifically pre-planned as possible. Commercial and industrial site visits, journal research and evaluation, reading and analysis of books with implications for one's profession, and colloquium or symposium attendance and participation are examples of the possibilities.~~
- ~~F. Acquire foreign language skills. This includes only languages that directly enhance one's ability to work in his or her field.~~
- ~~G. Do course work in one's field. The course is typically upper-division or graduate level.~~
- ~~H. Create original works as they relate to the discipline. Composing music, paintings, sculptures, essays, short stories, novels, poetry, and film are examples of appropriate activities.~~

Category 2: Workplace Effectiveness

- ~~A. Develop skills in Writing Across the Curriculum.~~
- ~~B. Develop skills in Reading Across the Curriculum.~~
- ~~C. Develop skills in Critical Thinking in the classroom.~~
- ~~D. Develop and test skills and tools for evaluation of one's classroom/workplace effectiveness.~~
- ~~E. Revise curricula. While the development of a new course on campus is included, routine preparation of classroom structures, schedules, and readings is not. Nontraditional methods of delivery, such as distance learning, may be investigated.~~
- ~~F. Develop computer-software skills. These must be clearly related to one's work at the College.~~
- ~~G. Begin or maintain public school District outreach projects. These would provide information about the College or a program within the College.~~
- ~~H. Consult with other departments/offices on campus. This allows for program coordination and development of interdisciplinary courses. This includes adjunct faculty participation in department meetings for program coordination.~~
- ~~I. Examine educational/academic issues. This may occur in small groups on campus or at workshops and other off-campus events.~~
- ~~J. Visit business or commercial sites. The purpose may be to inquire about prospective employment for students (to identify industry's needs) or to develop an extension of a campus major or program.~~
- ~~K. Redesign and maintain physical facilities that are integral to educational tasks. This includes any renovation and updating of the Vocational Technology Division's equipment and shops that is best done by department personnel. It includes kiln and furnace rebuilding in the art department and laboratory redesign in the sciences. It excludes routine maintenance of general campus facilities and requires coordination with buildings and grounds and with administration for structural changes.~~

- ~~L. Assess library holdings. In consultation with the appropriate acquisitions librarian, periodic reassessment of both academic and nonacademic library holdings is desirable. The result of the investigation should be a written review and recommendation submitted to the Director of the Library.~~
- ~~M. Offer instructional or noninstructional programs for students. Noninstructional activities may include informing students about campus issues, working with them on solutions for campus problems, or participating with them in cultural events that have educational impact.~~
- ~~N. Participate in temporary job exchanges on campus or with another institution.~~
- ~~O. Observe a colleague's teaching to 1) prepare for teaching a course in a different specialty area, 2) learn successful teaching techniques, or 3) prepare for team teaching and interdisciplinary curriculum revisions.~~
- ~~P. Develop instructional media. For instance, producing special topic videos and slide presentations, writing storyboards or scripts for multimedia presentations, or writing workbooks and lab manuals would be appropriate activities.~~

Category 3. Organizational Dynamics

- ~~A. Restructure department or office organization and procedures to better serve instructional goals.~~
- ~~B. Create and implement professional development workshops for new, continuing, and part-time personnel.~~
- ~~C. Review articulation of courses or other cooperative efforts which relate to the California State University and the University of California systems and to local public school Districts.~~
- ~~D. Assess and improve the community relations of the College. This includes, but is not at all limited to, Speakers' Bureau activities and demographic studies.~~
- ~~E. Become informed about, and act on, changing regulations, legislation, and state programs which affect the College.~~
- ~~F. Participate in community college business at the state level. This includes the state Academic Senate and other community college associations and commissions.~~
- ~~G. Participate in the Instructor Advisement Program.~~
- ~~H. Advise students during the open registration process.~~
- ~~I. Gain the knowledge needed for effective service in the rotating positions of Faculty Senate President, Department Chair, Professional Development Coordinator, and Tenure and Evaluation Coordinator.~~

Workshops, Seminars, and Miniconferences

Professional development workshops focus on professional, workplace, and institutional topics. Faculty are invited to participate in presenting workshops by submitting a workshop proposal form. Workshop proposals must be approved by the Professional Development Review Board before the workshop will be listed in the schedule. For inclusion in the workshop schedule for the following year, the coordinator must receive proposals by April 1.

Approval for travel and/or funding requires separate application through division deans.

Contracting Procedures

Submit a Contract

When approved, the professional development contract becomes part of the faculty member's regular employment contract. If a professional development contract is not submitted, professional development pay will be withheld from the final paycheck of the year/semester.

Annually, each probationary/contract/temporary faculty member proposes activities and specifies hours for his or her own professional development on a contract form. Contracts are

~~distributed with the annual program schedule through campus mail during May to contract faculty. Contracts are due by the end of the fourth week of September or prior to activities that occur during July and August. Activities must occur between July 1 and June 30.~~

~~Each semester, adjunct faculty propose activities for the designated number of hours, usually equivalent to one week of classroom time. Activities must occur during the semester indicated on the hourly assignment notice. Exceptions may be granted by the Professional Development Review Board for certain activities. The professional development contract is distributed with the hourly assignment notice and should be filled out and submitted to the professional development office. Contracts are due by the end of the fourth week of each semester. Confirmation that activities are completed are due by the first day of finals week during each semester.~~

~~NOTE: Approval for travel and/or funding requires separate application through the division deans or the staff development advisory committee.~~

Revise Contracts as Needed

~~A revised contract may be submitted at any time. For advance approval, submit a revised contract prior to the activity for which there is a proposed addition, deletion, or change.~~

~~NOTE: Sick leave, personal leave and jury duty would require a change of contract to reschedule activities.~~

Confirm Completion of Approved Activities

~~A copy of the approved contract is returned to the faculty member. When all of the approved activities are completed, and/or revisions made, the completion is confirmed by signing the Contract Completion section of the copy. This signed copy of the form for the academic year ended must be received by the Professional Development Office by the end of the first week in May for probationary/contract faculty and by the first day of finals each semester for adjunct faculty. Extensions will be granted if an approved activity occurs after this completion deadline.~~

~~Unless an extension is appropriate, the final pay warrant for the semester/year will be withheld until completion is verified. If completion cannot be verified, the final pay warrant of the semester/year will not include payment for professional development hours/days.~~

Evaluation and Planning

~~A summary of the evaluative responses and suggestions for future activities is produced annually. This information is compiled from contract evaluations and comments, review board members, and an annual needs assessment. By this means we evaluate our year's activities as required by Title 5 and acquire direction for workshops as well as for the self-designed projects that staff members undertake during the following academic year.~~

Professional Development Review Board

~~The Professional Development Review Board has established guidelines for the approval of professional development contracts and reviews those that request exceptions to these guidelines. The board also reviews the annual evaluation and guides the development of the annual program.~~

~~The review board is comprised of one member from each of the following areas: Arts and Languages Division (faculty); Human Arts and Sciences Division (faculty); Mathematics and the Natural and Health Sciences Division (faculty); Vocational Technology Division (faculty); Media, Business, and Community Services Division (faculty) or one at-large faculty member; Student Services (faculty); Library (faculty); Senior Administration; and Adjunct Faculty. Five of the nine~~

areas must be represented if professional development contracts are to be assessed.

~~The Senior Administrative position is filled through appointment by the Assistant Superintendent/Vice President for Instruction. The board members are appointed by the Faculty Senate's committee on committees. The term of service is three years.~~

Professional Development Coordinator

A. Term of Office

~~The Professional Development Coordinator is a tenured faculty member who is provided with eighty percent assigned time (10 months) for management of the Professional Development program. The Coordinator is appointed jointly by the Superintendent/President and the Faculty Senate every other year for a two calendar-year term. This position reports administratively to the Assistant Superintendent/Vice President for Instruction. Faculty members interested in serving will be invited to submit a letter of interest and a resume to the Faculty Senate Office no later than September 15 of the appointment year. Ideally, the call for applicants should be during the spring semester so that the newly appointed coordinator has the fall semester to shadow the outgoing coordinator. This position is limited to no more than four consecutive years of service.~~

~~Incumbents wishing to serve more than a single appointment in this position must reapply for the second appointment.~~

B. Duties

~~Palomar College's Professional Development Coordinator is responsible for the coordination of our campus Professional Development Plan, approved in 1988 by Palomar College's Governing Board and the Chancellor's Office of the California Community Colleges to complement the flexible academic calendar.~~

The duties of the Professional Development Coordinator include:

- ~~1. Overseeing the contract and reporting procedures for staff members and communicating with them as necessary concerning their professional development activities.~~
- ~~2. Developing professional development programs and workshops to meet identified needs.~~
- ~~3. Providing resources for staff and professional development activities.~~
- ~~4. Managing the teaching resources of Palomar College (which includes purchasing equipment and materials, maintaining records, and maintaining a balanced budget) and coordinating publication availability with the Library.~~
- ~~5. Coordinating activities with campus and community groups, including the North County Higher Education Alliance.~~
- ~~6. Ensuring that legal obligations and restrictions concerning staff development within the flexible calendar are observed.~~
- ~~7. Supervising the Professional Development Office, its staff and budget, maintaining records, maintaining a balanced budget, hiring and supervising support staff, and collaborating with the Tenure and Evaluation Review Coordinator.~~
- ~~8. Keeping the program dynamic (open to constructive change) while maintaining rigor and credibility, especially in regard to faculty perceptions.~~
- ~~9. Supporting professional and staff development throughout the campus, beyond the formal requirements of the Professional Development Plan.~~
- ~~10. Chairing the Professional Development Review Board.~~
- ~~11. Publishing an occasional newsletter highlighting professional development matters.~~

- ~~12. Presenting Palomar's approach to professional development at other campuses, at conferences, to the Governing Board, and to the Chancellor's Office while gathering information and ideas from these same sources.~~
- ~~13. Overseeing records of service-credit activities.~~
- ~~14. Co-Chair Contract Faculty Fall Orientation Day and Adjunct Fall and Spring Orientation Day, assisting in the coordinating, planning, and implementation.~~

~~C. Evaluation~~

~~Performance Evaluation of the Professional Development Coordinator shall be conducted annually by the Professional Development Review Board.~~

Office of Primary Responsibility: Human Resource Services

NOTE: The information in **blue type** is additional language to consider including in this policy. This policy is **suggested** as **good practice**. The language in **black ink** is current Palomar Policy 167 titled Professional Development adopted on 2-23-88 and current Palomar Procedure 167 titled Professional Development with no date. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Adopted:

(Replaces current Palomar Policy 167 and Procedure 167)

Human Resources
DRAFT as of 9/12/08

BP 7236 SHORT-TERM EMPLOYEES

Reference:

Education Code Section 88003

"Short-term employee" means any person who is employed to perform a service for the District upon the completion of which the service required or similar services will not be extended or needed on a continuing basis.

Before a short-term employee is employed, the Governing Board, at a regularly scheduled meeting, shall specify the service required to be performed and certify the ending date of the service. The Board may later act to shorten or extend the ending date, but shall not extend it beyond 75 percent of an academic year.

See the Short-Term Employee Hiring Regulations available in the Human Resource Services Office.

Office of Primary Responsibility: Human Resource Services

NOTE: This policy is **suggested as good practice**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this policy. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Adopted:

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

Human Resources
DRAFT as of 9/12/08

BP 7240 CONFIDENTIAL EMPLOYEES

Reference:

Government Code Section 3540.1(c)

Confidential employees are those who are required to develop or represent 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. The fact that an employee has access to confidential or sensitive information shall not in and of itself make the employee a confidential employee.

A determination whether a position is a confidential one shall be made by the Governing Board in accordance with applicable law and with the regulations of the California Public Employment Relations Board.

Confidential employees are not eligible for inclusion in a bargaining unit represented by an exclusive representative and the terms and conditions of their employment are not controlled by any collective bargaining agreement.

The terms and conditions of employment for confidential employees shall be provided for by procedures developed by the Superintendent/President. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers, and reassignments.

Office of Primary Responsibility: Human Resource Services

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

Date Adopted:

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

BP 7341 SABBATICALS

References:Education Code Sections 87767 et seq.

The District may grant a leave of absence for study and travel (sabbatical) subject to the provision of the applicable collective bargaining agreement.

❖ From current Palomar Policy 154.42 titled Load Banking (87-12096) (92-15324)

Load Banking

~~Tenured full-time faculty may teach additional classes as an overload each semester. Nonteaching faculty (counselors and librarians) may work additional hours beyond their normal workload. "Banking" these hours is an option available to tenured full-time faculty at the Palomar Community College District.~~

~~Tenured full-time faculty may bank the equivalent of 30% of their academic-year load each year to accumulate a maximum of one semester of banked leave.~~

~~Documented service to the District beyond regular teaching, counseling, or library service is required to participate in load banking.~~

~~When a full-time faculty member teaches an overload, or works additional hours above the normal workload, the hours may be banked or paid.~~

~~No more than the equivalent of one semester's full-time load can be accumulated. If the limit of the semester load is exceeded, the faculty member will be paid for the excess hours at the regular hourly salary rate.~~

~~An overload assignment may be banked or paid. An overload class may not be split between load bank and pay unless the banking would cause the faculty member to exceed the one-semester limit as noted above.~~

~~Faculty members who teach overload classes in restricted or categorically funded programs may not load bank those hours.~~

~~Faculty on Load Bank leave or any other leave may not bank hours during the leave.~~

~~Banked hours may be taken in increments ranging from one class to one semester.~~

~~Banked hours may be used for professional or personal reasons.~~

~~The money the faculty member would have earned had he/she not banked the class will be held as a liability against the District until the banking contract is met.~~

Questions of applicability of this policy or related procedures shall be adjudicated by the Faculty Senate Personnel Standards and Practices Committee in consultation with the Department Chair/Director and the appropriate Division Dean.

❖ **From current Palomar Policy 156.38 titled Sabbatical Leave (92-15771)**

Sabbatical Leave

~~Educational Administrators hired before July 1, 1990, and all faculty on 50 percent or more contract for six consecutive years are eligible for a sabbatical leave. The granting of a sabbatical leave shall comply with the rules and regulations set forth in Sections 87767-87775 of the Education Code and the Palomar College Sabbatical Leave Policy.~~

~~EC 87767, 87768, 87775;~~

~~GB 6-8-93~~

❖ **From current Palomar Policy 156.381 titled Non-Traditional Sabbatical Leave (86-11718)**

Non-Traditional Sabbatical Leave

~~In the case of educational administrators and other academic employees who are not classroom instructors or faculty members with significant assigned time for administrative duties, it may be of benefit to the employee and to the College to schedule sabbatical leave in increments and/or at times that may include the summer months. The total time allowed for semester incremental leaves is five (5) months compensated at full pay based on the employee's pay scale for regular employment or ten (10) months compensated at half pay based on the employee's pay scale for regular employment. In accordance with Section 87767 of the California Education Code, the leave shall be commenced and completed within a three-year period. Any period of service by the individual intervening between the intervals of the leave of absence shall comprise a part of the service required for a subsequent such leave of absence.~~

~~Persons on incremental leave may count against the five (5) percent limit for only one semester or year upon the recommendation of the Superintendent/President and approval of the Governing Board.~~

~~In the case of more than two (2) educational administrative leaves occurring during the same time period, the Superintendent/President shall approve arrangements for adequate coverage of administrative responsibilities without placing an undue burden on remaining individuals. Those with administrative responsibilities may be replaced in accordance with existing policy. (Note: All other sabbatical leave guidelines shall apply.) GB 4-28-87~~

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

NOTE: The information in **blue type** is additional language to consider including in this policy. The information in **black ink** is current Palomar Policies 154.42 titled Load Banking with no date, 156.38 titled Sabbatical Leave adopted on 6-8-93, and 156.381 titled Non-Traditional Sabbatical Leave adopted on 4-28-87. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Adopted:

(Replaces current Palomar Policies 154.42, 156.38, and 156.381)

Human Resources
DRAFT as of 9/12/08

BP 7345 CATASTROPHIC LEAVE PROGRAM

Reference:

Education Code Section 87045

The Governing Board authorizes implementation of a Catastrophic Leave Program to permit employees of the District to donate eligible leave credits to an employee when that employee or a member of his or her family suffers from a catastrophic illness or injury.

Also see AP 7345 titled Catastrophic Leave Program

Office of Primary Responsibility: Human Resource Services

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

Date Adopted:

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

BP 7347 FAMILY MEDICAL LEAVE**References:**

Unemployment Insurance Code Sections 3300 – 3303;
Family Medical Leave Act;
Fair Employment and Housing Act

The Governing Board authorizes unpaid family care and medical leaves consistent with the Family Medical Leave Act and the California Family Rights Act, and unpaid pregnancy disability leave under the Fair Employment and Housing Act. This authorization is implemented through the applicable collective bargaining agreements and employee handbooks.

❖ From current Palomar Policy 14 titled Family Care and Medical Leave

~~The Governing Board may grant a leave of absence without pay and with or without benefits, up to a maximum of 12 weeks in any 12-month period, upon request by a member of the Administrative Team for the purpose of caring for a newborn or recently adopted child; or to care for an ill or infirm member of the employee's immediate family or household.~~

~~This policy 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. This policy shall be interpreted so that there will be no violation of either state or federal law.~~

~~Eligible members of the administrative team are entitled to take up to twelve (12) weeks of unpaid leave in any academic year of family or medical leave, inclusive of earned sick leave for one of the following reasons:~~

- ~~A. the birth or placement of a child for adoption or foster care with the employee within one year of such birth or placement;~~
- ~~B. to care for the employee's spouse, child, parent, or member of immediate household with a serious health condition; or~~
- ~~C. if an employee has a serious health condition that makes the employee unable to perform his or her job.~~

~~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.~~

❖ From current Palomar Policy 156.4 titled Family Care and Medical Leave (94-16782)**Family Care and Medical Leave (94-16782)**

~~The Governing Board of Palomar Community College District intends 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. This policy shall~~

~~be interpreted so that there will be no violation of either state or federal law.~~

~~Eligible faculty are entitled to take up to twelve (12) weeks of unpaid leave in any academic year of family or medical leave inclusive of earned sick leave for one of the following reasons:~~

- ~~1. the birth or placement of a child for adoption or foster care with the employee within one year of such birth or placement;~~
- ~~2. to care for the employee's spouse, child, parent, or member of immediate household with a serious health condition; or~~
- ~~3. if an employee has a serious health condition that makes the employee unable to perform his or her job.~~

~~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.~~

~~GB 12-13-94~~

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

NOTE: The information in **blue type** is additional language to consider including in this policy. The information in **black ink** is current Palomar Policies 14 titled Family Care and Medical Leave with no adoption date and 156.4 titled Family Care and Medical Leave adopted on 12-13-94. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Adopted:

(Replaces current Palomar Policies 14 and 156.4)

Human Resources
DRAFT as of 9/12/08

BP 7350 RESIGNATIONS

References:

Education Code Sections 87730 and 88201

The Governing Board shall accept the resignation of any employee and shall fix the time when the resignation takes effect, which shall not be later than the close of the academic year during which the resignation has been received by the Board.

