

**WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT**  
**Administrative Procedures**  
**Chapter 7– Human Resources**

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**Human Resources****AP 7100 COMMITMENT TO DIVERSITY****References:**

Education Code Sections 87100 et seq.;  
Title 5 Sections 53001 and 53000 et seq.

The District values a diverse workforce. We will take deliberate steps to ensure our workplace reflects the community in which we live and embraces differences in an inclusive, safe environment.

The EEO Plan should be a District-wide, written plan that implements the District's EEO Program, includes the definitions contained in Title 5 Section 53001 and addresses the following:

- Submission of plans and revisions to the State Chancellor's Office for review and approval as required;
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that District employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;

- An analysis of the number of persons from “monitored groups,” as defined by Title 5 Section 53001(i), who are employed in the District's workforce and those who have applied for employment in each of the job categories listed below;
- An analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the State Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;
- The steps the District will take to promote diversity in its work force;
- Methods for addressing any discrimination that is detected in the District's hiring practices; and
- Additional steps to address any significant underrepresentation of monitored groups identified in the plan.

The Plan shall be a public record.

The District shall make a continuous good faith effort to comply with the requirements of the Plan.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources**

**AP 7110 DELEGATION OF AUTHORITY**

**Reference:**

Education Code Section 70902(d)

The Chief Human Resources Officer is delegated responsibility from the Chancellor to recommend employment, develop job responsibilities, and perform other personnel actions provided that all federal and state law and regulations, Board Policies, and Administrative Procedures are followed.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****AP 7120 RECRUITMENT AND HIRING****References:**

Education Code Sections 87100 et seq., 87400, and 88003;  
WASC/ACCJC Accreditation Standard III.A

The Associate Vice Chancellor of Human Resources, under the direction of the Chancellor, is responsible for developing recruitment, selection, and professional development guidelines which will result in consistent employment of persons who complement and bring to the District particular talents, expertise, and varied backgrounds. These guidelines will ensure compliance with Federal and State laws and meet District staffing needs effectively and in a timely manner.

The Human Resources Department is responsible to the Chancellor for maintaining current descriptions of job duties and responsibilities and a roster of authorized positions for all academic and classified positions.

**Classified Employees**

The selection process to be followed in the hiring of classified employees is specified in the Classified Selection Procedures and maintained by the Human Resources Department.

Appointments to full-time classified positions are made by the Board based upon the recommendation of the Chancellor. The Associate Vice Chancellor of Human Resources will make recommendations to the Chancellor for any College classified appointments.

**Recruitment Process**

Before a position can be recruited via advertisement through the recruitment and selection process and prior to hiring a designated individual for a particular assignment other than substitutes (persons hired to replace employees on leave and persons needed for vacant positions), approval must be obtained through the immediate supervisor, appropriate Vice President, President or Vice Chancellor, Associate Vice Chancellor of Human Resources and the Executive Management Team.

Approval is required for regular, interim, full-time temporary, and short-term project based assignments. Definitions are as follows:

- Regular assignments are positions in the management, confidential, faculty and classified employee groups with Board approved job descriptions.

- Interim assignments are management positions where in-house recruitment is conducted within the District to find an employee to fill the assignment for the minimum time necessary to allow for full and open recruitment. Interim assignments are for no more than one year. The State Chancellor may approve an extension for one additional year if the District demonstrates “business necessity” as defined in Title 5 Section 53001.
- Full-time temporary assignments are faculty positions needed to replace resigned/retired employees who submitted their terminations within 45 days of the end of the academic year or at the end of the semester for which there is not enough time as determined by Human Resources to conduct a full and open recruitment.

All regular, interim, and full-time assignments require the completion of the online Personnel Requisition.

Also see BP/AP 3410 titled Nondiscrimination, BP/AP 3420 titled Equal Employment Opportunity, and AP 7236 titled Substitute and Short Term Employees.

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Policies 3.1.3, 3.2.2, 3.2.3, 3.2.4, and 3.4.2 as well as Procedures 3.1.3 and 3.7.4/3.7.5)*

**Human Resources**

**AP 7125 VERIFICATION OF ELIGIBILITY FOR EMPLOYMENT**

**Reference:**

8 U.S. Code Section 1324a

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

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

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

AND/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. 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.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*



**Human Resources****AP 7126 APPLICANT BACKGROUND CHECKS****References:**

Civil Code Section 47, 1785.16, 1785.20, and 1786.16 et seq.;  
Fair Credit Reporting Act (federal)

Applicants for positions may be subject to background or reference checks.

Where a background investigation is performed by a third party, the Human Resources Department shall make a clear and conspicuous disclosure to the applicant on a separate form before the report is procured. The applicant shall be provided an option to receive or not receive the report. If the applicant is not hired, or the District takes other action that adversely effects any applicant based in whole or in part upon the third-party report, the Human Resources Department shall provide oral, written, or electronic notice of:

- the adverse action to the applicant;
- the name, address, and telephone number of the third party agency that furnished the report;
- the applicant's right to obtain a free copy of the report; and
- the applicant's right to dispute the accuracy or completeness of any of the information in the report.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

Human Resources

**AP 7130 COMPENSATION**

**References:**

Education Code Sections 87801 and 88160;  
Government Code Section 53200;  
U.S. Department of Education regulations on the Integrity of Federal Student  
Financial Aid Programs under Title IV of the Higher Education Act of 1965, as  
amended

**Prohibition of Incentive Compensation**

Senior administrators and executive level employees who are only involved in the development of policy and do not engage in individual student contact or the other covered activities will not generally be subject to the incentive compensation ban.