The Governing Board hereby delegates to the Superintendent/President the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Governing Board when accepted in writing by the Superintendent/President subject to the provision of the applicable collective bargaining agreement or employee handbook. When accepted by the Superintendent/President, the resignation is final and may not be rescinded except in instances as outlined in applicable collective bargaining agreements or employee handbook. All such resignations shall be forwarded to the Governing Board for ratification.

❖ **From current Palomar Policy 21.5 titled Authorize Superintendent/ President to Accept Resignation of District Employee (85-11311)**

~~The Superintendent/President is authorized to accept the resignation of any District employee. The resignation shall be effective at the time of acceptance by the Superintendent. A list of resignations so accepted shall be periodically provided the Governing Board for information purposes.~~

~~GB 6-10-86~~

Office of Primary Responsibility: Human Resource Services

NOTE: This policy is **legally required**. The language in **red type** is recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this policy. The information in **black ink** is current Palomar Policy 21.5 titled Authorize Superintendent/President to Accept Resignation of District Employee adopted on 6-10-86. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Adopted:

(Replaces current Palomar Policy 21.5)

Human Resources
DRAFT as of 9/12/08

BP 7370 USE OF DISTRICT RESOURCES FOR POLITICAL ACTIVITY

References:

Education Code Sections 7054 and 7056;
Government Code Section 8314

As the District encourages and promotes academic freedom and free speech, this policy is not intended to limit free speech.

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

Also see BP/AP 4030 titled Academic Freedom, BP/AP 5550 titled Speech: Time, Place, and Manner, and BP/AP 6700 titled Other Facilities Use (Civic Center Act) as well as AP 7370 titled Use of District Resources for Political Activity

Office of Primary Responsibility: Human Resource Services

NOTE: This policy is **legally required**. The language in **red type** is recommended from the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **blue type** is additional language to consider including in this policy. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed on April 18, 2008, May 16, 2008, and September 12, 2008 by the Policy and Procedure Task Force.

Date Adopted:

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

Human Resources
DRAFT as of 9/12/08

BP 7510 DOMESTIC PARTNERS

References:Family Code Sections 297, 298, 298.5, 297.5, 299, 299.2, and 299.3

Domestic partners registered with the California Secretary of State shall have, insofar as permitted by California law, all of the same rights, protections, and benefits, as well as the same obligations, responsibilities, and duties of married persons (spouses) under state law. Former domestic partners shall have all of the rights and obligations of former spouses. Surviving domestic partners shall have the same rights, protections, and benefits as are granted to a surviving spouse of a decedent.

Therefore, all references to “spouses” in the Board Policies or Administrative Procedures shall be read to include registered domestic partners as permitted by California law.

The procedures for employee evaluations are delineated in the applicable collective bargaining agreement or employee handbook. Human Resource Services shall maintain forms and information related to domestic partnership.

❖ From current Palomar Policy 130 titled Domestic Partnership Policy (99-20018)

~~Health Benefits for Domestic Partners~~

- ~~A. Commencing on May 1, 2000, eligible employees of the Palomar Community College District may receive paid health (medical, dental and vision) benefits for their domestic partners, upon written request, subject to any legal restrictions and the policies of the District's health care providers and carriers, and subject to the requirements in this Board Policy. Eligible employees for purposes of this Board Policy are those regular employees who are currently eligible for health benefits under other existing Board Policy.~~
- ~~B. The term “domestic partner” for purposes of this Board Policy shall have the same meaning as the definition in Family Code section 297 added by Chapter 588 of the Statutes of 1999. The law defines domestic partners as “two adults who have chosen to share one another's lives in an intimate and committed relationship of mutual caring.” In California, and also under this Board Policy, a domestic partnership shall be established when **all** of the following requirements are met:~~
 - ~~1. Both partners have a common residence. The term “common residence” means that both domestic partners share the same residence. It is not necessary that the legal right to possess the common residence be in both of their names. Two people have a common residence even if one or both have additional residences. Domestic partners do not cease to have a common residence if one leaves the common residence but intends to return.~~
 - ~~2. Both persons agree to be jointly responsible for each other's basic living expenses incurred during the domestic partnership. The term “basic living expenses” means shelter, utilities, and all other costs directly related to the~~

~~maintenance of the common household of the common residence of the domestic partners. It also means any other cost, such as medical care, if some or all of the cost is paid as a benefit because a person is another person's domestic partner. The term "joint responsibility" means that each partner agrees to provide for the other partner's basic living expenses if the partner is unable to provide for himself or herself.~~

- ~~3. Neither person is married nor a member of another domestic partnership.~~
- ~~4. The two persons are not related by blood in any way that would prevent them from being married to each other in California.~~
- ~~5. Both persons are at least eighteen years of age.~~
- ~~6. Either of the following:~~
 - ~~a. Both persons are members of the same sex.~~
 - ~~b. Both persons meet the eligibility criteria under Title II of the federal Social Security Act as defined in 42 U.S.C. Section 402(a) for old age insurance benefits, or Title XVI of the federal Social Security Act as defined in 42 U.S.C. Section 1381 for aged individuals.~~
- ~~7. Both persons are capable of consenting to the domestic partnership.~~
- ~~8. Neither person has filed a Declaration of Domestic Partnership with the California Secretary of State pursuant to applicable law which has not been terminated pursuant to applicable law.~~
- ~~9. Both persons file a Declaration of Domestic Partnership with the California Secretary of State pursuant to applicable law.~~

~~C. Domestic partners of eligible employees shall receive health benefits under this Board Policy only if all requirements in provision B are met, **and** the District receives a copy of the registered form of the Declaration of Domestic Partnership which has been returned to the domestic partners from the California Secretary of State. (Family Code section 298.5). The District may require verification and/or evidence of compliance in addition to receipt of a copy of the registered form of the Declaration of Domestic Partnership. The burden of proof is on the eligible employee seeking health benefits for his or her domestic partner.~~

~~D. Eligible employees who do obtain health benefits for their domestic partners pursuant to Board Policy shall immediately notify the District in writing whenever the domestic partnership is terminated. (Family Code section 299).~~

~~E. It is the intent of the Board that this Board Policy be consistent with current law. Any part of this Board Policy which is not consistent with current law shall be void. Any changes in applicable law which impacts this Board Policy shall automatically modify this Board Policy to ensure consistency.~~

~~F. The term "domestic partner" for purposes of this Board Policy **also** shall mean two persons of the opposite sex who meet **all** the requirements in provision B 1,2,3,4,5,7, and 8, and who share one another's lives in an intimate and committed relationship of mutual caring. In addition, the eligible employee must provide written verification under penalty of perjury to the District, and other evidence that the District may require, that all those requirements have been met, **and** the two persons have been sharing a common residence for at least twelve (12) continuous months without interruption. Eligible employees who do obtain health benefits for their domestic partners pursuant to this "local exception" recognized by this Board Policy shall immediately notify the District in writing whenever the domestic partnership is terminated.~~

GB 4/11/00

Legal reference: ~~Family Code sections 297, 298, 298.5, 299, 299.5, 299.6. Government Code sections 22867, 22868, 22869, 22871, 22871.1, 22871.2, 22871.3, 22872, 22873, 22874, 22875, 22876, 22877~~

Note: There is also an Affidavit of Domestic Partnership Form in the current Palomar Board Policy Manual.

Office of Primary Responsibility: Human Resource Services

NOTE: This policy is **legally required**. The language in **red type** is language recommended by the Community College League and legal counsel (Liebert Cassidy Whitmore). The information in **black ink** is current Palomar Policy 130 titled Domestic Partnership Policy with no adoption date. The information in **blue type** is additional language to consider including in this policy. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Adopted:

(Replaces current Palomar Policy 130)

Human Resources
DRAFT as of 9/12/08

BP 7800 INSTITUTIONAL REASSIGNMENT/LATERAL TRANSFER**References:**

Education Code Sections 87743 et seq.;
Title 5 Sections 53400 et seq.

Refer to the appropriate collective bargaining agreement or employee handbook for details regarding institutional reassignment and lateral transfer.

Also see AP 7211 titled Faculty Service Areas as they relate to lateral transfer.

❖ **From current Palomar Policy 115 titled Institutional Reassignment (86-11795)**

Institutional Reassignment

~~The Governing Board recognizes that there are a number of projects, the completion of which would be of significant benefit to the College, that require work significantly above and beyond the normal job requirement of administration, faculty, and/or classified staff.~~
~~GB 10-11-94~~

~~Therefore, the Governing Board directs the Superintendent/President to develop implementing procedures to allow for the temporary reassignment of individuals on a part or full-time basis, with approval of the Governing Board, to work on such projects. GB 6-9-87~~

❖ **From current Palomar Procedure 115 titled Institutional Reassignment**

Institutional Reassignment

~~Institutional Development Reassignment is an opportunity for academic staff and classified staff not in the CCE/AFT bargaining unit to be temporarily reassigned from their regular duties on a part-time or full-time basis to work on projects of significant benefit to the College. Appropriate projects must address a College issue or problem. Projects may be identified by an individual interested in pursuing the project, by an administrator, or by a group perceiving a need.~~

~~Project Proposal Forms are available in the Human Resources Office. Persons wishing to undertake a particular project must submit the following:~~

- ~~A. an Institutional Development Reassignment Project Proposal,~~
- ~~B. a Qualification Letter outlining their qualifications, and~~
- ~~C. an Endorsement/Approval form.~~

~~Each proposal should specify the nature of the project, the perceived benefit to the College, and the proposed time line, including an estimate of the amount of reassigned time needed to complete the project. In order to allow for the maximum involvement of interested staff members, the proposed start date of projects should coincide with the beginning of a semester.~~

~~Project Proposals and Qualification Letters will be evaluated twice a year. In order to provide adequate lead time for replacement coverage, Project Proposals, Qualification Letters, and Endorsement/Approval Forms are due in the Human Resource Office on or before October 1 for Spring reassignment and on or before April 1 for Fall reassignment.~~

~~Step 1:~~

~~Applicant submits completed Project Proposal, Qualification Letters, and Endorsement/Approval forms to Human Resource Services who will forward the proposals to the Institutional Development Reassignment Committee for evaluation.~~

~~Step 2:~~

~~Qualified applicants present proposals in person to the Institutional Development Reassignment Committee. Modifications may be requested by the Committee prior to or following the presentations.~~

~~Step 3:~~

~~The Institutional Development Reassignment Committee makes recommendations to the Senate for approval. These recommendations will be based on the potential benefit to the College, the qualifications of the project director, and the probability of completion within the estimated time line.~~

~~Step 4:~~

~~The recommendations of the Senate are forwarded to the Superintendent/President for action by the Governing Board.~~

~~During the reassignment, the staff member is relieved from her/his regular duties to the extent approved by the Governing Board. Departments/programs will temporarily replace the staff member as needed during the period of reassignment. Reassigned hours count toward regular District service for salary and benefit purposes. Within 60 days of the completion of the project, a written report will be submitted to the Superintendent/President and to the Senate.~~

~~The Institutional Development Reassignment Committee will be composed of three faculty members (Appointed by the Senate), one Administrative Association Member, one Senior Administrator, and will be chaired by a faculty appointee.~~

~~Timetable~~

~~September and March: Human Resource Office circulates a list of proposed projects and requests additional proposals from the staff.~~

~~October 1 and April 1: Applicant submits the Project Proposal, Qualification Letter, and Endorsement/Approval Form to Human Resource Office.~~

~~October and April: Institutional Development Reassignment Committee reviews projects, suggests modifications as necessary, and ranks those that are appropriate. Qualification Letters are reviewed and applicants are ranked. Recommendations are submitted to the Senate for approval. Recommendations by the Senate are forwarded to the Superintendent/President.~~

~~November and May: Superintendent/President reviews recommendations of the Senate. A list of approved projects is forwarded to and published by the Senate.~~

❖ **From current Palomar Policy 160 titled Lateral Transfer (79-7910, 92-15742)**

Lateral Transfer

A tenured faculty member may request a lateral transfer from one department/program into another. If approved by both departments, the transfer may occur without any internal or external recruitment for additional candidates.

❖ ~~From current Palomar Procedure 160 titled Lateral Transfer~~

Lateral Transfer

Procedure

Lateral transfer under this policy is defined as a procedure whereby a tenured faculty member may transfer permanently from one faculty position to another in one of the following ways:

- A. ~~When a faculty vacancy is created by retirement, resignation, or other termination, a faculty member may request to transfer into that vacant position without competing with other candidates for the position.~~

If a vacancy is created by a transfer and the position is to be filled, the vacant position shall be either 1) opened and advertised according to the standard procedure, or 2) filled with a lateral transfer.

- B. ~~When no vacancy exists, a faculty member may request a lateral transfer if the faculty member's current department/program (hereafter referred to as "Department A") agrees to transfer the position and the funding to another department/program (hereafter referred to as "Department B"). Both departments/programs must discuss the transfer and agree to it before it can proceed.~~

If the transfer is approved, Department A reallocates the position and the funding to Department B.

A lateral transfer may constitute a full faculty load or a partial faculty load.

Process:

- A. ~~Human Resource Services notifies all tenured faculty of upcoming vacancies and the time frame during which requests must be submitted. No extensions of the time frames are allowed.~~
- B. ~~A tenured faculty member wishing to transfer must submit a letter of request to the Department Chair/Director of Department B. A copy of the request must be sent to the faculty member's current department chair and to the appropriate Dean(s). The letter of request must verify that the faculty member meets the minimum qualifications or the equivalent for the position.~~
- C. ~~All probationary and tenured faculty in Department B will meet to consider the request for transfer and make a recommendation to approve or deny the request.~~
- D. ~~Within 30 calendar days of receipt of the request for transfer, the Department Chair/Director of Department B will notify the faculty member, the Department A Chair/Director, and the appropriate Dean/s of the decision. The decision of Department B is final.~~
- E. ~~If the transfer is approved, the faculty member will have five (5) calendar days to make a final decision on whether to transfer or remain in the current department.~~

- F. ~~The Department Chair/Director of Department B will notify the appropriate Vice President and the Superintendent/President to submit the approved lateral transfer to the Governing Board for approval.~~

Office of Primary Responsibility: Human Resource Services

NOTE: The wording in **blue ink** is additional language to consider including in this policy. The information in **black ink** is current Palomar Policy 115 titled Institutional Reassignment adopted on 6-9-87 and revised on 10-11-9; Policy 160 titled Lateral Transfer with no adoption date; Procedure 115 titled Institutional Reassignment with no date; and Procedure 160 titled Lateral Transfer with no date. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Adopted:

(This policy is unique to Palomar College – there is no CC League recommended language. Replaces current Palomar Policies 115 and 160 and Procedures 115 and 160)

Human Resources
DRAFT as of 9/12/08

BP 7850 EXCHANGE PROGRAM

References:

Education Code Sections 87422-87424

The District recognizes qualified exchange programs for eligible employees. The procedures for participation in such programs are delineated in the applicable collective bargaining agreement or employee handbook.

❖ **From current Palomar Policy 120 titled Exchange Program**

~~In support of its commitments to provide opportunities for revitalization and renewal of its academic and classified staff and to provide alternative means for staff development, the Governing Board hereby adopts the following policy for implementation of the Palomar College Exchange Program (includes Community College Exchange Program sponsored by American Association of Community Colleges (AACC).
GB 10-11-94~~

~~Permanent academic and classified staff members who have been employed with the District for a period of at least four years may participate in the Palomar College Exchange Program. All exchanges must be approved by the Governing Board prior to implementation. The length of any exchange will not exceed one year unless the extension is approved in advance by the Governing Board.~~

Office of Primary Responsibility: Human Resource Services

NOTE: The wording in **blue ink** is additional language to consider including in this policy. The information in **black ink** is current Palomar Policy 120 titled Exchange Program adopted on 10-11-94. The language in **green ink** reflects revisions/additions made by Human Resource Services. This policy was reviewed on September 12, 2008 by the Policy and Procedure Task Force.

Date Adopted:

(This policy is unique to Palomar College – there is no CC League recommended language. Replaces current Palomar Policy 120)

AP 7336 Certification of Freedom from Tuberculosis

Education Code Section 87408.6

87408.6. (a) Except as provided in subdivision (h), no person shall be initially employed by a community college district in an academic or classified position unless the person has submitted to an examination within the past 60 days to determine that he or she is free of active tuberculosis, by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions **Code**. This examination shall consist of an X-ray of the lungs, or an approved intradermal tuberculin test, that, if positive, shall be followed by an X-ray of the lungs.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions **Code**.

The district superintendent, or his or her designee, may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intradermal tuberculin test be followed by an X-ray of the lungs.

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

(c) After the examination, each employee shall cause to be on file with the district superintendent a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis. "Certificate," as used in this subdivision, means a certificate signed by the examining physician and surgeon or a notice from a public health agency or unit of the American Lung Association that indicates freedom from active tuberculosis. The latter, regardless of form, will constitute evidence of compliance with this section.

(d) This examination is a condition of initial employment and the expense incident thereto shall be borne by the applicant unless otherwise provided by rules of the governing board. However, the board may, if an applicant is accepted for employment, reimburse the person in a like manner prescribed for employees in subdivision (e).

(e) The governing board of each district shall reimburse the employee for the cost, if any, of this examination. The board may provide for the examination required by this section or may establish a reasonable fee for the examination that is reimbursable to employees of the district complying with this section.

(f) At the discretion of the governing board, this section shall not apply to those employees not requiring certification qualifications who are employed for any period of time less than a college year whose functions do not require frequent or prolonged contact with students.