Although athletic coaches may be covered employees, subject to certain limitations, and, based upon the District's determination on a case-by-case basis, coaching staff, and other athletic personnel may be exempt from the prohibition of incentive compensation.

The Chancellor shall identify any covered employees of the District and determine whether the District's compensation arrangements comport with the prohibition on incentive compensation, and to the extent that they do not, make necessary modifications to comply. Similarly, the Chancellor shall identify any covered service providers, evaluate whether the contract pricing structure is consistent with the prohibition on incentive compensation, and if not, determine what modifications the District can make to any applicable contract.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****AP 7145 PERSONNEL FILES****References:**

Education Code Section 87031;  
Labor Code Section 1198.5

Personnel records are private, accurate, complete, and permanent. Individual collective bargaining agreements for represented employees include additional detail regarding contents.

Every employee has the right to inspect personnel records pursuant to the Labor Code.

Information of a derogatory nature shall not be entered into an employee's personnel records unless and until the employee is given notice and an opportunity to review and comment on that information. The employee shall have the right to enter, and have his/her own comments attached to any derogatory statement. The review shall take place during normal business hours and the employee shall be released from duty for this purpose without salary reduction.

The employee shall not have the right to inspect personnel records at a time when the employee is actually required to render services to the District.

Nothing in this procedure shall entitle an employee to review ratings, reports, or records that:

- were obtained prior to the employment of the person involved,
- were prepared by identifiable examination committee members, or
- were obtained in connection with a promotional examination or interview.

**Review of Personnel Files**

An employee may review his/her personnel file by contacting the appropriate Human Resources Specialist and making an appointment. The Specialist will remain with the employee during the review process.

The employee will be required to sign a log that he/she reviewed the file on a specific date.

The Human Resources Specialist will witness by signature that the employee reviewed the file. The employee may request the Human Resources Specialist to make copies of documents in his/her file.

The employee's immediate supervisor and/or his/her supervisors to include the Chancellor may review an employee's personnel file by contacting the appropriate Human Resources Specialist.

The employee may authorize his/her representative to review his/her personnel file. Such authorization must be in writing to verify the signature of the employee. The representative shall contact the Human Resources Specialist to make arrangements for the review.

Contents of personnel files may be subpoenaed. The Human Resources Specialist will follow the terms and conditions of the subpoena.

More details regarding review of personnel files are contained in the collective bargaining agreements.

**Human Resources****AP 7150 EVALUATION****Reference:**

WASC/ACCJC Accreditation Standard III.A.1.b

Procedures for the regular evaluation of classified employees shall be maintained and distributed by the Human Resources Department.

Immediate supervisors are responsible for ensuring and/or completing performance appraisals for assigned staff in accordance with collective bargaining agreements. As a courtesy, the Human Resources Specialist will notify the immediate supervisor of employee evaluation one month prior to the due date.

The immediate supervisors shall refer to the respective collective bargaining agreement to identify the time and frequency of evaluations for new and continuing employees.

The supervisor shall meet with the employee to discuss the evaluation and obtain the employee's signature. If the employee refuses to sign the evaluation, the supervisor shall submit the evaluation to Human Resources along with a memo explaining why the signature was not obtained. The supervisor shall copy this memo along with the evaluation to the employee so the employee is aware the document will be filed in his/her personnel file.

Any "needs improvement" or "unsatisfactory" ratings require an improvement plan. The supervisor is encouraged to meet with the employee to develop the improvement plan which shall include a date to re-evaluate the employee. There shall be adequate time between the evaluations to address the improvements needed. The improvement plan must be attached to the performance evaluation at the time of submission to Human Resources.

Original evaluations completed by the supervisor will be forwarded to the Human Resources Specialist for filing in the employee's personnel file.

Prior to filing the documents in the employee's personnel file, the Human Resources Specialist will copy and forward any evaluation with a "needs to improve" or "unsatisfactory" ratings to the Associate Vice Chancellor of Human Resources or designee for the purpose of ensuring Human Resources procedures and collective bargaining agreements are being followed.

Also see BP/AP 2435 titled Evaluation of the Chancellor

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Policy 3.2.5 and  
Procedure 3.2.5)*

**Human Resources**

**AP 7160 PROFESSIONAL DEVELOPMENT**

**Reference:**

WASC/ACCJC Accreditation Standard III.A.5

Refer to specific collective bargaining agreements for detail on professional development benefits for employees. Whenever possible, District Human Resources will offer additional professional development opportunities to all employees on a regular basis.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****AP 7211 FACULTY SERVICE AREAS, MINIMUM QUALIFICATIONS, AND EQUIVALENCIES****References:**

Education Code Sections 87001, 87003, 87359, and 87743.2;  
Title 5 Sections 53400 et seq.

**Faculty Service Areas**

Faculty service areas shall be established after negotiation and consultation as required by law with the appropriate faculty representatives.