The governing board may, however, require the examination and may, as a contract condition, require the examination of persons employed under contract, other than those persons specified in subdivision (a), if the board

believes the presence of these persons in and around college premises would constitute a health hazard to students.

(g) If the governing board of a community college district determines by resolution, after hearing, that the health of students in the district would not be jeopardized thereby, this section shall not apply to any employee of the district who files an affidavit stating that he or she adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his or her knowledge and belief he or she is free from active tuberculosis. If at any time there should be probable cause to believe that the affiant is afflicted with active tuberculosis, he or she may be excluded from service until the governing board of the employing district is satisfied that he or she is not so afflicted.

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

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

(i) Any governing board of a community college district providing for the transportation of students under contract shall require as a condition of the contract the examination for active tuberculosis, as provided in subdivision (a) of this section, of all drivers transporting the students, provided that privately contracted drivers who transport the students on an infrequent basis, not to exceed once a month, shall be excluded from this requirement.

(j) Examinations required pursuant to subdivision (i) shall be made available without charge by the local health officer.

BUSINESS AND PROFESSIONS CODE SECTIONS 2000-2029

2000. This chapter shall be known and may be cited as the Medical Practice Act. Whenever a reference is made to the Medical Practice Act by the provisions of any statute, it is to be construed as referring to the provisions of this chapter.

2001. There is in the Department of Consumer Affairs a Medical Board of California that consists of 21 members, nine of whom shall be public members.

The Governor shall appoint 19 members to the board, subject to confirmation by the Senate, seven of whom shall be public members. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member, and their initial appointment shall be made to fill, respectively, the first and second public member vacancies that occur on or after January 1, 1983.

This section shall become inoperative on July 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, which

becomes effective on or before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

2001.1. Protection of the public shall be the highest priority for the Medical Board of California in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

2002. Unless otherwise expressly provided, the term "board" as used in this chapter means the Medical Board of California.

2003. The board shall consist of the following two divisions: a Division of Medical Quality, and a Division of Licensing. This section shall become operative on July 1, 1994.

2004. The Division of Medical Quality shall have the responsibility for the following:

- (a) The enforcement of the disciplinary and criminal provisions of the Medical Practice Act.
- (b) The administration and hearing of disciplinary actions.
- (c) Carrying out disciplinary actions appropriate to findings made by a medical quality review committee, the division, or an administrative law judge.
- (d) Suspending, revoking, or otherwise limiting certificates after the conclusion of disciplinary actions.
- (e) Reviewing the quality of medical practice carried out by physician and surgeon certificate holders under the jurisdiction of the board.

2005. The Division of Licensing shall have the responsibility for the following:

- (a) Approving undergraduate and graduate medical education programs.
- (b) Approving clinical clerkship and special programs and hospitals for such programs.
- (c) Developing and administering the physician's and surgeon's licensure examination.
- (d) Issuing licenses and certificates under the board's jurisdiction.
- (e) Administering the board's continuing medical education program.
- (f) Administering the student loan program.

2006. (a) On and after January 1, 2006, any reference in this chapter to an investigation by the board, or one of its divisions, shall be deemed to refer to an investigation conducted by employees of the Department of Justice.

(b) This section shall become inoperative on July 1, 2008, and as of January 1, 2009, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2009, deletes or extends the dates on which it becomes inoperative and is repealed.

2007. Members of the board shall only be appointed from persons who have been citizens of this state for at least five years next preceding their appointment. Members of the board, except the public members, shall only be appointed from persons licensed as physicians and surgeons in this state. No person who in any manner owns any interest in any college, school, or institution engaged in medical instruction shall be appointed to the board. Four of the physician members of the board shall hold faculty appointments in a clinical department of an approved medical school in the state, but not more than four members of the board may hold full-time appointments to the faculties of such medical schools.

The public members shall not be licentiates of the board.

2008. The Division of Medical Quality shall consist of 14 members of the board, six of whom shall be public members. The Division of Licensing shall consist of seven members, three of whom shall be public members.

Each member appointed to the board shall be assigned by the Governor to a specific division, except that, commencing July 1, 1994, those members of the board who prior to July 1, 1994, were assigned to the Division of Allied Health Professions shall be members of the Division of Medical Quality.

2009. All persons who, at the time this chapter goes into effect, hold office under any of the acts repealed by this chapter, which offices are continued by this chapter, continue to hold the same according to the former tenure thereof.

2010. Each member of the board shall be appointed for a term of four years.

Vacancies occurring on the board shall be filled by appointment of the appointing power for the unexpired term.

2011. The appointing power may remove any member of the board for neglect of duty required by this chapter, incompetency, or unprofessional conduct.

2012. Each division of the board shall elect a president, a vice president, and a secretary from its members. The board may also elect a president, vice president, and secretary.

2013. (a) The board and each division may convene from time to time as deemed necessary by the board or a division.

(b) Eight members of the Division of Medical Quality, and four members of the Division of Licensing, shall constitute a quorum for the transaction of business at any division meeting. Four members of a panel of the Division of Medical Quality shall constitute a quorum for the transaction of business at any meeting of the panel. Eleven members shall constitute a quorum for the transaction of business at any board meeting.

(c) It shall require the affirmative vote of a majority of those members present at a division, panel, or board meeting, those members

constituting at least a quorum, to pass any motion, resolution, or measure. A decision by a panel of the Division of Medical Quality to discipline a physician and surgeon shall require an affirmative vote, at a meeting or by mail, of a majority of the members of that panel; except that a decision to revoke the certificate of a physician and surgeon shall require the affirmative vote of four members of that panel.

2014. Notice of each meeting of the board or a division shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Part 1 of Division 3 of Title 2 of the Government Code).

2015. The president of the board and each division may call meetings of any duly appointed and created committee of the board or division at a specified time and place.

2015.5. The board may establish advisory committees consisting of persons who have a physician's and surgeon's certificate issued by the board that is in good standing and members of the public with interest or knowledge of the subject matter assigned to the committee. Members of an advisory committee need not be members of the board.

2016. Each member of the board and its committees shall receive per diem and travel expenses as provided in Section 103.

2017. The board and each division shall keep an official record of all their proceedings.

2018. Each division of the board may, within its jurisdiction, adopt, amend, or repeal, in accordance with the provisions of the Administrative Procedure Act, such regulations as may be necessary to enable it to carry into effect the provisions of law relating to the practice of medicine.

2019. The office of the board shall be in the City of Sacramento. Suboffices may be established in the Cities of Los Angeles, San Diego, and San Francisco or the environs of such cities. Legal proceedings against the board shall be instituted in any one of these four cities. The board may also establish other suboffices as it may deem necessary and such records as may be necessary may be transferred temporarily to any suboffices.

2020. The board may employ an executive director exempt from the provisions of the Civil Service Act and may also employ investigators, legal counsel, medical consultants, and other assistance as it may deem necessary to carry into effect this chapter. The board may fix the compensation to be paid for services subject to the provisions of applicable state laws and regulations and may incur other expenses as it may deem necessary. Investigators employed by the board shall be provided special training in investigating medical practice activities.

The Attorney General shall act as legal counsel for the board for any judicial and administrative proceedings and his or her services shall be a charge against it. This section shall become inoperative on July 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

2021. (a) If the board publishes a directory pursuant to Section 112, it may require persons licensed pursuant to this chapter to furnish any information as it may deem necessary to enable it to compile the directory.

(b) Each licensee shall report to the board each and every change of address within 30 days after each change, giving both the old and new address. If an address reported to the board at the time of application for licensure or subsequently is a post office box, the applicant shall also provide the board with a street address. If another address is the licensee's address of record, he or she may request that the second address not be disclosed to the public.

(c) Each licensee shall report to the board each and every change of name within 30 days after each change, giving both the old and new names.

2022. The directory shall be prima facie evidence of the authority of the persons named therein to practice under this act, unless such authority has been revoked, suspended, or otherwise limited pursuant to this chapter subsequent to the publication of the directory.

2023. (a) The board, in conjunction with the Health Professions Education Foundation, shall study the issue of its providing medical malpractice insurance to physicians and surgeons who provide voluntary, unpaid services as described in subdivision (b) of Section 2083, and report its findings to the Legislature on or before January 1, 2008.

(b) The report shall include, but not be limited to, a discussion of the following items:

(1) The cost of administering a program to provide medical malpractice insurance to the physicians and surgeons and the process for administering the program.

(2) The options for providing medical malpractice insurance to the physicians and surgeons and for funding the coverage.

(3) Whether the voluntary licensure surcharge fee assessed under Section 2435.2 (as added by Chapter 293 of the Statutes of 2005) is sufficient to fund the provision of medical malpractice insurance for the physicians and surgeons.

(c) This section shall be implemented only after the Legislature has made an appropriation from the Contingent Fund of the Medical Board of California to fund the study.

2023.5. (a) The board, in conjunction with Board of Registered Nursing, and in consultation with the Physician Assistant Committee and professionals in the field, shall review issues and problems surrounding the use of laser or intense light pulse devices for elective cosmetic procedures by physicians and surgeons, nurses, and physician assistants. The review shall include, but need not be limited to, all of the following:

- (1) The appropriate level of physician supervision needed.
- (2) The appropriate level of training to ensure competency.
- (3) Guidelines for standardized procedures and protocols that address, at a minimum, all of the following:
 - (A) Patient selection.
 - (B) Patient education, instruction, and informed consent.
 - (C) Use of topical agents.
 - (D) Procedures to be followed in the event of complications or side effects from the treatment.
 - (E) Procedures governing emergency and urgent care situations.
- (b) On or before January 1, 2009, the board and the Board of Registered Nursing shall promulgate regulations to implement changes determined to be necessary with regard to the use of laser or intense pulse light devices for elective cosmetic procedures by physicians and surgeons, nurses, and physician assistants.

2024. (a) The board may select and contract with necessary medical consultants who are licensed physicians and surgeons to assist it in its programs. Subject to Section 19130 of the Government Code, the board may contract with these consultants on a sole source basis.

(b) Every consultant retained under this section for a given investigation of a licensee shall be a specialist, as defined in subparagraph (B) of paragraph (5) of subdivision (h) of Section 651.

2025. The board through its regular mailing shall notify all licensees of the existence of pain management guidelines published by the Agency for Health Care Policy and Research of the Public Health Service within the United States Department of Health and Human Services, and shall provide the published guidelines to licensees upon request.

2026. The California Research Bureau (CRB) of the California State Library shall study the role of public disclosure in the public protection mandate of the board. The ensuing CRB report shall include, but not be limited to, considering whether the public is adequately informed about physician misconduct by the current laws and regulations providing for disclosure. The study shall present policy options for improving public access. The board shall work cooperatively with the CRB, providing cost-free access and reproduction assistance to the board's records while protecting the identity and privacy of all persons involved in any complaint. The provision of confidential data, information, and case files by the board to the CRB shall not constitute a waiver of any exemption from disclosure or discovery or of any confidentiality protection or privilege otherwise provided by law that is applicable to the data, information, or case files. Data will be presented in aggregate categories. This study shall be commenced as soon as possible and a report to the Legislature completed no later than July 1, 2008.

2027. (a) On or after July 1, 2001, the board shall post on the Internet the following information in its possession, custody, or control regarding licensed physicians and surgeons:

(1) With regard to the status of the license, whether or not the licensee is in good standing, subject to a temporary restraining

order (TRO), subject to an interim suspension order (ISO), or subject to any of the enforcement actions set forth in Section 803.1.

(2) With regard to prior discipline, whether or not the licensee has been subject to discipline by the board or by the board of another state or jurisdiction, as described in Section 803.1.

(3) Any felony convictions reported to the board after January 3, 1991.

(4) All current accusations filed by the Attorney General, including those accusations that are on appeal. For purposes of this paragraph, "current accusation" shall mean an accusation that has not been dismissed, withdrawn, or settled, and has not been finally decided upon by an administrative law judge and the Medical Board of California unless an appeal of that decision is pending.

(5) Any malpractice judgment or arbitration award reported to the board after January 1, 1993.

(6) Any hospital disciplinary actions that resulted in the termination or revocation of a licensee's hospital staff privileges for a medical disciplinary cause or reason.

(7) Any misdemeanor conviction that results in a disciplinary action or an accusation that is not subsequently withdrawn or dismissed.

(8) Appropriate disclaimers and explanatory statements to accompany the above information, including an explanation of what types of information are not disclosed. These disclaimers and statements shall be developed by the board and shall be adopted by regulation.

(9) Any information required to be disclosed pursuant to Section 803.1.

(b) (1) From January 1, 2003, the information described in paragraphs (1) (other than whether or not the licensee is in good standing), (2), (4), (5), (7), and (9) of subdivision (a) shall remain posted for a period of 10 years from the date the board obtains possession, custody, or control of the information, and after the end of that period shall be removed from being posted on the board's Internet Web site. Information in the possession, custody, or control of the board prior to January 1, 2003, shall be posted for a period of 10 years from January 1, 2003. Settlement information shall be posted as described in paragraph (2) of subdivision (b) of Section 803.1.

(2) The information described in paragraphs (3) and (6) of subdivision (a) shall not be removed from being posted on the board's Internet Web site. Notwithstanding the provisions of this paragraph, if a licensee's hospital staff privileges are restored and the licensee notifies the board of the restoration, the information pertaining to the termination or revocation of those privileges, as described in paragraph (6) of subdivision (a), shall remain posted for a period of 10 years from the restoration date of the privileges, and at the end of that period shall be removed from being posted on the board's Internet Web site.

(c) The board shall provide links to other Web sites on the Internet that provide information on board certifications that meet the requirements of subdivision (b) of Section 651. The board may provide links to other Web sites on the Internet that provide information on health care service plans, health insurers, hospitals, or other facilities. The board may also provide links to any other sites that would provide information on the affiliations of licensed physicians and surgeons.

2028. (a) The Medical Board of California shall consult with the California State Board of Pharmacy and commission a study and report

its results to the Legislature on or before January 1, 2003, on the electronic transmission of prescriptions by physicians and surgeons.

(b) This report shall include recommendations on the following matters:

(1) Whether the electronic transmission of prescriptions should be encouraged.

(2) Methods to encourage physicians and surgeons, health care providers specified in subdivision (a) of Section 4024, and persons licensed to prescribe in another state who meet the requirements described in subdivision (b) of Section 4005 to issue prescriptions by electronic transmission.

(3) Identification of systems to protect confidential personal and medical information of patients for whom prescriptions are issued using electronic transmission, including, but not limited to, the issuance of digital certification to physicians and surgeons, health care providers specified in subdivision (a) of Section 4024, and persons licensed to prescribe in another state who meet the requirements described in subdivision (b) of Section 4005 to use when transmitting prescriptions electronically.

(c) "Digital certification" is an electronic signature verifying the identity of the physician and surgeon, health care provider specified in subdivision (a) of Section 4024, or person licensed to prescribe in another state who meets the requirements described in subdivision (b) of Section 4005 who is transmitting the prescription electronically.

2029. The board shall keep a copy of a complaint it receives regarding the poor quality of care rendered by a licensee for 10 years from the date the board receives the complaint. For retrieval purposes, these complaints shall be filed by the licensee's name and license number.

AP 7337 Fingerprinting

Education Code Sections 8701 and 88024

8701. The Legislature further finds and declares that an informed public working for the common environmental good through its democratic institutions at all educational and professional levels and among all interested private parties can break the chain of destructive land use, restore land which has been improperly abused, and build balance and beauty into our cities of the future.

88024. The governing board of any community college district, within 10 working days of date of employment, shall require each person to be employed, or employed in, a nonacademic position to have two 8 X 8 fingerprint cards bearing the legible rolled and flat impressions of that person's fingerprints together with a personal description of the applicant or employee, as the case may be, prepared by a local public law enforcement agency having jurisdiction in the area of the district, which agency shall transmit the cards, together with the fee hereinafter specified, to the Department of Justice; except that a district, or districts with a common board, having a full-time equivalent student of 60,000 or more may process the fingerprint cards if the district so elects. "Local public law enforcement agency," as used in this section and in Section 88025, includes a community college district with full-time equivalent students of 60,000 or more. Upon receiving the identification cards, the Department of Justice shall ascertain whether the applicant or employee has been arrested or convicted of any crime insofar as that fact can be ascertained from information available to the department and shall forward that information to the local public law enforcement agency submitting the applicant's or employee's fingerprints at the earliest possible date. The Department of Justice may forward one copy of the fingerprint cards submitted to any other bureau of investigation it may deem necessary in order to verify any record of previous arrests or convictions of the applicant or employee.

The governing board of each district shall forward a request to the Department of Justice indicating the number of current employees who have not completed the requirements of this section. The Department of Justice shall direct when the cards are to be forwarded to it for processing. Districts that previously have submitted identification cards for current employees to either the Department of Justice or the Federal Bureau of Investigation shall not be required to further implement the provisions of this section as it applies to those employees.

A plea or verdict of guilty, or a finding of guilt by a court in a trial without a jury or forfeiture of bail, is deemed to be a conviction within the meaning of this section, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering of a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusations or information.

The governing board shall provide the means whereby the identification cards may be completed and shall charge a fee determined by the Department of Justice to be sufficient to reimburse the department for the costs incurred in processing the application.

The amount of the fee shall be forwarded to the Department of Justice with two copies of applicant's or employee's fingerprint cards. The governing board may collect an additional fee not to exceed two dollars (\$2) payable to the local public law enforcement agency taking the fingerprints and

completing the data on the fingerprint cards. The additional fees shall be transmitted to the city or county treasury. If an applicant is subsequently hired by the board within 30 days of the application, the fee may be reimbursed to the applicant. Funds not reimbursed to applicants shall be credited to the general fund of the district. If the fingerprint cards forwarded to the Department of Justice are those of a person already in the employ of the governing board, the district shall pay the fee required by this section, which fee shall be a proper charge against the general fund of the district, and no fee shall be charged the employee.

Notwithstanding the foregoing, substitute and temporary employees, employed for less than a school year, may be exempted from these provisions. This section shall not apply to a district, or districts with a common board, that has an average daily attendance of 400,000 or greater, or to a cc district wholly within a city and county, unless the governing board of the district or districts, by rule, provides for adherence to this section.

AP 7342 Holidays

Education Code Section 79020

79020. Except as otherwise provided the community colleges shall continue in session or close on specified holidays as follows:

(a) The community colleges shall close on January 1st, the third Monday in January, commencing in the 1989-90 fiscal year, known as "Dr. Martin Luther King, Jr. Day," February 12th known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4th, the first Monday in September known as "Labor Day," November 11th known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," and December 25th.

(b) Any contractual provision between any community college district and its employees in effect on the effective date of the act that adds this subdivision shall prevail over any conflict regarding Dr. Martin Luther King, Jr. Day until the termination date of the contract or upon termination by mutual agreement of the parties, whichever occurs first.

(c) The Governor in appointing any other day for a public fast, thanksgiving, or holiday may provide whether the community colleges shall close on the day. If the Governor does not provide whether the community colleges shall close, they shall continue in session on all special or limited holidays appointed by the Governor, but shall close on all other days appointed by the Governor for a public fast, thanksgiving, or holiday.

(d) The community colleges shall close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.

(e) The community colleges shall continue in session on all legal holidays other than those designated by or pursuant to this section, and shall hold proper exercises commemorating the day.

(f) When any of the holidays on which the schools would be closed fall on Sunday, the community colleges shall close on the Monday following, except that (1) if Lincoln Day falls on a Sunday, the community colleges may observe this holiday on the preceding or following Friday, the following Monday, or the following Tuesday, and maintain classes on the date specified in subdivision (a) where applicable, or (2) if Lincoln Day falls on a Monday, the community colleges may observe this holiday on the preceding or following Friday, that Monday, or the following Tuesday, and maintain classes on the date specified in subdivision (a) where applicable.

(g) When any of the holidays on which the schools would be closed, except Lincoln Day, fall on Saturday, the community colleges shall close on the preceding Friday, and that Friday shall be declared a state holiday.

(h) If any holiday on which the community colleges are required to close pursuant to subdivision (a) occurs under federal law on a date different than the date specified in subdivision (a), the governing board of any cc district may close the community colleges of the district on the date recognized by federal law and maintain classes on the date specified in subdivision (a).

(i) When Veterans Day would fall on Tuesday, the governing board of a community college district may close the colleges on the preceding Monday, and maintain classes on the date specified in subdivision (a). When Veterans Day would fall on Wednesday, the governing board of a community college district may close the colleges on either the preceding Monday or the following Friday, and maintain classes on the date specified in subdivision (a). When Veterans Day would fall on Thursday, the governing board of a

community college district may close the colleges on the following Friday, and maintain classes on the date specified in subdivision (a).

(j) When Lincoln Day would fall on Tuesday, the governing board of a community college district may close the colleges on the preceding Monday, the preceding Friday, or the following Friday, and maintain classes on the date specified in subdivision (a) where appropriate. When Lincoln Day would fall on Wednesday, the governing board of a community college district may close the colleges on the preceding Monday, the preceding Friday, or the following Friday, and maintain classes on the date specified in subdivision (a). When Lincoln Day would fall on Thursday, the governing board of a community college district may close the colleges on the preceding Friday or the following Friday, and maintain classes on the date specified in subdivision (a). When Lincoln Day falls on Saturday, the governing board of a community college district may close the colleges on the preceding Friday or the following Friday, and maintain classes on the date specified in subdivision (a) where appropriate.

(k) In addition to the holidays specified in subdivision (a), a community college may close on March 31 known as "Cesar Chavez Day" if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government **Code**, agrees to close the community college for that purpose.

(l) In addition to the holidays specified in subdivision (a), a community college may close on the fourth Friday in September known as "Native American Day" if the governing board, pursuant to a memorandum of understanding reached pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government **Code**, agrees to close the community college for that purpose.

(m) Nothing in this section is to be interpreted as authorizing a community college district governing board to maintain community colleges in its district for a lesser number of days during the college year than the minimum established by law.

AP 7345 Catastrophic Leave Program

Education Code Section 87045

87045. (a) The governing board of a community college district may establish a catastrophic leave program to permit employees of that district to donate eligible leave credits to an employee when that employee or a member of his or her family suffers from a catastrophic illness or injury.

For the purposes of this section, the following terms are defined as follows:

(1) "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 family which incapacity requires the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he or she has exhausted all of his or her sick leave and other paid time off.

(2) "Eligible leave credits" means vacation leave and sick leave accrued to the donating employee.

(b) Eligible leave credits may be donated to an employee for a catastrophic illness or injury if all of the following requirements are met:

(1) The employee who is, or whose family member is, suffering from a catastrophic illness or injury requests that eligible leave credits be donated and provides verification of catastrophic injury or illness as required by the governing board of the community college district in which he or she is employed.

(2) The governing board of the community college district determines that the employee is unable to work due to the employee's or his or her family member's catastrophic illness or injury.

(3) The employee has exhausted all accrued paid leave credits.

(c) If the transfer of eligible leave credits is approved by the governing board of the community college district, any employee may, upon written notice to the governing board, donate eligible leave credits at a minimum of eight hours, and in hour increments thereafter.

(d) The governing board of a community college district that provides a catastrophic leave program pursuant to this section shall adopt rules and regulations for the administration of this section, including, but not limited to, the following:

(1) The maximum amount of time for which donated leave credits may be used, but not to exceed use for a maximum period of 12 consecutive months.

(2) The verification of catastrophic injury or illness required pursuant to paragraph (1) of subdivision (b).

(3) Making all transfers of eligible leave credit irrevocable.

(e) An employee who receives paid leave pursuant to this section shall use any leave credits that he or she continues to accrue on a monthly basis prior to receiving paid leave pursuant to this section.

(f) Notwithstanding the provisions of this section, the governing board of a community college district and an exclusive bargaining representative of employees in that district may agree to include in any collective bargaining agreement a provision setting forth requirements for a catastrophic leave program.

AP 7346 Employees Called to Military Duty

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

389. (a) As used in this chapter, "temporary military leave of absence" means a leave of absence from public employment to engage in ordered military duty for a period which by the order is not to exceed 180 calendar days including travel time for purposes of active military training, encampment, naval cruises, special exercises or like activity as a member of the reserve corps or force of the armed forces of the United States, or the National Guard, or the Naval Militia.

(b) "Public employee" means any officer or employee of a public agency, except for those officers or employees of the state subject to the provisions of Chapter 11 (commencing with Section 19770) of Part 2 of Division 5 of Title 2 of the Government **Code**.

(c) "Public agency" means the state, or any county, city and county, city, municipal corporation, school district, irrigation district, water district, or other district.

(d) "Armed forces" or "armed forces of the United States" means the "armed forces" as defined in Section 18540 of the Government **Code**.

(e) "Recognized military service" means service as defined in Section 18540.3 of the Government **Code**.

390. No person belonging to or on duty with the active militia of the state, or engaged in the performance of military duty on call of the Governor or in pursuance of an order of the President of the United States shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend for military duty.

391. Every member of the active militia shall be exempt from road tax and head tax of every description, from jury duty (including service on coroners' juries) except that members of the National Guard who are not on active duty shall not be exempt from jury duty in any noncriminal proceeding, and from service on any posse comitatus, if the member furnishes the certificate of his/her immediate commanding officer that the member has performed the duties required of him or her for the year immediately preceding a summons to act as juror or during the period of the member's service if less than one year.

392. Members of the militia in the active service of the State shall not be liable civilly or criminally for any act or acts done by them in the performance of their duty.

393. (a) In an action or proceeding of any nature commenced in any court against an active member of the militia or a member of the militia in active service in pursuance of an order of the President of the United States as a result of a state emergency for an act done by such member in an official capacity in the discharge of duty, or an alleged omission to do an act which it was the member's duty to perform, or against any person acting under the

authority or order of an officer or by virtue of a warrant issued by an officer pursuant to law:

(1) The defendant in all cases may make a general denial and give special matter in evidence.

(2) A defendant in whose favor a final judgment is rendered in any such action or proceeding shall recover treble costs.

(b) The Attorney General shall defend such active member or person where the action or proceeding is civil. The senior judge advocate on the state staff or one of the judge advocates shall defend such active member or person where the action or proceeding is criminal, and the Adjutant General shall designate the senior judge advocate on the state staff, or one of the judge advocates, to defend such active member or person.

(c) In the event such active member or person is not indemnified by the federal government, Section 825 of the Government **Code** shall apply to such active member or person.

394. (a) No person shall discriminate against any officer, warrant officer or enlisted member of the military or naval forces of the state or of the United States because of that membership. No member of the military forces shall be prejudiced or injured by any person, employer, or officer or agent of any corporation, company, or firm with respect to that member's employment, position or status or be denied or disqualified for employment by virtue of membership or service in the military forces of this state or of the United States.

(b) No officer or employee of the state, or of any county, city and county, municipal corporation, or district shall discriminate against any officer, warrant officer or enlisted member of the military or naval forces of the state or of the United States because of that membership. No member of the military forces shall be prejudiced or injured by any officer or employee of the state, or of any county, city and county, municipal corporation, or district with respect to that member's employment, appointment, position or status or be denied or disqualified for or discharged from that employment or position by virtue of membership or service in the military forces of this state or of the United States.

(c) No person shall prohibit or refuse entrance to any officer or enlisted member of the Army or Navy of the U.S. or of the military or naval forces of this state into any public entertainment or place of amusement or into any of the places described in Sections 51 and 52 of the Civil **Code** because that member wears the uniform of the organization to which he/she belongs.

(d) No employer or officer or agent of any corporation, company, or firm, or other person, shall discharge any person from employment because of the performance of any ordered military duty or training or by reason of being an officer, warrant officer, or enlisted member of the military or naval forces of this state, or hinder or prevent that person from performing any military service or from attending any military encampment or place of drill or instruction he or she may be called upon to perform or attend by proper authority; prejudice or harm him or her in any manner in his or her employment, position, or status by reason of performance of military service or duty or attendance at military encampments or places of drill or instruction; or dissuade, prevent, or stop any person from enlistment or accepting a warrant or commission in the California National Guard or Naval Militia by threat or injury to him or her in respect to his or her employment, position, status, trade, or business because of enlistment or acceptance of a warrant or commission.

(e) (1) No private employer or officer or agent of any corporation, company, or firm, or other person, shall restrict or terminate any collateral

benefit for employees by reason of an employee's temporary incapacitation incident to duty in the National Guard or Naval Militia. As used in this subdivision, "temporary incapacitation" means any period of incapacitation of 52 weeks or less.

(2) As used in this subdivision, "benefit" includes, but is not limited to, health care which may be continued at the employee's expense, life insurance, disability insurance, and seniority status.

(f) No person who provides lending or financing shall discriminate against any person with respect to the terms of a loan or financing, including, but not limited to, the finance charge, based on that person's membership in the military or naval forces of this state or of the United States.

(g) Any person violating this section is guilty of a misdemeanor. In addition, any person violating any of the provisions of this section shall be liable for actual damages and reasonable attorney's fees incurred by the injured party.

(h) The remedies provided for in this section are not intended to be exclusive but are in addition to the remedies provided for in other laws, including Sections 51 and 52 of the Civil **Code**.

394.5. Any employee of any corporation, company, or firm, or other person, who is a member of the reserve corps of the armed forces of the United States or of the National Guard or the Naval Militia shall be entitled to a temporary leave of absence without pay while engaged in military duty ordered for purposes of military training, drills, encampment, naval cruises, special exercises or like activity as such member, providing that the period of ordered duty does not exceed 17 calendar days annually including time involved in going to and returning from such duty.

395. (a) Any public employee who is a member of the reserve corps of the Armed Forces of the United States or of the National Guard or the Naval Militia is entitled to a temporary military leave of absence as provided by federal law while engaged in military duty ordered for purposes of active military training, inactive duty training, encampment, naval cruises, special exercises or like activity, providing that the period of ordered duty does not exceed 180 calendar days, including time involved in going to and returning from that duty.

(b) Notwithstanding subdivision (a), a local public agency may, but is not required to, provide paid military leave of absence for periods of inactive duty training.

(c) The employee has an absolute right to be restored to the former office or position and status formerly had by him or her in the same locality and in the same office, board, commission, agency, or institution of the public agency upon the termination of temporary military duty. If the office or position has been abolished or otherwise has ceased to exist during his or her absence, he or she shall be reinstated to a position of like seniority, status, and pay if a position exists, or if no position exists the employee shall have the same rights and privileges that he or she would have had if he or she had occupied the position when it ceased to exist and had not taken temporary military leave of absence.

(d) Any public employee who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the date upon which a temporary military leave of absence begins, shall receive the same vacation, sick leave, and holiday privileges and the same rights and privileges to promotion, continuance in office, employment, reappointment to office, or reemployment that the

employee would have enjoyed had he or she not been absent therefrom; excepting that an uncompleted probationary period, if any, in the public agency, must be completed upon reinstatement as provided by law or rule of the agency. For the purposes of this section, in determining the one year of service in a public agency all service of the employee in recognized military service shall be counted as public agency service.

(e) If this section is in conflict with a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government **Code**, the memorandum of understanding shall be controlling without further legislative action, except that if the memorandum of understanding requires the expenditure of funds, it shall not become effective unless approved by the Legislature in the annual Budget Act.

395.01. (a) Any public employee who is on temporary military leave of absence for military duty ordered for purposes of active military training, inactive duty training, encampment, naval cruises, special exercises, or like activity as such member, provided that the period of ordered duty does not exceed 180 calendar days including time involved in going to and returning from the duty, and who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the day on which the absence begins, is entitled to receive his or her salary or compensation as a public employee for the first 30 calendar days of any such absence. Pay for those purposes may not exceed 30 days in any one fiscal year. For the purposes of this section, in determining the one year of public agency service, all service of a public employee in the recognized military service shall be counted as public agency service.

(b) Notwithstanding subdivision (a), a local public agency may, but is not required to, pay an employee during a period of inactive duty training.

(c) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4, of Title 1 of the Government **Code**, the memorandum of understanding shall be controlling without further legislative action, except that if those provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

395.02. Every officer and employee of a public agency who is on military leave other than temporary military leave of absence who has been in the service of such public agency for a period of not less than one year immediately prior to the date on which the absence begins shall be entitled to receive his salary or compensation as such officer or employee for the first 30 calendar days while engaged in the performance of ordered military duty.

As used in this section only, the terms "officer" and "employee" mean an officer or employee who

(a) Is ordered into active military duty as a member of a reserve component of the armed forces of the United States;

(b) Is ordered into active federal military duty as a member of the National Guard or Naval Militia; or

(c) Is inducted, enlists, enters or is otherwise ordered or called into active duty as a member of the armed forces of the United States.

395.03. No more than the pay for a period of 30 calendar days shall be allowed under the provisions of Section 395.01 or 395.02 for any one military

leave of absence or during any one fiscal year, except as otherwise authorized by resolution of the legislative body of a public agency or as provided in a memorandum of understanding reached with an employee organization pursuant to Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government **Code**.

395.04. During the time that as an officer or enlisted man or woman of the California National Guard, who is on full-time active duty in the military service of the state, and is engaged, with the approval of the Adjutant General, in the military service of the state in attendance at drills, camps, or special exercises, sponsored by federal authority or by the United States Department of Defense, as a member of the National Guard of the United States, he or she shall receive salary, pay, and compensation as provided in Sections 320 and 321.

395.05. (a) Any public employee who is a member of the National Guard, shall be entitled to absent himself from his duties or service, without regard to the length of his public service, while engaged in the performance of ordered military or naval duty and while going to and returning from such duty, provided such duty is performed during such time as the Governor may have issued a proclamation of a state of extreme emergency or during such time as the National Guard may be on active duty in one or more of the situations described or included in Section 146 of this **code** provided such absence does not exceed the duration of such emergency. During the absence of such officer or employee while engaged in such military service during such emergency and while going to and returning from such duty, and for a period not to exceed 30 calendar days, he shall receive his salary or compensation as such officer or employee and shall not be subjected by any person directly or indirectly by reason of such absence to any loss or diminution of vacation or holiday privilege or be prejudiced by reason of such absence with reference to promotion or continuance in office, employment, reappointment to office, or reemployment.

(b) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government **Code**, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

395.06. (a) Every officer and enlisted member of the California National Guard who, in order to undertake active military duty in the service of the state when the Governor has issued a proclamation of a state of insurrection pursuant to Section 143, or a proclamation of a state of extreme emergency or when the California National Guard is on active duty pursuant to Section 146, or a service member called to active service or duty under Chapter 7.5 (commencing with Section 400), has left a position, other than a temporary position, in private employment, receives a certificate of satisfactory service in the California National Guard or an equivalent thereof, is still qualified to perform the duties of that position, and makes application within 40 days after release from service shall be considered as on leave of absence during that period and shall be restored by the former employer to the former position or to a position of similar seniority, status, and pay without loss of retirement or other benefits, unless the employer's

circumstances have so changed as to make it impossible or unreasonable to do so, and shall not be discharged from the position without cause within one year after being restored to the position.

(b) Every officer and enlisted member who has left a part-time position in private employment for purposes of service pursuant to subdivision (a), receives a certificate of satisfactory service in the California National Guard or an equivalent thereof, is still qualified to perform the duties of that position, and makes application within five days after release from service shall be considered as on leave of absence during that period and shall be restored by the former employer to the former position, or to a position of similar seniority, status, and pay, if any exist, and shall not be discharged from the position without cause within one year after being restored to the position.

(c) If any employer fails or refuses to comply with this section, the superior court of the county in which the employer maintains a place of business may, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of this section, specifically require the employer to comply with this section and compensate the person for any loss of wages or benefits suffered by reason of the employer's unlawful action. The court shall order a speedy hearing and shall advance it on the calendar. Upon application to the district attorney of the county in which the employer maintains a place of business by any person claiming to be entitled to the benefits of this section, the district attorney, if reasonably satisfied that the person is entitled to these benefits, shall appear and act as attorney for the person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require the employer to comply with this section. No fees or court costs are required to be paid by the person applying for these benefits.

395.07. (a) In addition to the benefits provided pursuant to Sections 395.01 and 395.02, any officer or employee of the legislative, executive, or judicial department of the state, who, as a member of the California National Guard or a United States Military Reserve organization, is called into active duty as a result of the Iraq-Kuwait crisis on or after August 2, 1990, shall have the benefits provided for in subdivision (b).