**Minimum Qualifications**

Faculty shall meet minimum qualifications established by the Board of Governors, or shall possess qualifications that are at least equivalent to the minimum qualifications set out in the regulations of the Board of Governors.

**Equivalencies Committee**

The Equivalencies Committee is a District standing committee established jointly with the Academic Senate to fulfill the requirement of Education Code Section 87359, which states that the equivalency process "shall include reasonable procedures to ensure that the Board of Trustees relies primarily upon the advice and judgment of the Academic Senate to determine that each individual employed under the authority granted by the regulations possesses qualifications that are at least equivalent to the applicable minimum qualifications..." In order to ensure that the Board of Trustees relies primarily on the advice and judgment of the Academic Senate, the Equivalencies Committee determines if the qualifications of an instructor are equivalent to the minimum qualifications required for a discipline.

**Membership**

- Vice President of Instruction, or designee, from each college.
- Four Academic Senate representatives, two from each college, each serving a two-year term. Terms shall be staggered. A minimum of two faculty members must be present to validate the committee's decisions regarding equivalency.
- Up to two (2) ad-hoc full-time faculty members, one from each college, in the discipline for which the equivalency is requested. A full-time faculty member from



a related discipline at the college requesting the equivalency may be recommended as the faculty discipline representative.

- The Equivalency Committee will be co-chaired by two of the Academic Senate representatives. Decisions will be determined by consensus.
- Human Resources personnel attend the Equivalency Committee meetings for the purpose of presenting requests, providing documentation as needed, and providing historical information and other information as needed for the Committee.

### **Definition of Equivalency**

Equivalency means equal to the minimum qualifications for a particular discipline as listed in *Minimum Qualifications for Faculty and Administrators in the California Community Colleges* (the “Disciplines List”), or to any higher qualifications for a specific discipline that have been recommended by the District Academic Senate and approved by the Board of Trustees.

- In some cases, this means equal to a Master’s degree in a discipline.
- In disciplines for which a Master’s degree is not generally available or expected it means equal to either a degree or a combination of degree and experience.

The Equivalency Committee may not modify or create new disciplines for the purpose of awarding equivalency. All modifications and additions to the Disciplines List must be approved by the Academic Senate and the Board of Trustees.

### **Determination of Equivalencies**

The Human Resources Department prepares for and participates in all equivalency meetings, and maintains District historical records of all faculty equivalency decisions. Equivalencies Committee meetings are coordinated by the Human Resources Department and scheduled as often as needed to meet the needs of the District.

The assigned Human Resources Specialist shall ensure that all equivalency procedures and appropriate documents are posted to the District website and appropriate equivalency forms are included in employment application materials.

The assigned Human Resources Specialist shall ensure that the most recent version of the Disciplines List is posted on the District website. A list of Board-approved local minimum qualifications will also be maintained and posted to the District website.

- All faculty position announcements will state the required qualifications as specified by the Disciplines List or, if established and approved by the Board of Trustees, the local qualifications, including the possibility of meeting the equivalent of the required degree or experience.
- District application forms for faculty positions will ask applicants to state whether they meet the minimum qualifications of the Disciplines List or whether they

believe they meet the equivalent. Those claiming equivalency will be asked to state their reasons and to present evidence, including at a minimum unofficial copies of all transcripts, both undergraduate and graduate.

- It will be the responsibility of the applicant to supply all evidence and documentation for the claim of equivalency at the time of application. Job announcements will include notification to applicants that they must provide conclusive evidence of equivalency and provide supporting documentation as appropriate.
- Candidates seeking equivalency will be informed by Human Resources staff. If equivalency is denied, a brief summary of the reasons for denial will be provided.

The Human Resources Department will first screen all qualified applicants, assuming that those claiming equivalency are in fact equivalent. Applicants with foreign degrees must provide an evaluation of foreign degree equivalency from a reputable evaluating organization. Before applicants have been selected for interview, those claiming equivalency will have their claims examined by the Equivalency Committee. Only applicants who are found to possess equivalent qualifications shall be selected for interview.

Equivalency is determined on the basis of the Disciplines List to include locally established minimum qualifications (see “Definition of Equivalency”, above). Equivalency is granted for an entire discipline, not for a specific class or classes.

The Equivalency Committee may not modify or create new disciplines for the purpose of awarding equivalency. All modifications and additions to the Disciplines List must be approved by the Academic Senate and the Board of Trustees.

### **Equivalency Criteria**

In evaluating the qualifications of applicants, the Equivalency Committee reviews transcripts and other supporting documents.

- The committee does not review responses to supplemental questions, diversity statements, cover letters, and the like.
- Degrees and coursework must be from accredited institutions.
- Equivalency granted by another community college district does not establish equivalency in this district.

### **Disciplines requiring a Master’s Degree**

Equivalency may be granted if the applicant possesses a Master’s degree but the title is not exactly the same as indicated in the minimum qualifications, as long as the degree is determined to be equivalent based on a review of the core coursework.

#### **Example:**

*Master’s in Politics and Public Policy instead of Master’s in Political Science*

*Master’s in Library and Information Systems instead of Master’s in Library Science*

Equivalency may also be granted if the applicant possesses a BA/BS degree and a minimum of 30 additional semester units of upper division/graduate level courses in the discipline from an accredited institution.