(b) Any officer or employee to which subdivision (a) applies, while on active duty, shall, with respect to active duty served on or after August 2, 1990, receive from the state, for a period not to exceed 180 calendar days, as part of his or her compensation, both of the following:

(1) The difference between the amount of his or her military pay and allowances and the amount the officer or employee would have received as a state officer or employee, including any merit raises which would otherwise have been granted during the time the individual was on active duty.

(2) All benefits which he or she would have received had he or she not been called to active duty unless the benefits are prohibited or limited by vendor contracts.

(c) Any individual receiving compensation pursuant to subdivision (b) who does not return to state service within 60 days of being released from active duty shall have that compensation treated as a loan payable with interest at the rate earned on the Pooled Money Investment Account. This subdivision shall not apply to compensation received pursuant to Section 395.02.

(d) This section shall not apply to any active duty served voluntarily after the close of the Iraq-Kuwait crisis.

395.08. (a) In addition to the benefits provided pursuant to Sections 395.01 and 395.02, any officer or employee of the legislative, executive, or judicial department of the state, who, as a member of the California National Guard or a United States Military Reserve organization, is called into active duty as a result of the Bosnia crisis on or after November 21, 1995, shall have the benefits provided for in subdivision (b).

(b) Any officer or employee to which subdivision (a) applies, while on active duty, shall, with respect to active duty served on or after November 21, 1995, as a result of the Bosnia crisis, receive from the state, for a period not to exceed 180 calendar days, as part of his or her compensation, both of the following:

(1) The difference between the amount of his or her military pay and allowances and the amount the officer or employee would have received as a state officer or employee, including any merit raises that would otherwise have been granted during the time the individual was on active duty.

(2) All benefits that he or she would have received had he or she not been called to active duty unless the benefits are prohibited or limited by vendor contracts.

(c) Any individual receiving compensation pursuant to subdivision (b) who does not return to state service within 60 days of being released from active duty shall have that compensation treated as a loan payable with interest at the rate earned on the Pooled Money Investment Account. This subdivision shall not apply to compensation received pursuant to Section 395.02.

(d) This section shall not apply to any active duty served voluntarily after the close of the Bosnia crisis.

(e) Benefits provided under paragraph (1) of subdivision (b) shall only be provided to an employee who was not eligible to participate in the federal Ready Reserve Mobilization Income Insurance Program (10 U.S.C. Sec. 12521 et seq.) or a successor federal program that, in the determination of the Director of Personnel Administration, is substantively similar to the federal Ready Reserve Mobilization Income Insurance Program. For an employee eligible to participate in the federal Ready Reserve Mobilization Income Insurance Program or a successor program, and whose monthly salary as a state employee was higher than the sum of his or her military pay and allowances and the maximum allowable benefit under the federal Ready Reserve Mobilization Income Insurance Program or a successor program, the employee shall receive the amount payable under paragraph (1) of subdivision (b), but that amount shall be reduced by the maximum allowable benefit under the federal Ready Reserve Mobilization Income Insurance Program or a successor program. For individuals who elected the federal Ready Reserve Mobilization Income Insurance Program the state shall reimburse for the cost of the insurance premium for the period of time on active duty, not to exceed 180 calendar days.

395.1. (a) Notwithstanding any other provision of law to the contrary, any officer or employee of the state not subject to Chapter 11 (commencing with Section 19770) of Part 2 of Division 5 of Title 2 of the Government **Code**, or any public officer, deputy, assistant, or employee of any city, county, city and county, school district, water district, irrigation district, or any other district, political corporation, political subdivision, or governmental agency thereof who, in time of war or national emergency as proclaimed by the President or Congress, or when any of the armed forces of the United States are serving outside of the United States or their territories pursuant to order or request of the United Nations, or while any national conscription act is in effect, leaves or has left his or her office or position prior to the end of the war, or the termination of the national emergency or during

the effective period of any order or request of this type of the United Nations or prior to the expiration of the National Conscription Act, to join the armed forces of the United States and who does or did without unreasonable and unnecessary delay join the armed forces or, being a member of any reserve force or corps of any of the armed forces of the United States or of the militia of this state, is or was ordered to duty therewith by competent military authority and served or serves in compliance with those orders, shall have a right, if released, separated or discharged under conditions other than dishonorable, to return to and reenter upon the office or position within six months after the termination of his or her active service with the armed forces, but not later than six months after the end of the war or national emergency or military or police operations under the United Nations or after the Governor finds and proclaims that, for the purposes of this section, the war, national emergency, or United Nations military or police operation no longer exists, or after the expiration of the National Conscription Act, if the term for which he or she was elected or appointed has not ended during his or her absence; provided, that the right to return to and reenter upon the office or position shall not extend to or be granted to any officer or employee of the state not subject to Chapter 11 (commencing with Section 19770) of Part 2 of Division 5 of Title 2 of the Government **Code**, or any public officer, deputy, assistant, or employee of any city, county, city and county, school district, water district, irrigation district or any other district, political corporation, political subdivision or governmental agency thereof, who shall fail to return to and reenter upon his or her office or position within 12 months after the first date upon which he or she could terminate or could cause to have terminated his or her active service with the armed forces of the United States or of the militia of this state. He or she shall also have a right to return to and reenter upon the office or position during terminal leave from the armed forces and prior to discharge, separation or release therefrom.

(b) Upon return and reentry to the office or employment the officer or employee shall have all of the rights and privileges in, connected with, or arising out of the office or employment which he or she would have enjoyed if he or she had not been absent therefrom; provided, however, the officer or employee shall not be entitled to sick leave, vacation or salary for the period during which he or she was on leave from that governmental service and in the service of the armed forces of the United States.

If the office or position has been abolished or otherwise has ceased to exist during his or her absence, he or she shall be reinstated in a position of like seniority, status and pay if the position exists, or to a comparable vacant position for which he or she is qualified.

(c) Any officer or employee other than a probationer who is restored to his or her office or employment pursuant to this act shall not be discharged from that office or position without cause within one year after the restoration, and shall be entitled to participate in insurance or other benefits offered by the employing governmental agency pursuant to established rules and practices relating to those officers or employees on furlough or leave of absence in effect at the time the officer or employee left his or her office or position to join the armed forces of the United States.

(d) Notwithstanding any other provisions of this **code**, any enlisted person who was involuntarily ordered to active duty (other than for training) for a stated duration shall not lose any right or benefit conferred under this **code** if he or she voluntarily elects to complete the period of that duty.

(e) If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government **Code**, the memorandum of understanding shall be controlling without further legislative

action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

395.2. Any employee of a board of school trustees or board of education in a position not requiring certification qualifications who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the full time paid service of the American Red Cross, during any period of National emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, shall regain all rights to his position and shall be reinstated thereto upon his application at any time within six months of the termination of that service, but in any event within one year from the date of a treaty of peace terminating the hostilities in which the United States is now engaged. The provisions of this act shall apply to service in the Merchant Marine as that phrase is now defined in any Federal statute relating to reemployment rights of persons in service in the Merchant Marine.

395.3. In the event that any public officer or employee has resigned or resigns his or her office or employment to serve or to continue to serve in the Armed Forces of the United States or in the militia of this state, he or she shall have a right to return to and reenter the office or employment prior to the time at which his or her term of office or his or her employment would have ended if he or she had not resigned, on serving a written notice to that effect upon the authorized appointing power, or if there is no authorized appointing power, upon the officer or agency having power to fill a vacancy in the office or employment, within six months of the termination of his or her active service with the Armed Forces; provided, that the right to return and reenter upon the office or position shall not extend to or be granted to any public officer or employee, who shall fail to return to and reenter upon his or her office or position within 12 months after the first date upon which he or she could terminate or could cause to have terminated his or her active service with the Armed Forces of the United States or of the militia of this state.

As used in this section, "public officers and employees" includes all of the following:

- (a) Members of the Senate and of the Assembly.
- (b) Justices of the Supreme Court and the courts of appeal, judges of the superior courts, and all other judicial officers.
- (c) All other state officers and employees not within Chapter 11 (commencing with Section 19770) of Part 2 of Division 5 of Title 2 of the Gov't **Code**, including all officers for whose selection and term of office provision is made in the California Constitution and laws of this state.
- (d) All officers and employees of any county, city and county, city, township, district, political subdivision, authority, commission, board, or other public agency within this state.

The right of reentry into public office or employment provided for in this section shall include the right to be restored to the civil service status as the officer or employee would have if he or she had not so resigned; and no other person shall acquire civil service status in the same position so as to deprive the officer or employee of his or her right to restoration as provided for herein.

This section shall be retroactively applied to extend the right of reentry into public office or employment to public officers and employees who resigned prior to its effective date.

This section does not apply to any public officer or employee to whom the right to reenter public office or employment after service in the Armed Forces has been granted by any other provision of law.

If any provision of this section, or the application of this section to any person or circumstance, is held invalid, the remainder of this section, or the application of this section to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Chapter 12 (commencing with Section 3560) of Division 4 of Title 1 of the Government **Code**, the memorandum of understanding shall be controlling without further legislative action, except that if the provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act.

395.4. Whenever the United States is engaged in war or whenever the Governor finds and proclaims that an emergency exists in preparing for the National defense, any employee or officer, other than an elected officer, of a county, city, political subdivision, school, irrigation, public district, or other local authority or public body whatsoever who enters the armed forces of the United States shall be entitled to a leave of absence for service with such armed forces for the duration of the war or until the Governor finds and proclaims that the emergency no longer exists, and for 90 days thereafter, or until 90 days after the termination of such service.

395.8. Any officer, elective or otherwise, who leaves or shall have left the service of any city in order to enter upon active service with the armed forces of the United States shall be reinstated and restored to his office upon his discharge or release from such active service with the armed forces; provided, such discharge or release is prior to the expiration of the term for which he has been elected or appointed.

The rights created by this section shall have no application to any officer who shall have been dishonorably discharged or released from such armed forces, or shall have been so mentally or physically disabled as to be incapable of performing the duties of his office or shall fail to present himself to the legislative body or other appointing authority of such city ready & willing to assume the duties of his office, within 6 months from the time of his discharge or release from active service with the armed forces.

The office from which such officer absents himself to enter upon active service with the armed forces shall not be considered to be vacant but the legislative body or other appointing authority, as the case may be, may appoint an officer to temporarily replace any such officer so absenting himself to enter upon active service with the armed forces. Such temporary officers shall have all of the powers and duties of the office to which he may be temporarily appointed and shall hold said office until the expiration of the term thereof or until the officer returns from service with the armed forces, whichever event first occurs.

395.9. Any public employee and any employee of a corporation, company, firm, or other person who is a member of the State Military Reserve is entitled to a temporary military leave of absence without pay while engaged in military

duty for purposes of military training, drills, unit training assemblies, or similar inactive duty training for not to exceed 15 calendar days annually, including time involved in going to and returning from that duty.

396. The commanding officer of any portion of the militia parading or performing any military duty in any street or highway may require persons in such street or highway to yield the right of way to such militia, except that the carriage of the United States mail, the legitimate functions of the police, and the progress and operations of hospital ambulances, fire engines, and fire departments and apparatus shall not be interfered with thereby.

Any person who hinders, delays, or obstructs any portion of the militia parading or performing any military duty, or who attempts so to do, is guilty of a misdemeanor.

397. When an emergency has been declared to exist by the Governor and during the continuance thereof, any person belonging to the military or naval forces of the State or of the United States shall, together with his conveyance, personal baggage, and the military property of the State or of the United States in his charge, be allowed to pass free through all tollgates and over all toll bridges and all ferries, if he presents an order for duty in the military or naval service of the State or of the United States. The provisions of this section do not apply to any tollgate, toll bridge or ferry owned or operated by any private individual, corporation or utility, or owned or operated by any municipal corporation or bridge and highway district.

398. Any person who trespasses upon any campground, armory, airport, or other place devoted to military duty, or who in any way or manner interrupts or molests the orderly discharge of military duty, or who disturbs or prevents the passage of troops going to or returning from any duty is guilty of a misdemeanor and may be placed under arrest by or at the direction of the commanding officer of the troops or of the place concerned. The Adjutant General may cause any place to be declared "off limits" to members of the National Guard if necessary to protect the health, safety, morals or general welfare of such members during such times as the National Guard may be on active duty or in attendance at an encampment, maneuvers or extended exercise.

87018. (a) In addition to the benefits provided pursuant to Sections 395.01 and 395.02 of the Military and Veterans **Code**, any employee of a community college district who, as a member of the California National Guard or a United States Military Reserve organization, is called into active military duty, may receive, on approval of the governing board of the school district, the benefits provided for in subdivision (b).

(b) Any employee to which subdivision (a) applies, while on active duty, may receive from the community college employer, for a period not to exceed 180 calendar days, as part of his or her compensation, all of the following:

(1) The difference between the amount of his or her military pay and allowances and the amount the employee would have received as an employee, including any merit raises that would otherwise have been granted during the time the individual was on active military duty.

(2) All benefits that he or she would have received had he or she not been called to active military duty unless the benefits are prohibited or limited by vendor contracts.

87700. Every person employed by a community college district as a contract or regular employee in an academic position who enters the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service, created or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California, or in the service of the United States Merchant Marine, or in full-time paid service of the American Red Cross, during any period of national emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, shall be entitled to absent himself or herself from his or her duties as an employee of the district.

Such absence shall not affect in any way the classification of the employee. In the case of a contract employee, the period of the absence shall not count as part of the service required as a condition precedent to the classification of the employee as a regular employee of the district, but such absence shall not be construed as a break in the continuity of the service of the employee for any purpose.

The dismissal or termination of any contract employee because of reduced attendance due to war conditions, after his or her entry into the active military service or service in the American Red Cross, shall not deprive him or her of any of the benefits of this section.

Within six months after the employee honorably leaves the service or has been placed on inactive duty he or she shall, subject to the provisions of this section, be entitled to return to the position held by him or her at the time of his or her entrance into the service, at the salary to which he or she would have been entitled had he or she not absented himself or herself from the service of the district under this section.

If the employee was employed under a lawful contract for a period in excess of one year in a position in which he or she had not become a regular employee of the district, he or she shall be entitled to return to the position for the period his or her contract of employment had to run at the time he or she entered the service. Notwithstanding any provision of this **code** to the contrary, a person employed to take the place of any such employee shall not have any right to the position following the return of the employee to the position.

87832. For the purposes of Section 395 of the Military and Veterans **Code** or any other provision of law providing for the payment of salary or compensation to an employee of a cc district while absent from duty because he or she is engaged in ordered military or naval duty, the employee's salary or compensation for 30 days shall (a), with respect to an employee serving in an academic position, be deemed to be one-tenth of the annual salary established for the position and (b), with respect to an employee serving in a classified position, be deemed to be one month's salary.

88116. (a) Whenever, during the absence of an employee of a community college district or student body association operating under Sections 76060 to 76065, inclusive, in the active military service of the United States of America during any period of national emergency declared by the President of the United States of America, or during any war in which the United States of America is engaged, the position held by that employee at the time of his or her entrance into that military service is placed within the classified service of the district and an eligible list is established for that position through competitive examination, the employee shall, at his or her request

made within six months after leaving the active military service under honorable conditions, be given immediately an examination of substantially the same character and scope as the competitive examination through which the original eligibility list was established. The grade secured by that employee in that examination shall be deemed to be the grade the employee would have secured had he or she taken the competitive examination as a veteran, and the employee shall be placed on the original eligibility list accordingly with all the rights and privileges to which he or she would have been entitled had he or she had that place on the original eligibility list at the time of its establishment.

(b) Notwithstanding subdivision (a), any member of the Military Reserve or the National Guard who is called to active duty, either voluntarily or involuntarily, during any period of national emergency declared by the President of the United States of America, or during any war in which the United States of America is engaged, shall be entitled to any rights, in addition to the rights accorded under subdivision (a), that are accorded that member under the federal Veterans' Reemployment Rights Law or any other applicable provision of federal law.

4301. Purposes; sense of Congress

(a) The purposes of this chapter are--

(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service; and

(3) to prohibit discrimination against persons because of their service in the uniformed services.

(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the provisions of this chapter.

§ 4302. Relation to other law and plans or agreements

(a) Nothing in this chapter shall supersede, nullify or diminish any Federal or State law (including any local law or ordinance), contract, agreement, policy, plan, practice, or other matter that establishes a right or benefit that is more beneficial to, or is in addition to, a right or benefit provided for such person in this chapter.

(b) This chapter supersedes any State law (including any local law or ordinance), contract, agreement, policy, plan, practice, or other matter that reduces, limits, or eliminates in any manner any right or benefit provided by this chapter, including the establishment of additional prerequisites to the exercise of any such right or the receipt of any such benefit.

§ 4303. Definitions

For the purposes of this chapter--

(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out a responsibility of the Attorney General under this chapter.

(2) The term 'benefit', 'benefit of employment', or 'rights and benefits' means any advantage, profit, privilege, gain, status, account, or interest (other than wages or salary for work performed) that accrues by reason of an employment contract or agreement or an employer policy, plan, or practice and includes rights and benefits under a pension plan, a health plan, an employee stock ownership plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours or location of employment.

(3) The term 'employee' means any person employed by an employer. Such term includes any person who is a citizen, national or permanent resident alien of the United States employed in a workplace in a foreign country by an employer that is an entity incorporated or otherwise organized in the United States or that is controlled by an entity organized in the United States, within the meaning of Section 4319(c) of this title.

(4)(A) Except as provided in subparagraphs (B) and (C), the term 'employer' means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including--

(i) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

(ii) the Federal Government;

(iii) a State;

(iv) any successor in interest to a person, institution, organization, or other entity referred to in this subparagraph; and

(v) a person, institution, organization, or other entity that has denied initial employment in violation of section 4311.

(B) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the adjutant general of the State in which the technician is employed.

(C) Except as an actual employer of employees, an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) shall be deemed to be an employer only with respect to the obligation to provide benefits described in section 4318.

(5) The term 'Federal executive agency' includes the United States Postal Service, the Postal Rate Commission, any nonappropriated fund instrumentality of the United States, any Executive agency (as that term is defined in section 105 of title 5) other than an agency referred to in section 2302(a)(2)(C)(ii) of title 5, and any military department (as that term is defined in section 102 of title 5) with respect to the civilian employees of that department.

(6) The term 'Federal Government' includes any Federal executive agency, the legislative branch of the United States, and the judicial branch of the United States.

(7) The term 'health plan' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

(8) The term 'notice' means (with respect to subchapter II) any written or verbal notification of an obligation or intention to perform service in the uniformed services provided

to an employer by the employee who will perform such service or by the uniformed service in which such service is to be performed.

(9) The term 'qualified', with respect to an employment position, means having the ability to perform the essential tasks of the position.

(10) The term 'reasonable efforts', in the case of actions required of an employer under this chapter, means actions, including training provided by an employer, that do not place an undue hardship on the employer.

(11) Notwithstanding section 101, the term 'Secretary' means the Secretary of Labor or any person designated by such Secretary to carry out an activity under this chapter.

(12) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

(13) The term 'service in the uniformed services' means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes: active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard, a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the employment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.

(14) The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories of the United States (including the agencies and political subdivisions thereof).

(15) The term 'undue hardship', in the case of actions taken by an employer, means actions requiring significant difficulty or expense, when considered in light of--

(A) the nature and cost of the action needed under this chapter;

(B) the overall financial resources of the facility or facilities involved in the provision of the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;

(C) the overall financial resources of the employer; the overall size of the business of an employer with respect to the number of its employees; the number, type, and location of its facilities; and

(D) the type of operation or operations of the employer, including the composition, structure, and functions of the work force of such employer; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer.

(16) The term 'uniformed services' means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time

National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or national emergency.

§ 4304. Character of service

A person's entitlement to the benefits of this chapter by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

- (1) A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.
- (2) A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned.
- (3) A dismissal of such person permitted under section 1161(a) of title 10.
- (4) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

SUBCHAPTER II--EMPLOYMENT AND REEMPLOYMENT RIGHTS AND

SUBCHAPTER II--EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

§ 4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied

initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter, (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (3) has assisted or otherwise participated in an investigation under this chapter, or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

(c) An employer shall be considered to have engaged in actions prohibited-

(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this

chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C) of this title.

§ 4312. Reemployment rights of persons who serve in the uniformed services

(a) Subject to subsections (b), (c), and (d) and to section 4304, any person whose absence from a position of employment is necessitated by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other employment benefits of this chapter if--

(1) the person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to such person's employer;

(2) the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and

(3) except as provided in subsection (f), the person reports to, or submits an application for reemployment to, such employer in accordance with the provisions of subsection (e).

(b) No notice is required under subsection (a)(1) if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review.

(c) Subsection (a) shall apply to a person who is absent from a position of employment by reason of service in the uniformed services if such person's cumulative period of service in the uniformed services, with respect to the employer relationship for which a person seeks reemployment, does not exceed five years, except that any such period of service shall not include any service--

(1) that is required, beyond five years, to complete an initial period of obligated service;

(2) during which such person was unable to obtain orders releasing such person from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such person;

(3) performed as required pursuant to section 10147 of title 10, under section 502(a) or 503 of title 32, or to fulfill additional training requirements determined and certified in writing by the Secretary concerned, to be necessary for professional development, or for completion of skill training or retraining; or

(4) performed by a member of a uniformed service who is--

(A) ordered to or retained on active duty under section 688, 12301(a), 12301(g), 12302, 12304, or 12305 of title 10 or under section 331, 332, 359, 360, 367, or 712 of title 14;

(B) ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress. as determined by the Secretary concerned;

(C) ordered to active duty (other than for training) in support, as determined by the Secretary concerned, of an operational mission for which personnel have been ordered to active duty under section 12304 of title 10;

(D) ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the uniformed services; or

(E) called into Federal service as a member of the National Guard under chapter 15 of title 10 or under section 12406 of title 10.

(d)(1) An employer is not required to reemploy a person under this chapter if--

(A) the employer's circumstances have so changed as to make such reemployment impossible or unreasonable;

(B) in the case of a person entitled to reemployment under subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313, such employment would impose an undue hardship on the employer;

or

(C) the employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

(2) In any proceeding involving an issue of whether--

(A) any reemployment referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances,

(B) any accommodation, training, or effort referred to in subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313 would impose an undue hardship on the employer, or

(C) the employment referred to in paragraph (1)(C) is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period, the employer shall have the burden of proving the impossibility or unreasonableness, undue hardship, or the brief or nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period.

(e)(1) Subject to paragraph (2), a person referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the employer referred to in such subsection of the person's intent to return to a position of employment with such employer as follows:

(A) In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting to the employer--

(I) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of that service to the person's residence; or

(ii) as soon as possible after the expiration of the eight-hour period referred to in clause (I), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

(B) In the case of a person who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in subparagraph (A).

(C) In the case of a person whose period of service in the uniformed services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the employer not later than 14 days after the completion of the period of service or if submitting such application within such period is impossible or unreasonable through no fault of the person, the next first full calendar day when submission of such application becomes possible.

(D) In the case of a person whose period of service in the uniformed services was for more than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service.

(2)(A) A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of service in the uniformed services shall, at the end of the period that is necessary for the person to recover from such illness or injury, report to the person's employer (in the case of a person described in subparagraph (A) or (B) of paragraph (1)) or submit an application for reemployment with such employer (in the case of a person described in subparagraph (C) or (D) of such paragraph). Except as provided in subparagraph (B), such period of recovery may not exceed two years.

(B) Such two-year period shall be extended by the minimum time required to accommodate the circumstances beyond such person's control which make reporting within the period specified in subparagraph (A) impossible or unreasonable.

(3) A person who fails to report or apply for employment or reemployment within the appropriate period specified in this subsection shall not automatically forfeit such person's entitlement to the rights and benefits referred to in subsection (a) but shall be subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

(f)(1) A person who submits an application for reemployment in accordance with subparagraph (C) or (D) of subsection (e)(1) or subsection (e)(2) shall provide to the person's employer (upon the request of such employer) documentation to establish that--

(A) the person's application is timely;

(B) the person has not exceeded the service limitations set forth in subsection (a)(2) (except as permitted under subsection (c)); and

(C) the person's entitlement to the benefits under this chapter has not been terminated pursuant to section 4304.

(2) Documentation of any matter referred to in paragraph (1) that satisfies regulations prescribed by the Secretary shall satisfy the documentation requirements in such paragraph.

(3)(A) Except as provided in subparagraph (B), the failure of a person to provide documentation that satisfies regulations prescribed pursuant to paragraph (2) shall not be a basis for denying reemployment in accordance with the provisions of this chapter if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that such person does not meet one or more of the requirements referred to in subparagraphs (A), (B), and (C) of paragraph (1), the employer of such person may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

(B) An employer who reemploys a person absent from a position of employment for more than 90 days may require that the person provide the employer with the documentation referred to in subparagraph (A) before beginning to treat the person as not having incurred a break in service for pension purposes under section 4318(a)(2)(A).

(4) An employer may not delay or attempt to defeat a reemployment obligation by demanding documentation that does not then exist or is not then readily available.

(g) The right of a person to reemployment under this section shall not entitle such person to retention, preference, or displacement rights over any person with a superior claim under the provisions of title 5, United States Code, relating to veterans and other preference eligibles.

(h) In any determination of a person's entitlement to protection under this chapter, the timing, frequency, and duration of the person's training or service, or the nature of such training or service (including voluntary service) in the uniformed services, shall not be a basis for denying protection of this chapter if the service does not exceed the limitations set forth in subsection (c) and the notice requirements established in subsection (a)(1) and the notification requirements established in subsection (e) are met.

§ 4313. Reemployment positions

(a) Subject to subsection (b) (in the case of any employee) and sections 4314 and 4315 (in the case of an employee of the Federal Government), a person entitled to reemployment under section 4312, upon completion of a period of service in the uniformed services, shall be promptly reemployed in a position of employment in accordance with the following order of priority:

(1) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for less than 91 days--

(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, only if the person is not qualified to perform the duties of the position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person.

(2) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for more than 90 days--

(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a position of like seniority, status and pay, the duties of which the person is qualified to perform; or

(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status and pay, the duties of which the person is qualified to perform, only if the person is not qualified to perform the duties of a position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person.

(3) In the case of a person who has a disability incurred in, or aggravated during, such service, and who (after reasonable efforts by the employer to accommodate the disability) is not qualified due to such disability to be employed in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service--

(A) in any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the employer; or

(B) if not employed under subparagraph (A), in a position which is the nearest approximation to a position referred to in subparagraph (A) in terms of seniority, status, and pay consistent with circumstances of such person's case.

(4) In the case of a person who (A) is not qualified to be employed in (i) the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or (ii) in the position of employment in which such person was employed on the date of the commencement of the service in the uniform services for any reason (other than disability incurred in, or aggravated during, service in the uniformed services), and (B) cannot become qualified with reasonable efforts by the employer, in any other position which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which such person is qualified to perform, with full seniority.

(b)(1) If two or more persons are entitled to reemployment under section 4312 in the same position of employment and more than one of them has reported for such reemployment, the person who left the position first shall have the prior right to reemployment in that position.

(2) Any person entitled to reemployment under section 4312 who is not reemployed in a position of employment by reason of paragraph (1) shall be entitled to be reemployed as follows:

(A) Except as provided in subparagraph (B), in any other position of employment referred to in subsection (a)(1) or (a)(2), as the case may be (in the order of priority set out in the applicable subsection), that provides a similar status and pay to a position of employment referred to in paragraph (1) of this subsection, consistent with the circumstances of such person's case, with full seniority.

(B) In the case of a person who has a disability incurred in, or aggravated during, a period of service in the uniformed services that requires reasonable efforts by the employer for the person to be able to perform the duties of the position of employment, in any other position referred to in subsection (a)(3) (in the order of priority set out in that subsection) that provides a similar status and pay to a position referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case, with full seniority.

§ 4314. Reemployment by the Federal Government

(a) Except as provided in subsections (b), (c), and (d), if a person is entitled to reemployment by the Federal Government under section 4312, such person shall be reemployed in a position of employment as described in section 4313.

(b)(1) If the Director of the Office of Personnel Management makes a determination described in paragraph (2) with respect to a person who was employed by a Federal executive agency at the time the person entered the service from which the person seeks reemployment under this section, the Director shall--

(A) identify a position of like seniority, status, and pay at another Federal executive agency that satisfies the requirements of section 4313 and for which the person is qualified; and

(B) ensure that the person is offered such position.

(2) The Director shall carry out the duties referred to in subparagraphs (A) and (B) of paragraph (1) if the Director determines that--

(A) the Federal executive agency that employed the person referred to in such paragraph no longer exists and the functions of such agency have not been transferred to another Federal executive agency; or

(B) it is impossible or unreasonable for the agency to reemploy the person. (c) If the employer of a person described in subsection (a) was, at the time such person entered the service from which such person seeks reemployment under this section, a part of the judicial branch or the legislative branch of the Federal Government, and such employer determines that it is impossible or unreasonable for such employer to reemploy such person, such person shall, upon application to the Director of the Office of Personnel Management, be ensured an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

(d) If the adjutant general of a State determines that it is impossible or unreasonable to reemploy a person who was a National Guard technician employed under section 709 of title 32, such person shall, upon application to the Director of the Office of Personnel Management, be ensured an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

Legal Citations for AP 7370 Political Activity

Education Code Sections 7050 et seq.

7050. The Legislature finds that political activities of school employees are of significant statewide concern. The provisions of this article shall supersede all provisions on this subject in any city, county, or city and county charter as well as in the general law of this state.

7051. This article applies to all officers and employees of a local agency.

"Local agency" means a county superintendent of schools, an elementary, high, or unified school district, or a community college district.

Officers and employees of a given local agency include officers and employees of any other local agency whose principal duties consist of providing services to the given local agency.

7052. Except as otherwise provided in this article, or as necessary to meet requirements of federal law as it pertains to a particular employee or employees, no restriction shall be placed on the political activities of any officer or employee of a local agency.

7053. No one who holds, or who is seeking election or appointment to, any office or employment in a local agency shall, directly or indirectly, use, promise, threaten or attempt to use, any office, authority, or influence, whether then possessed or merely anticipated, to confer upon or secure for any person, or to aid or obstruct any person in securing, or to prevent any person from securing, any position, nomination, confirmation, promotion, change in compensation or position, within the local agency upon consideration or condition that the vote or political influence or action of such person or another shall be given or used in behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration. The prohibitions of this section shall apply to either urging or discouraging any political action of an employee.

7054. (a) No school district or community college district funds, services, supplies, or equipment shall be used for the purpose of urging the support or defeat of any ballot measure or candidate, including, but not limited to, any candidate for election to the governing board of the district.

(b) Nothing in this section shall prohibit the use of any of the public resources described in subdivision (a) to provide information to the public about the possible effects of any bond issue or other ballot measure if both of the following conditions are met:

(1) The informational activities are otherwise authorized by the Constitution or laws of this state.

(2) The information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

(c) A violation of this section shall be a misdemeanor or felony punishable by imprisonment in the county jail not exceeding one year or by a fine not exceeding one thousand dollars (\$1,000), or by both, or imprisonment in a state prison for 16 months, or two or three years.

7054.1. Nothing in this article shall be construed as prohibiting any administrative officer or board member of a school district or community college district from appearing at any time before a citizens' group that requests the appearance of the officer or board member for purposes of discussing the reasons why the governing board of the district called an election to submit to the voters of the district a proposition for the issuance of bonds and for purposes of responding to inquiries from the citizens' group.

7055. The governing body of each local agency may establish rules and regulations on the following:

(a) Officers and employees engaging in political activity during working hours.

(b) Political activities on the premises of the local agency.

7056. (a) Nothing in this article prevents an officer or employee of a local agency from soliciting or receiving political funds or contributions to promote the support or defeat a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of the local agency. These activities are prohibited during working hours. In addition, entry into buildings and grounds under the control of a local agency for such purposes during working hours is also prohibited.

(b) Nothing in this section shall be construed to prohibit any recognized employee organization or its officers, agents, and representatives from soliciting or receiving political funds or contributions from employee members to promote the support or defeat of any ballot measure on school district property or community college district property during nonworking time. As used in this subdivision, "nonworking time" means time outside an employee's working hours, whether before or after school or during the employee's luncheon period or other scheduled work intermittency during the school day.

7057. No person who is in the classified service or who is upon any eligibility list shall be appointed, demoted, or removed, or in any way discriminated against because of his political acts, opinions, or affiliations.

7058. Nothing in this article shall prohibit the use of a forum under the control of the governing board of a school district or community college district if the forum is made available to all sides on an equitable basis.

AP 7371 Personal Use of Public Resources

Government Code Section 8314; Penal Code Section 424

8314. (a) It is unlawful for any elected state or local officer, including any state or local appointee, employee, or consultant, to use or permit others to use public resources for a campaign activity, or personal or other purposes which are not authorized by law.

(b) For purposes of this section:

(1) "Personal purpose" means those activities the purpose of which is for personal enjoyment, private gain or advantage, or an outside endeavor not related to state business. "Personal purpose" does not include the incidental and minimal use of public resources, such as equipment or office space, for personal purposes, including an occasional telephone call.

(2) "Campaign activity" means an activity constituting a contribution as defined in Section 82015 or an expenditure as defined in Section 82025. "Campaign activity" does not include the incidental and minimal use of public resources, such as equipment or office space, for campaign purposes, including the referral of unsolicited political mail, telephone calls, and visitors to private political entities.

(3) "Public resources" means any property or asset owned by the state or any local agency, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, vehicles, travel, and state-compensated time.

(4) "Use" means a use of public resources which is substantial enough to result in a gain or advantage to the user or a loss to the state or any local agency for which a monetary value may be estimated.

(c) (1) Any person who intentionally or negligently violates this section is liable for a civil penalty not to exceed one thousand dollars (\$1,000) for each day on which a violation occurs, plus three times the value of the unlawful use of public resources. The penalty shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney or any city attorney of a city having a population in excess of 750,000. If two or more persons are responsible for any violation, they shall be jointly and severally liable for the penalty.

(2) If the action is brought by the Attorney General, the moneys recovered shall be paid into the General Fund. If the action is brought by a district attorney, the moneys recovered shall be paid to the treasurer of the county in which the judgment was entered. If the action is brought by a city attorney, the moneys recovered shall be paid to the treasurer of that city.

(3) No civil action alleging a violation of this section may be commenced more than four years after the date the alleged violation occurred.

(d) Nothing in this section shall prohibit the use of public resources for providing information to the public about the possible effects of any bond issue or other ballot measure on state activities, operations, or policies, provided that (1) the informational activities are otherwise authorized by the constitution or laws of this state, and (2) the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

(e) The incidental and minimal use of public resources by an elected state or local officer, including any state or local appointee, employee, or

consultant, pursuant to this section shall not be subject to prosecution under Section 424 of the Penal **Code**.

Penal Code Section 424. (a) Each officer of this state, or of any county, city, town, or district of this state, and every other person charged with the receipt, safekeeping, transfer, or disbursement of public moneys, who either: 1. Without authority of law, appropriates the same, or any portion thereof, to his or her own use, or to the use of another; or, 2. Loans the same or any portion thereof; makes any profit out of, or uses the same for any purpose not authorized by law; or, 3. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the same; or, 4. Fraudulently alters, falsifies, conceals, destroys, or obliterates any account; or, 5. Willfully refuses or omits to pay over, on demand, any public moneys in his or her hands, upon the presentation of a draft, order, or warrant drawn upon these moneys by competent authority; or, 6. Willfully omits to transfer the same, when transfer is required by law; or, 7. Willfully omits or refuses to pay over to any officer or person authorized by law to receive the same, any money received by him or her under any duty imposed by law so to pay over the same;-- Is punishable by imprisonment in the state prison for two, three, or four years, and is disqualified from holding any office in this state.

(b) As used in this section, "public moneys" includes the proceeds derived from the sale of bonds or other evidence or indebtedness authorized by the legislative body of any city, county, district, or public agency.

(c) This section does not apply to the incidental and minimal use of public resources authorized by Section 8314 of the Government **Code**.