Rarely, in certain disciplines such as art, theater arts, dance, or music, a BFA (Bachelor's in Fine Arts) degree in the subject matter of the discipline may be combined with extensive, documented apprenticeship or internship programs and performance or exhibitions to provide evidence of equivalency to the Master's degree. This determination shall be made on a case-by-case basis. One full-time year of apprenticeship will typically be equivalent to one full-time semester of graduate study in the discipline. Performances and/or exhibitions following the apprenticeship may be evaluated to determine whether the skills gained from the apprenticeship constitute adequate preparation in the discipline.

Disciplines **not** requiring a Master's Degree:

For disciplines recognized by the State of California as not requiring a Master's degree, the minimum qualifications are any bachelor's degree and two years of professional experience, or any associate degree and six years of professional experience. The professional experience required must be directly related to the faculty member's teaching assignment.

Equivalency may be granted if the applicant possesses an AA/AS degree plus both of the following criteria:

1. 60 semester units of appropriate coursework in the discipline, as shown on transcripts from an accredited institution.
2. Two years of full-time occupational or teaching experience in a related area, showing a demonstrated level of achievement and breadth of understanding to be able to teach effectively in the discipline.

**Faculty Service Areas**

Full-time faculty are assigned to a Faculty Service Area (FSA) at the time of hire. Subsequently, a faculty member may apply to be granted a secondary FSA in accordance with article 28 of the agreement between the Association of College Educators (ACE) and the District. The purpose of securing a secondary FSA is to be placed by seniority in another position in the event of a reduction in force. The Faculty Service Area Committee makes recommendations on FSAs to the Associate Vice-Chancellor of Human Resources,

**FSA Committee Membership**

- Vice President of Instruction, or designee, from each college.
- Four Academic Senate representatives, two from each college, each serving a two-year term. Terms shall be staggered. A minimum of two faculty members must be present to validate the committee's decisions regarding equivalency.

- The Director of Human Resources or designee.
- Two ACE representatives, one from each college, appointed by ACE.

The FSA Committee will be co-chaired by two of the Academic Senate representatives. Decisions will be determined by consensus.

Applications for FSAs are available from and will be collected by Human Resources. On a regular basis, not less than once a semester, applications will be considered by the FSA committee. All applicants for a secondary FSA must possess minimum qualifications for the discipline of the FSA, and must establish “competency” (recency) as delineated in Article 28.

Once granted, an FSA remains in effect for five years. The faculty member is responsible for applying to renew an FSA, and for supplying all necessary documentation and evidence in support of the application or renewal request each time an FSA is requested.

Applicants shall be notified of the decision of the committee in writing by Human Resources within one week. If the decision is to deny the FSA a brief summary of the reasons for denial will be provided. If an application is denied, the applicant may appeal for reconsideration if additional evidence or information is provided to support the request.

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**Date Approved: January 18, 2012**  
*(This is a new procedure recommended by the  
Policy and Procedure Service)*  
**Updated December 12, 2014, Per  
Department of Human Resources**

**Human Resources****AP 7212 TEMPORARY FACULTY****References:**

Education Code Sections 87481, 87482, 87482.5, and 87482.8

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

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

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

Any person who is employed to teach classes for not more than 67 percent of the hours per week that are considered a full-time assignment for regular employees having comparable duties shall be classified as a temporary employee, and shall not become a contract employee. However, any agreement prior to January 1, 2009, to limit temporary faculty members to 60 percent of the hours per week that are considered a full-time assignment will govern until the expiration of the agreement. Service as a substitute on a day-to-day basis shall not be used for purposes of calculating eligibility for contract or regular status.

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

### **Associate Faculty**

The need for associate faculty is determined by the respective colleges. Associate faculty are members of ACE and are subject to the collective bargaining agreement between the District and ACE.

### **Temporary Faculty**

The need for temporary faculty (full-time) for a semester or annual basis is determined by the College President. The President or designee shall complete the online Personnel Requisition Form and obtain the appropriate approval through the Executive Management Team prior to any discussion of employment with a prospective person.

The benefits for the temporary faculty hired on a full-time basis and paid on the full-time faculty salary schedule are:

- Lowest cost medical plan for employee and eligible dependents at the time of employment. Temporary faculty may participate in other plans at their expense;
- Dental plan for employee and dependents

These procedures are subject to annual review by the Associate Vice Chancellor of Human Resources and the Executive Management Team. The coverage is subject to change contingent on the faculty collective bargaining agreement. Temporary faculty are not part of the ACE collective bargaining agreement.

Temporary faculty are not eligible for life insurance, long-term disability or state disability insurance.

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**Date Approved: January 18, 2012**

*(Replaces current WVMCCD Procedure 3.4.4)*

**Human Resources**

**AP 7214 PART TIME FACULTY: OFFICE HOURS**

**References:**

Education Code Section 87880;  
Article 100.7 CBA between ACE and WVMCCD

Associate members are responsible for keeping office hours for each class taught. Office hours shall be a minimum of .5 hours for each class taught.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****AP 7215 ACADEMIC EMPLOYEES: PROBATIONARY CONTRACT FACULTY****References:**

Education Code Sections 87600 et seq.;  
Article 26 CBA between ACE and WVMCCD

The District shall employ a faculty member for the first academic year of his/her employment by contract. Any person who, at the time an employment contract is offered to him/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/her employment."

A faculty member shall be deemed to have completed his/her first contract year if he/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.
- The Board shall receive statements of the most recent evaluations.
- The Board shall receive recommendations of the Chancellor
- The 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/her first contract, the 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/her second contract, the 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/her third consecutive contract, the 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 Board of Trustees 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 District personnel office. Failure to give the notice as required to a contract employee under his/her first or second contract shall be deemed an extension of the existing contract without change for the following academic year.

The Board of Trustees 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 District personnel office. Failure to give the notice as required to a contract employee under his/her third consecutive contract shall be deemed a decision to employ him/her as a regular employee for all subsequent academic years.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources**

**AP 7216 ACADEMIC EMPLOYEES: GRIEVANCE PROCEDURE FOR CONTRACT DECISIONS**

**References:**

Education Code Section 87610.1;  
Article 48 CBA between ACE and WVMCCD

Grievance procedures are outlined in Article 48 in the CBA between ACE and WVMCCD. Associate faculty member procedures are outlined in Article 111.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the Policy and Procedure Service)*

**Human Resources****AP 7231 SENIORITY****References:**

Education Code Sections 87743 et seq., 88017(b), 88117, and 88127;  
Collective bargaining agreements between unit and WVMCCD

Seniority calculation procedures and definitions are outlined in CBA between respective units and WVMCCD.

Temporary FT Faculty who went immediately to permanent FT and who did not draw a number in the correct year (the temporary year) will have the opportunity to draw a number based on the following procedure:

1. Count the number of faculty who did draw that year, for example if there were 5, we add 1 (for the drawer) and create 6 slips of papers with numbers.
2. The 6 numbers should be 0.5, 1.5, 2.5, 3.5, 4.5, 5.5 (if we use these numbers then the person who is selecting will not draw a number that had already been drawn; he or she will be drawing a unique number that will place him or her somewhere within the group).
3. The person draws
4. The number is assigned within the group accordingly; for example, if 2.5 is drawn, then the person will be placed below the person who had drawn number "2" as a seniority number.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****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.

Review of class specifications shall be undertaken regularly to revise and update the duties and/or responsibilities of positions in the classified service.

Individual classification reviews will proceed as outlined below:

An administrator may request a position(s) be reclassified based on reclassification criteria listed below.

1. Departmental responsibilities require significant job duties be added to a specific position(s) or
2. Significant changes in level of responsibility be added to a specific position(s).

Any reclassification that is part of a departmental reorganization has additional steps.

**Making a Request**

1. The administrator shall complete the District Initiated Reclassification form and obtain approval to make the request to the Associate Vice Chancellor of Human Resources.
2. The administrator shall attach any supporting documents to the form.
3. The administrator shall bear the burden of proof in respect to presenting his/her facts and substantiating evidence that the request is justified.
4. The Associate Vice Chancellor or designee shall have 90 calendar days to complete the review which includes, but is not limited to, the following:

- a. Meeting with the administrator
  - b. Requesting additional information or seeking information from outside the District
  - c. Evaluating the request to ensure the reclassification is justifiable
  - d. Evaluating the impact of the reclassification on other positions within the District
  - e. Conducting an external review if necessary
  - f. Discussing the reclassification with the College President or Vice Chancellor
  - g. Discussing the reclassification with the appropriate union or employee group representative
  - h. Rendering a decision
5. Once the decision is made, the Associate Vice Chancellor of Human Resources will forward the recommendation on the reclassification to the administrator and any affected employees. The administrator and any affected employees will have ten (10) working days to discuss the recommendation with the Associate Vice Chancellor.
  6. Any recommendation to change the salary of the position(s) will be submitted to the Board of Trustees for final approval.
  7. The effective date of any salary recommendation will be the day after Board approval, except for WVMCEA: "retroactive to date received by HR."

**Human Resources****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 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/her salary is adjusted upward for the entire period he/she is required to work out of classification and in amounts that will reasonably reflect the duties required to be performed outside his/her normal assigned duties.

Out-of-class assignments are those wherein a) an employee is on an extended leave of absence of three workweeks or more and the work must be performed and b) when there is a vacant or new position in the process of being recruited where the services are required or needed to meet department operational commitments. The use of out-of-class assignments in vacant positions is intended for short-periods of time. Administrators shall submit a written rationale to justify the need for out-of-class assignments.

The person serving in the out-of-class assignment must be performing all or a majority of the duties in the temporary assignment to receive the out-of-class pay.

As a general rule, all staff assigned to serve in out-of-class assignments should meet minimum qualifications of the position. If the position is subsequently advertised, all candidates including the person serving in the out-of-class assignment must meet the minimum qualifications as verified by the Human Resources Department to be eligible to be considered for the position.

All out-of-class assignments must have prior authorization of the immediate supervisor, the department administrator, the Associate Vice Chancellor of Human Resources or designee before the work is performed.