Emergency Preparedness and Response Recommendations

Mass Notification

| School Messaging Calling System | | Description | Qty | Item Price | Extended Price |
|---------------------------------|--|---|-----|---------------|----------------------|
| 1 | School Messaging Calling System and Training Dispatch Console System | | 1 | \$ 25,000.00 | \$ 25,000.00 |
| 1 | Dispatch Console System | Centra Com Dispatch Console, and software. Establish interoperability during Mutual Aid situations involving local Law Enforcement, Fire, and Office of Emergency Services. Inclusion of a recording system for liability, evidentiary, and prosecutorial purposes. | 1 | \$ 175,000.00 | \$ 175,000.00 |
| 1 | Emergency Talk-a-Phone System | | 1 | \$ 350,000.00 | \$ 350,000.00 |
| | | | | | \$ 550,000.00 |

Training

| RFP Emergency Plan Update, Training, Implementation, and Table Top Exercise | | Description | Qty | Item Price | Extended Price |
|---|--|--|-----|--------------|---------------------|
| 1 | | State and Federal Compliance/SEMS/ICS/NIMS | 1 | \$ 40,000.00 | \$ 40,000.00 |
| | | | | | \$ 40,000.00 |

Emergency Backup Power

| Generator for PD Building / EOC / Dispatch | | Description | Qty | Item Price | Extended Price |
|--|--|---|-----|---------------|----------------------|
| 1 | | Emergency generator for Police Department / EOC <i>Estimate only, provided by Mike Ellis</i> | 1 | \$ 350,000.00 | \$ 350,000.00 |
| | | | | | \$ 350,000.00 |

EOC

Police Facility and Dispatch Security

| | | Description | Qty | Item Price | Extended Price |
|---|---|---|-----|--------------|---------------------|
| 1 | Police Department / EOC Building Security | Partition placement, window and intercom system. To secure dispatch and EOC. Approved by Facilities Review Committee. | 1 | \$ 40,000.00 | \$ 40,000.00 |
| 2 | Analog Phone System | Quote provided by Quintron | 1 | \$ 22,000.00 | \$ 22,000.00 |
| 3 | Wireless Access Point | EOC Laptop Link | 1 | | |
| 4 | EOC Laptop Computers | Wireless Connection Included | 6 | \$ 2,000.00 | \$ 12,000.00 |
| 5 | EOC Campus Maps, 48" x 36" | Laminated, roll up | 6 | \$ 50.00 | \$ 300.00 |
| 6 | Television VHS/DVD Combo | 48" Flat Screen Panel, Television EOC | 2 | \$ 2,500.00 | \$ 5,000.00 |
| 7 | Satellite Phones & Plan | County and State OES Communication Link | 2 | \$ 1,500.00 | \$ 3,000.00 |
| 8 | Signage | | 10 | \$ 100.00 | \$ 1,000.00 |
| | | | | | \$ 83,300.00 |

Emergency Preparedness and Response Recommendations

Field Response / Equipment and Supplies

| | Environmental Health and Safety | Description | Qty | Item Price | Extended Price |
|----|---------------------------------|---|---------|-------------|----------------|
| 1 | Generator (Portable Lighting) | Honda EU 3000i | 5 | \$ 2,000.00 | \$ 10,000.00 |
| 2 | Portable Lighting | | 12 | \$ 150.00 | \$ 1,800.00 |
| 3 | Extension Cords | 100' Extension Cords (Outside) | 12 | \$ 50.00 | \$ 600.00 |
| 4 | Individual Safety Gear Bag | Hard Hat, goggles, vest, dust masks, leather gloves, knee pads. | 30 | \$ 60.00 | \$ 1,800.00 |
| 5 | Light Search and Rescue Bags | Hard Hat, goggles, vest, dust masks, leather gloves, knee pads, marker, pry bar, door wedges, 4 in 1 utility shutoff. | 12 | \$ 80.00 | \$ 960.00 |
| 6 | Convertible Hand Carts | | 10 | \$ 250.00 | \$ 2,500.00 |
| | | Polycarbonate Eye Protection | 100 | \$ 15.00 | \$ 1,500.00 |
| | | Nitrile Gloves | 2000/50 | \$ 25.00 | \$ 1,250.00 |
| 7 | Personal Protective Equipment | Hard hats | 100 | \$ 10.00 | \$ 1,000.00 |
| 8 | FRS/GMRS Back-up Radios | PR400 Motorola Radio | 25 | \$ 500.00 | \$ 12,500.00 |
| 9 | Large Tarp (s) | 10' x 20' Heavy Duty | 10 | \$ 150.00 | \$ 1,500.00 |
| 10 | Chairs | Lifetime Products Costco | 50 | \$ 25.00 | \$ 1,250.00 |
| 11 | Portable Tables | Lifetime Products Costco | 20 | \$ 100.00 | \$ 2,000.00 |
| 12 | EZ Up Shelter | EZ Up Eclipse II 10' x 20' | 10 | \$ 1,300.00 | \$ 13,000.00 |
| 13 | Portable Lanterns | STREAM LIGHT 45117 Recharge | 20 | \$ 170.00 | \$ 3,400.00 |
| 14 | Megaphones | Multi-Purpose Megaphones | 8 | \$ 110.00 | \$ 880.00 |
| 15 | Office Supplies | Pens/paper, calculator, clipboards, steno pads | | | \$ 1,000.00 |
| 16 | Batteries | Misc AA and Flashlight | 100 | \$ 10.00 | \$ 1,000.00 |
| 17 | Emergency Food / Water | Power Bars, Other Food / Water | | | \$ 1,500.00 |
| | | | | | \$ 59,440.00 |

| | Police | Description | Qty | Item Price | Extended Price |
|---|-----------------------------------|---|-----|--------------|----------------|
| 1 | Emergency Response Carts | 08' Yamaha YDR Electric Vehicle | 2 | \$ 7,087.50 | \$ 14,175.00 |
| 2 | Traffic Control Supplies | 28" Standard Cones | 200 | \$ 20.00 | \$ 4,000.00 |
| | | Light Weight Barricades | 100 | \$ 45.00 | \$ 4,500.00 |
| | | Caution Tape | 50 | \$ 15.00 | \$ 750.00 |
| 3 | Signage | Traffic Control Signage | 10 | \$ 250.00 | \$ 2,500.00 |
| 4 | Emergency Dispatch Computers | Dell OPTIPLEX 745 w/Monitor & Keyboard | 6 | \$ 1,591.00 | \$ 9,546.00 |
| 5 | Mobile Trailer | 8' x 20' w/ramp and side door | 1 | \$ 8,530.00 | \$ 8,530.00 |
| 6 | Mobile EOC Trailer Secure Parking | Storage area expansion at Police Department | 1 | \$ 40,000.00 | \$ 40,000.00 |
| | | | | | \$ 84,001.00 |

Emergency Preparedness and Response Recommendations

Field Response / Equipment and Supplies

| | Health Services | Description | Qty | Item Price | Extended Price |
|----|--|---|------|-------------|--------------------|
| 1 | Flashlights and Batteries | AA, AAA, and Flashlights | 20 | \$ 20.00 | \$ 400.00 |
| 2 | Blankets | Dyna Med Emergency | 50 | \$ 4.00 | \$ 200.00 |
| 3 | Burn Care | Large Burn Pads - Moore | 2 | \$ 325.00 | \$ 650.00 |
| 4 | Chairs | Lifetime Products Costco | 10 | \$ 25.00 | \$ 250.00 |
| 5 | Biohazard / Infection Control | Alcohol Pads | 10 | \$ 3.00 | \$ 30.00 |
| | | Disinfectants | 10 | \$ 12.00 | \$ 120.00 |
| | | Sharp's Portable Qt | 10 | \$ 6.00 | \$ 60.00 |
| | | Medical Waste Bags | 10 | \$ 5-15 | \$ 150.00 |
| 6 | Diagnostics / Instruments | Portable Sport Vital Signs Monitor/Pulse Oximeter | 2 | \$ 3,000.00 | \$ 6,000.00 |
| 7 | First Aid Response Kits | Temp/BP-Welch Allyn | 10 | \$ 500.00 | \$ 5,000.00 |
| | | Dyna Med MCI Deployment | | | |
| 8 | Food / Water / Sanitation | 20 Person Emergency Bucket Kits, 5 yr. shelf life food/water/port-a-potty | 3 | \$ 350.00 | \$ 1,050.00 |
| | | Purell Hand Sanitizer | 20 | \$ 10.00 | \$ 200.00 |
| 9 | Immobilization | Neck and limb support-Sam Splint/Head immobilizer | 10 | \$ 15.00 | \$ 150.00 |
| | | Wheelchair | 20 | \$ 6.00 | \$ 120.00 |
| 10 | Lift /Transport Chair | Headlamps | 2 | \$ 1,000.00 | \$ 2,000.00 |
| 11 | Lighting | Portable Lanterns | 10 | \$ 50.00 | \$ 500.00 |
| | | Portable Lighting | 10 | \$ 170.00 | \$ 1,700.00 |
| | | Instant glucose, Epinephrine, Benadryl, OTC Pain Meds, Burn Cream, Sterile Saline-Moore Medical | 5 | \$ 150.00 | \$ 750.00 |
| 12 | Medications (Expiration Dates) | | | | \$ 1,000.00 |
| 13 | Personal Protective Equipment | Isolation kits with eye shield, gown shoe cover and cap | 25 | \$ 10.00 | \$ 250.00 |
| | | Nitrile Gloves (3 sizes) | 2000 | \$ 14.00 | \$ 2,800.00 |
| | | Bloodborne Cleanup Kits | 25 | \$ 9.00 | \$ 225.00 |
| 14 | Respiratory Management | Portable Oxygen Tanks | 10 | \$ 210.00 | \$ 2,100.00 |
| | | N-95 masks-Moore | 50 | \$ 35.00 | \$ 350.00 |
| | | Resuscitative Equipment-1 piece disposable | 5 | \$ 20.00 | \$ 100.00 |
| 15 | Tables | Lifetime Products Costco | 5 | \$ 100.00 | \$ 500.00 |
| 16 | Triage Kit (Includes ID tags, vests, colored tape) | Basic Unit-Emergency Survival Solutions | 2 | \$ 200.00 | \$ 400.00 |
| | | | | | \$27,055.00 |

Emergency Preparedness and Response Recommendations

Field Response / Equipment and Supplies

| Facilities | | | | | |
|--------------------------|--|---|-----|-------------|--------------------|
| Law Enforcement Requests | | Description | Qty | Item Price | Extended Price |
| 1 | Security Gates San Marcos Campus | Estimated Cost for Security Gates to Secure the Campuses | 6 | \$ 5,000.00 | \$ 30,000.00 |
| 2 | Security Gates Escondido Center | | 6 | \$ 5,000.00 | \$ 30,000.00 |
| 3 | Emergency Response Equipment Enclosures San Marcos | | 7 | \$ 3,000.00 | \$ 21,000.00 |
| 4 | Emergency Response Equipment Enclosures Escondido | Estimated Cost to construct emergency response equipment enclosures | 3 | \$ 3,000.00 | \$ 9,000.00 |
| | | | | | \$90,000.00 |

| Facilities | | | | | |
|------------|------------------------------------|---------------------------------------|-----|-------------|----------------|
| | Search & Rescue | Description | Qty | Item Price | Extended Price |
| 1 | Cargo Container | 40' Container | 1 | \$ 5,000.00 | \$ 5,000.00 |
| 2 | Special Pry Bars | | | | |
| 3 | Lifting Equipment | | | | |
| 4 | Safety Shields | | | | |
| 5 | Blankets | | | | |
| 6 | Special Hard Hats with Lights | | | | |
| 7 | Rescue Harnesses | | | | |
| 8 | Gurneys | | | | |
| 9 | Litters | | | | |
| 10 | First-aid Kits | | | | |
| 11 | Tag-out/Lock-out Kits | | | | |
| 12 | Transport/Storage Containers | | | | |
| 13 | Fire Suppression Equipment & Hoses | | | | |
| 14 | Special Protective Gear | | | | |
| 15 | Self-contained Breathing Apparatus | | | | |
| 16 | Variety of other Special Equipment | Estimated Cost for start up equipment | | \$ 5,000.00 | \$ 5,000.00 |
| | | | | | \$ 10,000.00 |

Emergency Preparedness and Response Recommendations

Field Response / Equipment and Supplies

| Facilities | | | | | |
|------------|--|---------------------------------------|-----|------------|----------------|
| | Health & Safety Team Requests | Description | Qty | Item Price | Extended Price |
| 1 | H&S Team Equipment & Supplies | Estimated Cost for start up equipment | | | |
| 2 | Spill Control Kits | | | | |
| 3 | Spill Containment Supplies & Equipment | | | | |
| 4 | Specialized Personnel Safety Equipment | | | | |
| 5 | Self-contained Breathing Apparatus | | | | |
| 6 | Hazardous Material Storage Containers | | | | |
| 7 | Lock-out/tag-out equipment, | | | | |
| 8 | And a wide variety of other specialized supplies and equipment | | | | \$ 7,500.00 |
| | | | | | \$ 7,500.00 |

| Facilities | | | | | |
|------------|--|---------------------------------------|-----|------------|----------------|
| | Building & Utility Team Requests | Description | Qty | Item Price | Extended Price |
| 1 | Building & Utility Team Equipment | Estimated Cost for start up equipment | | | |
| 2 | Personnel Safety Equipment | | | | |
| 3 | Lock-out/tag-out equipment, | | | | |
| 4 | Means to procure heavy equipment and construction equipment and supplies | | | | \$ 5,000.00 |
| | | | | | \$ 5,000.00 |

Emergency Preparedness and Response Recommendations

Area Totals

| | | | |
|--|---------------------------------------|----|---------------------|
| Other Recommendations for Consideration: District provided vehicles for Chief of Police and Director, Facilities for 24/7 emergency response. | Mass Communications Systems | \$ | 550,000.00 |
| | Mandated Plan Update and Training | \$ | 40,000.00 |
| | Emergency Backup Power | \$ | 350,000.00 |
| | Emergency Operations Center (EOC) | \$ | 83,300.00 |
| | Field Response/Equipment and Supplies | \$ | 282,996.00 |
| | | \$ | 1,306,296.00 |

Annual Reoccurring Costs

| ITEM | | QTY | EXTENDED PRICE |
|--------------------------------|--|-----|--------------------|
| Emergency Generator for PD/EOC | | | TBD |
| Centra Com Dispatch Console | | | TBD |
| Analog Phone System for EOC | | 12 | \$ 1,140.00 |
| Satellite TV Subscription | | 12 | \$ 899.76 |
| Cart Maintenance | | 1 | \$ 750.00 |
| TOTAL: | | | \$ 2,789.76 |

CALIFORNIA COMMUNITY COLLEGES CHANCELLOR'S OFFICE

ANNUAL STATE AND SYTEM BUDGET PROCESS

- Building the community college system budget begins a year prior to the start of the fiscal year. For example, building of the 2008-09 fiscal year budget started in June 2007.
- Education Code section 70901 (b)(5)(A) directs the Board of Governors (BOG) to prepare and adopt an annual system budget request.
- Chancellor's Office convenes a "Budget Work Group" of Consultation Council members and other selected representatives to help develop, through a series of budget meetings during the summer, an outline of the system's budget request.
- Budget outline brought before the full Consultation Council for review and discussion at its July and August meetings.
- In September, Chancellor's Office staff present a draft System Budget Proposal to the BOG for comment and approval.
- Upon BOG approval, the System Budget Proposal is formally submitted to the Department of Finance (DOF) in the form of Budget Change Proposals (BCPs).
- BCPs reviewed and analyzed by DOF staff, with successful BCPs included in the Governor's January 10th Budget Proposal as changes to the prior year's base budget.
- On January 10th, Governor's Budget Proposal formally introduced in the form of a Budget Bill in each house of the Legislature.
- Late February through early May, legislative hearings are held with DOF, the Legislative Analyst's Office, System Office staff and others providing testimony at the budget subcommittee hearings.

- Governor's May Revision submitted to the Legislature and consists of changes in Proposition 98 revenues, general fund revenues, enrollments, population et al. (Note: budget committees in each house usually wait until the May Revision to pass their budget bills out of committee and to the full house).
- Budget bills voted on in each house are usually referred to a conference committee to resolve differences that exist between the Senate and Assembly Budget Bills.
- 2/3rds vote in each house is required to pass the final budget package agreed to by the conference committee before it's submitted to the Governor for signature. June 15th is the Constitutional deadline for the Legislature to pass the Budget Bill (a deadline rarely met).
- Governor may reduce or eliminate any appropriation through the line-item veto. When Governor signs bill it becomes law and is known as the Budget Act.
- The budget package also includes separate "trailer bills" necessary to authorize and/or implement various program or revenue changes.
- Reminder: State funds for districts cannot flow until the budget is enacted. Until the Legislature and the Governor come to an agreement on the budget, no state money can be provided to college districts for that fiscal year.