Other than assignments based on leaves of absence and reorganization, no out-of-class assignment may exceed sixty (60) calendar days without prior authorization of the Associate Vice Chancellor of Human Resources.

Making out-of-class assignments in vacant positions does not negate the responsibility of the administration in recruiting immediately for vacant positions. Out-of-class assignments in vacant positions will not be extended beyond the 60 calendar days unless the recruitment to fill the vacant positions falls under one of the following circumstances:

- In order to extend the same employee for a 2nd 60-day period, the 1st level interviews for the vacant position must be scheduled.
- If the original recruitment deadline was extended by Human Resources, a request may be made to extend the same employee for a 2nd 60-day period, without having to meet the 1st level interview criteria above.

An out-of-class employee may only be extended one time. If there is still a need for an out-of-class assignment, another person will need to be substituted.

Out-of-class assignments in vacant management positions shall not be made. All vacant management positions to be filled on a temporary basis must be advertised internally as interim appointments in accordance with Title 5 regulations. A vacant position is one wherein the regular employee assigned to the position has resigned or retired.

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**Date Approved: January 18, 2012**  
(Replaces current WVMCCD Un-numbered  
Procedure )

**Human Resources****AP 7234 OVERTIME****References:**

Education Code Sections 88027, 88028, 88029, and 88030

Overtime is described in the Education Code in several sections and is defined as: “any time required to be worked in excess of eight (8) hours in any one day; necessary to carry on the business of the District; and work required to be performed beyond the forty (40) hours.” Overtime is defined to include any time required to be worked in excess of eight hours in any one day and in excess of 40 hours in any calendar week. If the Board establishes a workday of less than eight hours but seven hours or more and a workweek of less than 40 hours but thirty-five (35) hours or more for all of its classified positions or for certain classes of classified positions, all time worked in excess of the established workday and workweek shall be deemed to be overtime.

The foregoing provisions do not apply to:

- classified positions for which a workday of fewer than seven hours and a workweek of fewer than 35 hours has been established;
- positions for which a workday of eight hours and a workweek of 40 hours has been established, but in which positions employees are temporarily assigned to work fewer than eight hours per day or 40 hours per week when such reduction in hours is necessary to avoid layoffs for lack of work or lack of funds and the consent of the majority of affected employees to such reduction in hours has been first obtained.

Staff who work less than full-time are paid their regular hourly rate until they exceed 7 ½ or 8 hours (and 37 ½ or 40 hours per week) unless specified otherwise in the respective collective bargaining agreement.

For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leave of absence shall be considered as time worked by the employee.

When compensatory time off is authorized in lieu of cash compensation, such compensatory time off shall be granted within twelve (12) calendar months following the month in which the overtime was worked and without impairing the services rendered by the District.



An employee having an average workday of less than four hours during a workweek shall, for any work required to be performed on the seventh day following the commencement of his/her workweek, be compensated for at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

Persons serving in supervisory, administrative, or executive positions shall be excluded from these procedures regarding overtime.

Employees who are in the WVMCEA, POA, Confidential and Teamsters employee groups are eligible for overtime.

Overtime and/or compensatory time shall be provided based on the guidelines listed below. Overtime is not required for voluntary attendance at meetings or conferences outside of the normal workday or workweek.

1. Employee obtains prior approval in accordance with the collective bargaining agreement and District procedures.
2. Employee performs work in excess of normal workday exceeding 7 ½ or 8 hours per day.
3. Employee performs work in excess of 37 ½ or 40 hours per week.
4. Employee is required to attend a work-related seminar or conference as directed by the supervisor/administrator on a weekend. Employees attending required seminars or conferences at the supervisor's direction will be paid for the specific time of the seminar or conference and travel time to the conference and the return when the seminar/conference occurs on a weekend. Employees will be paid for mileage and meals in accordance with collective bargaining agreements and / or District policies and procedures as appropriate.

**Example:**

The conference lasts 2 days, 6 hours on one day and 3 hours on the second day. It took 2 hours to get to the conference location. The employee would be paid 9 hours overtime for the conference and 4 hours travel time. The total overtime is 13 hours.

5. Employee may be required to participate in seminars, conferences or meetings during the workweek, which may also exceed the normal workday. The following information will assist you in determining if the employee is eligible for overtime:
  - a. Travel and conference time exceeds the normal workday.
  - b. Normal travel time to work may be more or less to attend conference.

- c. Travel and conference time combined was less than the normal workday.
- d. Conference itinerary includes required and optional activities, which you may or may not approve.
- e. Conference and travel time to conference allows for the employee to return to work.

### **Administrator Responsibility**

1. Ensure employees are given paid overtime or compensatory time in accordance with collective bargaining agreements and policies/procedures.
2. Ensure employees work their assigned time. Employees and supervisors may adjust the work schedules to allow for doctor's appointments, etc.
3. Consistency in treatment of employees.

**Human Resources**

**AP 7235 PROBATIONARY PERIOD: CLASSIFIED EMPLOYEES**

**References:**

Education Code Section 88013;

Collective Bargaining Agreement between units and WVMCCD

Probationary periods are defined per collective bargaining agreements (CBA) between respective units and the District.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources**

**AP 7236 SUBSTITUTE AND SHORT TERM EMPLOYEES**

**Reference:**

Education Code Section 88003

"Substitute employee" means any person employed to replace any classified employee who is temporarily absent from duty. In addition, one or more substitute employees may be hired for not more than the period that is in the collective bargaining agreement if the District is engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position.

"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.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****AP 7250 EDUCATIONAL AND CLASSIFIED ADMINISTRATORS****References:**

Education Code Sections 72411 et seq., 87002(b), and 87457-87460;  
Government Code Section 3540.1(g) and (m)

Administrators are expected to provide for the efficient and effective administration of District and College programs. They are expected to be supportive of decisions made, treat each other with respect and consideration, and maintain a spirit of collaboration and collegiality within the shared governance framework. They are expected to be knowledgeable about District policies and procedures and applicable collective bargaining agreements.

Administrators will be responsible to the Chancellor and/or their direct supervisor for the efficient administration of the programs of the District. They have responsibilities for providing educational leadership and support services; formulating, recommending, and implementing District policies; administering District programs; adjudicating grievances; and for supervising and evaluating the performance of District faculty and staff.

In addition to those expectations and the specific duties listed in each job description, each administrator will be required:

- To administer College or District programs;
- To implement College or District policies and procedures and make policy and procedural recommendations;
- To manage their budgets and other resources effectively;
- To be responsible and accountable for the effective, efficient, ethical, and productive utilization of available human and physical resources to accomplish the goals and objectives established for their areas of responsibility;
- To keep informed of developments relative to their areas of responsibility and maintain a creative and experimental attitude toward change;
- To make recommendations regarding the organizational structure and personnel needs for their areas of responsibility;

- To participate in the selection and evaluation of personnel and to make recommendations regarding personnel within their areas;
- To establish and maintain, within their areas of responsibility, a climate that encourages the development and retention of competent personnel and achieves College and District objectives;
- To maintain effective channels of communication;
- To promote participatory governance and administrative effort within the College and District communities by working in a cooperative manner with faculty, staff, students, and other administrators;
- To establish positive relationships with the communities served by the District and its Colleges, and other educational institutions;
- To serve on committees and councils as directed;
- To attend professional meetings;
- To perform other duties as assigned or delegated.

Also see BP/AP 7260 titled Classified Administrators

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**Date Approved: January 18, 2012**  
(Replaces current WVMCCD Policies 2.17.1,  
2.17.2, and 2.17.3)

**Human Resources****AP 7270 STUDENT WORKERS****References:**

Education Code Sections 69960(f) and 88003

In accordance with Education Code Section 88003, a student worker is defined as: Fulltime students employed part time, and part-time students employed part time in any college work-study program, or in a work experience education program conducted by a community college district and who are financed by state or federal funds. Student workers shall not be a part of the classified service. Employment of either full-time or part-time students in any college work-study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.

The West Valley-Mission Community College District employs student workers to provide an opportunity for them to learn job skills to be successful in the workplace while enrolled as a student in the District. Student workers may assist regular employees in the performance of their duties, but students shall not be employed to perform duties normally performed by regular employees when they are on leave of absence or who have resigned/retired.

Students cannot work as student workers and as short-term classified employees (seasonal, substitute/replacement, or project-based) because earnings are subject to different tax tables limiting payroll flexibility.

Student workers are not eligible for health and welfare benefits or unemployment insurance or any other benefits afforded regular employees.

The Associate Vice Chancellor of Human Resources shall annually review the student worker salary schedule and make appropriate recommendations, if needed, to the Board of Trustees.

All employing administrators must adhere to Board policy when employing student workers.

**Eligibility**

Student workers are students enrolled in the District, either at West Valley College or Mission College. Students enrolled at other institutions who wish to work at WVMCCD

are not eligible to work as student workers. They may be considered for short-term employment, subject to short-term employment procedures.

Student workers are generally at least eighteen (18) years of age. If the student is less than 18 years of age but at least sixteen (16) years of age, the student must provide a student worker permit issued by the high school of enrollment or another issuing authority.

To work during the Fall and Spring semesters, student workers must be enrolled in at least six (6) semester units at West Valley College or Mission College.

To work during the Summer sessions, student workers must be enrolled in at least three (3) units or they must have been enrolled during the preceding Spring semester for at least six (6) semester units and be eligible to enroll in the Fall semester. Enrollment in summer courses is not required; however, unless the student is enrolled in at least three (3) units during the Summer semester, FICA taxes will be withheld.

To work during the Winter session, student workers must have been enrolled during the preceding Fall semester for at least six (6) semester units and be eligible to enroll in the Spring semester.

International students must be enrolled in twelve (12) units each semester.

If the student drops his/her classes and is enrolled in less than the required units noted above, they lose their eligibility and are not able to continue working as a student worker.

This also applies to work study students unless the federally funded programs have different eligibility requirements.

Student workers are responsible for notifying the Human Resources Department of any name and/or address changes.

### **Work Hours**

Student workers may work up to 18 hours per week when school is in session (Fall & Spring semesters) and up to 37.5 hours per week when school is not in session (Summer sessions and Winter session). However, student workers in the Child Development Program may work additional hours for regular employees who are absent or taking breaks and to complete the learning experience to fulfill the requirements of the Early Childhood Education Program. (IRS Rev. Procedure 98-16). In the case of students with high school worker permits, the terms of the permit must be followed.