LINK TO SYSTEM OFFICE BUDGET PAGE:

<http://www.cccco.edu/SystemOffice/Divisions/FinanceFacilities/FiscalServices/Budget/tabid/1285/Default.aspx>

CALIFORNIA COMMUNITY COLLEGES GENERAL APPORTIONMENT TIMELINE/CYCLE

| ITEM | JULY | AUG | SEP | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUNE |
|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|
|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|

APPORTIONMENT

ADVANCE APPORTIONMENT

(Certify to State Controller Apportionment July 15th or after budget enactment)

PY RECALCULATION
(Completed Dec/Jan)

P1 "FIRST PRINCIPAL APPORTIONMENT"

(Certify to State Controller Apportionment Feb 20)

P2 "SECOND PRINCIPAL APPORTIONMENT"
(Certify to State Controller Apportionment June 25)

FTEs

PY ANNUAL FTEs REPORTS DUE

(Due from District July 15)

FINAL PY FTEs REPORTS DUE

(Due from District Nov 1)

P1 FTEs ATTENDANCE REPORTS DUE

(Due from District Jan 15)

P2 FTEs ATTENDANCE REPORTS DUE

(Due from District Apr 30)

PROPERTY TAX

PY & CY PROPERTY TAX REPORTS DUE FROM COUNTY

(Due from County Nov 15)

PROPERTY TAX REPORTS DUE FROM COUNTY

(Due from County Apr 15)

STUDENT FEES

PY FINAL STUDENT FEES DUE

(Due from District Sep 15)

CY STUDENT FEES DUE

(Due from District Jan 15)

CY STUDENT FEES DUE

(Due from District April 15)

BUDGET WORKSHOP

(Held immediately after Advance)

PY ANNUAL 311 (FINANCIAL REPORT) DUE

(Due Oct 10 for PY ending June 30)

Payment Schedule by Apportionment

Advance Apportionment - July thru January

July 8%, Aug 8%, Sep 12%, Oct 10%, Nov 9%, Dec 5%, Jan 8%

First Principal Apportionment P1 - February thru May

Feb 8%, March 8%, April 8%, May 8%

Second Principal Apportionment P2 - June

June 8%

Deferral - \$200 million in total statewide payments from June are deferred until July 1 (the start of the new fiscal year) for state budgeting purposes

Final Recalculation Any payment corrections from prior year due to either an over payment or underpayment are made on the current year payment schedule at P1

COMMON THEMES
FROM
INSTITUTIONAL PROGRAM REVIEW & PLANNING
DOCUMENTS
2007-08

Full-time Faculty

- Resignations and retirement replacements
- Programs with only part-time faculty are hindered
- Difficult to hire and retain good part-time faculty
- Positions due to growth

Staff Needs

- Shop/laboratory assistants
- Instructional assistants for stability and growth
- Instructional assistants for evening/weekend classes
- Clerical support for growth and increased paperwork

Budget

- Supply funds to support growth
- Supply funds for increased laboratory costs
- Funds for equipment maintenance agreements
- Funds for smart classrooms
- More consistent funding for equipment, computers, software
- Classroom furniture

Facilities

- More dedicated classrooms for growth
- More storage space

General

- Student learning outcomes need clarification
- Online registration for non-credit

INSTRUCTIONAL PLANNING COUNCIL

ANNUAL REPORT FOR 2007-08

1. Modified, adopted, and implemented a two-year Institutional Program Review and Planning process. The modified process integrates academic program planning and resource allocation considerations with enrollment trends, curriculum planning, faculty positions, staffing needs, equipment, and technology. Year one of the process is focused on planning and year two is focused on evaluation, progress, and updating the plan.
2. Reviewed and summarized 101 Institutional Program Review and Planning documents and noted common themes and issues across the plans. These 101 planning documents represent 100% participation by the academic and career technical programs in Instruction.
3. Completed the Faculty Hiring Priority Recommendations for 2009-10.
4. Allocated \$122,042 from the one-time 75/25 supply fund to academic departments and programs who submitted eligible requests.

Updated 9/25/08

DRAFT

ESTIMATED Number of Faculty Positions Needed Estimate Only

| 9/22/2008 | | Fall 2008 | | Fall 2009 | | Fall 2009 | | Fall 2009 | | Fall 2009 | | Fall 2009 | | Fall 2009 | | Fall 2009 | |
|-----------|---|-----------|--------|-----------|--------|-----------|--------|-----------|--------|-----------|--------|-----------|--------|-----------|--------|-----------|--------|
| | | | | FUNDED | | FUNDED | | FUNDED | | FUNDED | | FUNDED | | FUNDED | | FUNDED | |
| 1. | Previous Fall's Full-time Equivalent Faculty attributable to Full-time Faculty | 295.67 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 |
| 2. | Subtract number of unplaced retirees/resignations from prev. yr. | 6.50 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 |
| 3. | Full-time Equivalent Faculty going into the next Fall (assumes the following: schedule does not change, Additional losses of contract faculty do NOT occur) | 289.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 |
| 4. | Fall's Faculty Obligation | 285.80 | 301.14 | 298.27 | 295.40 | 292.54 | 289.67 | 286.80 | | | | | | | | | |
| 5. | Difference equals the minimum number of faculty needed to meet the Faculty Obligation for the term | 3.37 | -8.97 | -6.10 | -3.23 | -0.37 | 2.50 | 5.37 | | | | | | | | | |
| 6. | Number of hires | 8.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | | | | | | | | | |
| 7. | Total after hires | 297.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | | | | | | | | | |
| 8. | Number above or below Obligation | 11.37 | -8.97 | -6.10 | -3.23 | -0.37 | 2.50 | 5.37 | | | | | | | | | |
| 9. | Hires for Evening/Weekend Nursing Program | 2.00 | | | | | | | | | | | | | | | |
| 10. | Total NEW Hires | 10.00 | | | | | | | | | | | | | | | |
| 11. | Total FTEF attributable to FT Faculty | 299.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | | | | | | | | | |
| 12. | Final Number above or below Obligation | 13.37 | -8.97 | -6.10 | -3.23 | -0.37 | 2.50 | 5.37 | | | | | | | | | |
| 13. | Other hires in progress that will impact next year's figures | 2 | | | | | | | | | | | | | | | |
| 14. | Even/Weekend Nurse hires that will impact next year's figures | 2 | | | | | | | | | | | | | | | |
| 15. | Total FTEF attributable to FT Faculty moving into next term | 303.17 | | | | | | | | | | | | | | | |

Retirees/Resignees that were included in the previous Full-time obligation figures (i.e., F 2007) and can not be counted in the current FTFO figure (i.e., F 2008)

1. Bob Gilson 5/19/2007
2. Teri McFarland 5/19/2007
3. Joe Schaeffer (50%) 5/19/2007
4. Judy Crowe 7/10/2007
5. Marc Newman 8/16/2007
6. Ricardo Guhrie 8/17/2007
7. Lori Michaelangelo 1/13/2008

Retirees/Resignees that will be included in this year's obligation count (i.e., Fall 2008), but not Fall 2009.

1. Susana Grenz 4/12/2008 - within 45 faculty working days of end of Spring semester
2. James Luna 5/23/2008
3. Anthony Guerra 5/24/2008
4. Kathleen Clyne 6/1/2008
5. David Boyd 6/2/2008
6. Candi Francis 6/2/2008
7. Steve McDonald 6/2/2008
8. Rena Stevens 7/1/2008
9. John Dize 7/2/2008
10. Sherry Tilus 7/9/2008
11. John Erickson 8/2/2008

Hires for Fall 2008

1. Harry J Baker Library
2. Jonathan Smith Econ
3. Lesley Blankenship-Wil Biology
4. Ken Dodson Graphics
5. Marlene Forney Library
6. Gene Gushansky Biology
7. Sergio Hernandez Diesel/Mech Tech
8. Lori Meyers DRCEOPS
9. Maria Miller Psy/Soc (not included in line 6 above as she was already faculty)
10. Geoffrey Schroder Nursing
11. Lisa Bertotti Nursing

OPEN positions to be filled prior to Fall 2009

1. American Indian Studies
2. ESU
3. Nursing - Repl Kathy Clyne
4. Nursing - Evening/Weekend

DRAFT

ESTIMATED Number of Faculty Positions Needed Estimate Only

| 9/22/2008 | | Fall 2008 | Fall 2009 5% inc FUNDED | Fall 2009 4% inc FUNDED | Fall 2009 3% inc FUNDED | Fall 2009 2% inc FUNDED | Fall 2009 1% inc FUNDED | Fall 2009 0% inc FUNDED |
|--|--|-----------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| 1. Previous Fall's Full-time Equivalent Faculty attributable to Full-time Faculty | | 285.67 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 |
| 2. Subtract number of unplaced retirees/resignations from prev. yr. | | 6.50 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 |
| 3. Full-time Equivalent Faculty going into the next Fall (assumes the following: schedule does not change, Additional losses of contract faculty do NOT occur) | | 289.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 | 292.17 |
| 4. Fall's Faculty Obligation | | 285.80 | 301.14 | 298.27 | 295.40 | 292.54 | 289.67 | 286.80 |
| 5. Difference equals the minimum number of faculty needed to meet the Faculty Obligation for the term | | 3.37 | -8.97 | -6.10 | -3.23 | -0.37 | 2.50 | 5.37 |
| 6. Number of hires | | 8.00 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 | 11.00 |
| 7. Total after hires | | 297.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 |
| 8. Number above or below Obligation | | 11.37 | 2.03 | 4.90 | 7.77 | 10.63 | 13.50 | 16.37 |
| 9. Hires for Evening/Weekend Nursing Program | | 2.00 | | | | | | |
| 10. Total NEW Hires | | 10.00 | | | | | | |
| 11. Total FTEF attributable to FT Faculty | | 297.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 | 303.17 |
| 12. Final Number above or below Obligation | | 13.37 | 2.03 | 4.90 | 7.77 | 10.63 | 13.50 | 16.37 |
| 13. Other hires in progress that will impact next year's figures | | 2 | | | | | | |
| 14. Ever/Wind Nurse hires that will impact next year's figures | | 2 | | | | | | |
| 15. Total FTEF attributable to FT Faculty moving into next term | | 303.17 | | | | | | |

Retirees/Resignees that were included in the previous Full-time obligation figures (i.e., F 2007) and can not be counted in the current FTFO figure (i.e., F 2008)

1. Bob Gilson 5/19/2007
2. Teri McFarland 5/19/2007
3. Joe Schaeffer (50%) 5/19/2007
4. Judy Crowe 7/10/2007
5. Marc Newman 8/16/2007
6. Ricardo Gulhrie 8/17/2007
7. Lori Michaelangelo 1/13/2008

Retirees/Resignees that will be included in this year's obligation count (i.e., Fall 2008) but not Fall 2009.

1. Susana Grenz 4/1/2008 * within 45 faculty working days of end of Spring semester
2. James Luna 5/23/2008
3. Anthony Guerra 5/24/2008
4. Kathleen Clyre 6/1/2008
5. David Boyd 6/2/2008
6. Candi Francis 6/2/2008
7. Steve McDonald 6/2/2008
8. Rena Stevens 7/1/2008
9. John Dise 7/2/2008
10. Sherry Titus 7/9/2008
11. John Erickson 8/2/2008

Hires for Fall 2008

1. Harry J Baker Library
2. Jonathan Smith Econ
3. Lesley Blankenship-Wil Biology
4. Ken Dodson Graphics
5. Marlene Foney Library
6. Gene Gushansky Biology
7. Sergio Hernandez Diesel/Mech Tech
8. Lori Meyers DRCEOPS
9. Maria Miller Psy/Soc (not included in line 6 above as she was already faculty)
10. Geoffrey Schroder Nursing
11. Lisa Bertotti Nursing

OPEN positions to be filled prior to Fall 2009

1. American Indian Studies
2. ESL
3. Nursing - Repl Kathy Clyre
4. Nursing - Evening/Weekend

DRAFT FACULTY COUNTS

As of September, 22 2008

| | Instruction | Library | Counseling | Faculty Equation | Total Faculty |
|---|-------------|---------|------------|---------------------|------------------|
| baseline | 257 | 7 | 23 | NA | NA |
| Fall 2007 Headcount | 253 | 5 | 23 | 281 | 289 |
| + Hires for Fall 2008/Spring 2009 | 9 | 2 | 0 | 11 | 12 |
| - Known 2007-08 Retirees/Resignees | 10 | 0 | 3 | 13 | 13 |
| = Estimated Fall 2008 Headcount | 252 | 7 | 20 | 279 | 288 |
| <i>Greater than or equal to Baseline?</i> | No | Yes | No | NA | NA |
| + Approved Hires for Fall 2009 | ? | ? | ? | | |
| - 2008-09 Retirees | | | | | |
| = Estimated Fall 2009 Headcount | | | | | |

Retirees Resignees

| <u>Instruction 2007-08</u> | <u>Counseling 2007-08</u> | <u>Library 2007-08</u> | <u>EOPS/DRC 2007-08</u> |
|--|---------------------------|------------------------|-------------------------|
| 1 Newman, Marc | 1. Dise, Linton | | |
| 2 Grenz, Suzanna | 2. Luna, James | | |
| 3 Boyd, David | 3. Maria Miller | | |
| 4 Guerra, Anthony | | | |
| 5 Stevens, Rena | | | |
| 6 Steve McDonald | | | |
| 7 Sherry Titus | | | |
| 8 John Erickson | | | |
| 9 Candi Francis | | | |
| 10 Kathy Clyne | | | |
| 11 haelangelo, Lori (eve. Nurse not included in counts when hired, not included in counts when resigned) | | | |

Hires

| <u>Instruction</u> | <u>Counseling</u> | <u>Library</u> | <u>EOPS/DRC</u> |
|--|-------------------|--------------------|-----------------|
| 1 Lesley Blankenship-Williams (Biology) | | 1. Baker, Harry | 1. Lori Meyers |
| 2 Ken Dodson (Graphics) | | 2. Forney, Marlene | |
| 3 Gene Gushansky (Biology) | | | |
| 4 Sergio Hernandez (DMT) | | | |
| 5 Maria Miller (Psyc) | | | |
| 6 Jonathan Smith (Economics) | | | |
| 7 AIS | | | |
| 8 ESL | | | |
| 9 Replace Kathy Clyne | | | |
| 10 Geoffrey Schroder (Nurs - evening - not included in counts above) | | | |
| 11 Lisa Bertotti (Nursing - evening not included in counts above) | | | |
| 12 Nursing Evening/Weekend Hire (not included in counts above) | | | |

Faculty Excluded From the Counts

EOPS

Brenda Wright
Anna Aguilera
Lois Gallaway
Trong Nguyen

DRC

Ruth Tait-Brown
Sherry Goldsmith
Jane Mills

zanne Norton
Lori Meyers (NEW)

ALL ROP

2 Eve/Wknd Hires in Nursing (Bertotti and Schroder)

1 Eve/Wknd Nursing program hires in progress - not to be counted in baseline counts

Guideline for Hiring/Replacing Counselors and Librarians Joint IPC/SSPC Workgroup Recommendation

Background

At the joint meeting of IPC/SSPC on September 29 a motion was passed forming a workgroup to develop a procedure/formula for hiring and replacing counselors and Librarians. The workgroup was to be comprised of two counselors, two Librarians, the Dean of Counseling Services, and the Dean of Social and Behavioral Sciences. The workgroup consisting of Jose Fernandez, Theresa Egkan, Judy Cater, Tamara Weintraub, Lynda Halttunen, and Mark Vernoy convened on October 3, 2005.

The workgroup agreed that there were four major concerns that needed to be addressed.

1. How to maintain a baseline number of full-time contract faculty in Instruction outside of counseling and the Library by replacing vacancies due to retirements and resignations.
2. How to maintain a baseline number of full-time contract faculty in counseling and the Library by replacing vacancies due to retirements and resignations.
3. How to hire new full-time contract faculty in counseling and the Library as student enrollment increases.
4. How to hire new full-time contract faculty in Instruction as student enrollment increases.

Using the Faculty Counts data generated by Research and Planning this workgroup agreed to address items 1, 2, and 3. It was agreed by the members of the workgroup that the criteria for hiring new full-time contract faculty in Instruction, item 4, is the purview of IPC.

Proposal

- Recovery to the Baseline
 - The baseline for all faculty hiring (Instruction, Counseling, and Library) will be based on the Fall 2002 Faculty Counts Data generated by Research and Planning.
 - The Instructional Faculty baseline will be 257
 - The Counseling Faculty baseline will be 23 (including ACS)
 - The Library Faculty baseline will be 7
 - The first priority will be to bring the Instructional Faculty up to the 257 baseline
 - The second priority will be to bring the Counseling Faculty up to the 23 baseline
 - The third priority will be to bring the Library Faculty up to the 7 baseline

- Maintenance of the Baseline
 - Replace Instructional Faculty vacancies due to retirement or resignation in the next hiring cycle as determined by IPC to maintain baseline.
 - Automatically replace Counseling Faculty vacancies due to retirement or resignation immediately if Instructional Faculty is at or above baseline.
 - Automatically replace Library Faculty vacancies due to retirement or resignation immediately if Instructional Faculty is at or above baseline.
- Hiring of new Counseling Faculty and new Library Faculty
 - Hire one new Counseling Faculty for every 11 new Instructional Faculty hired above the baseline of 257.
 - Hire one new Library Faculty for every 36 new Instructional Faculty hired above the baseline of 257.
- Hiring of new Instructional Faculty
 - IPC will decide on the criteria for hiring new Instructional Faculty

Projected Faculty in Fall 2006

Our current approved new/replacement faculty hiring will result in the following for Fall 2006.

- 256 Instructional Faculty [Fall 2004 (243) + Fall 2004 Hires (7) + Fall 2005 Hires (13) – Retirees/Resignations '04/'05 (7) = 256]
- 6 Library Faculty [Fall 2004 (4) + Fall 2004 Hires (1) + Fall 2005 Hires (1)– Retirees/Resignations '04/'05 (0) = 6]
- 22 Counselors [Fall 2004 (20) + Fall 2004 Hires (0) + Fall 2005 Hires (2) – Retirees/Resignations '04/'05 (0) = 21]

Note: Faculty data supplied by the Office of Research and planning

Recommended Faculty Hiring for Fall 2007

- Replace retired/resigned Instructional Faculty if needed to maintain 257 baseline
- Replace retired/resigned Library Faculty
- Replace retired/resigned Counseling Faculty
- Hire 1 Counseling Faculty to bring total up to baseline
- Hire 1 Library Faculty to bring total up to baseline
- Hire new Instructional Faculty
- Hire new Counseling Faculty when Instructional faculty reaches 268
- Hire new Library Faculty when Instructional faculty reaches 293

FACULTY HIRING PRIORITY I RECOMMENDATIONS FOR 2009-10
INSTRUCTIONAL PLANNING COUNCIL

| Priority | Department/Discipline |
|----------|---|
| 1 | Health, Physical Education and Athletics (Baseball) |
| 2 | Chicano Studies |
| 3 | Mathematics |
| 4 | Health, Physical Education and Athletics (Women's Head Coach) |
| 5 | Business |
| 6 | Theatre Arts |
| 7 | Italian |
| 8 | Mathematics |
| 9 | Nutrition |
| 10 | ESL |
| 11 | History |
| 12 | Japanese |
| 13 | Music |
| 14 | Psychology |
| 15 | German |
| 16 | Art |
| 17 | Child Development |
| 18 | Anthropology |
| 19 | Accounting |
| 20 | Emergency Medical Education |
| 21 | Radio |
| 22 | Photography |
| 23 | Fire Technology |
| 24 | Fashion |
| 25 | Mathematics |
| 26 | Drafting |
| 27 | Cinema |
| 28 | Speech Communications |
| 29 | Mathematics |
| 30 | Cabinet & Furniture Technology |
| 31 | CSIS (Video Game Programming) |
| 32 | Graphic Communications |