The 18 and 37.5 hour maximums include all hours worked regardless of the number of positions held within the District. Student workers who are employed in more than one department need to communicate with all supervisors involved so that their work schedule may be coordinated accordingly, to be sure that they are not working more



than the maximum hours per week. Assigning overtime to student workers is not permissible.

Should student workers become eligible for overtime due to an error in assignment, they are not eligible for overtime until they work 8 hours per day or 40 hours per week.

**Mission College Child Development Work Hours:**

Student workers in the Mission College Child Development Program are students in the program who must have a specific number of semester units in child development courses to be eligible to work. To meet state requirements for adult and child ratios, students may work more than 18 hours per week depending on the student worker level of responsibility but not more than 35 hours per week. The maximum number of hours worked and the required semester units are:

CDC I – on call, substitute (up to 35 hours p/wk) (Requires completion of 6 ECE semester units)

CDC II – (up to 18 hours p/wk) (Requires completion of 6 ECE semester units)

CDC III – (up to 21 hours p/wk) (Requires completion of 9 ECE semester units)

CDC IV – Intern (up to 25 hours p/wk) (requires completion of Section CHD 008; concurrent enrollment in Section CHD 009)

**Employment**

Each employing administrator is responsible for:

- knowledge of the procedures for the employment of student workers,
- following the procedures,
- ensuring that the student is enrolled in the appropriate units,
- reviewing the number of classes enrolled at the end of the drop period,
- processing the appropriate student worker documents,
- notifying the Payroll Department when the student worker is not enrolled in the required units and is no longer eligible for employment, and
- notifying the student worker of their ineligibility and no longer allowing them to work until they re-establish their eligibility.

The Human Resources Department will provide employment packets for student workers which will include a cover letter of instructions and additional information on pay

dates and how to receive paychecks. The packets will contain a copy of the appropriate forms, salary schedule, and pertinent Board policies.

**Salary Schedule**

Student workers are paid on the Student Worker Salary Schedule approved by the Board of Trustees. All student workers must be paid on this schedule.

The skill level and step placement are determined by the immediate supervisor or administrator.

**Human Resources**

**AP 7310 NEPOTISM**

**References:**

Government Code Sections 1090 et seq.; and 12940 et seq.

In the event employees decide to live in the same household, the District shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale. The District may affect a transfer or take other appropriate action to avoid these problems.

No District employee or Board member shall serve on a committee for the purpose of selecting or evaluating an employment candidate if he/she is in the immediate family, living in the same household, or romantically involved with any candidate being considered.

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Policies 2.13.2  
and 2.13.3)*

**Human Resources**

**AP 7330 COMMUNICABLE DISEASE**

**References:**

Education Code Sections 87408, 87408.6, and 88021

For all current employees:

- A medical certificate is required showing that the new hire is free from any communicable disease, including, but not limited to, active tuberculosis, unfitting the applicant to instruct or associate with students.
- The medical certificate shall be submitted by a physician as authorized by code.
- The medical examination is conducted not more than six months before the submission of the certificate and is at the expense of the applicant.
- A contract of employment may be offered to an applicant subject to the submission of the required medical certificate.
- The medical certificate becomes a part of the personnel record of the employee and is open to the employee or his/her designee.

“Communicable disease” also includes (but is not limited) to hepatitis.

Also see AP 7336 titled Certification of Freedom from Tuberculosis

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****AP 7336 CERTIFICATION OF FREEDOM FROM TUBERCULOSIS****References:**

Education Code Section 87408.6;  
Health and Safety Code Section 121525

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 sixty (60) days to determine that he/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, that, 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.

The Associate Vice Chancellor for Human Resources 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 regularly 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/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/her knowledge and belief he/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/she may be excluded from service until the Associate Vice Chancellor for Human Resources is satisfied that he/she is not so afflicted.

A person who transfers his/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 shows that he/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/her that it has a certificate on file that contains that showing.

A person who transfers his/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 Health and Safety Code Section 121525 that shows that he/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/her that it has the certificate on file.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****AP 7337 FINGERPRINTING / LIVE SCAN / BACKGROUND****References:**

Education Code Sections 87013, 87400 - 87488 and 88024;  
Penal Code Sections 11102.2 and 11077.1

The Human Resources (HR) department authorizes the District Police Department to initiate a combined California Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) Background Check concurrent with the personnel action (hiring, transfer, promotion, reclassification, or reassignment of job duties) of an individual, but no later than **five days prior** to a new employee's start date.

When the individual is already an employee in the District, an additional criminal background check must be initiated and completed before the individual can begin working in a sensitive position such as the District Police.

The combined DOJ and FBI background checks use fingerprints to look for criminal convictions through the Live Scan System. The Live Scan System transmits fingerprints electronically to DOJ databases in Sacramento, California for State of California conviction results, and to the FBI for a national criminal conviction check.

Upon hire, all new employees shall be required to obtain a Live Scan application from District Police and complete the Live Scan process. The District Police, will then work with Human Resources, in the event that a criminal history is discovered. Live Scan application receipts shall be kept in the Human Resources Department.

Live Scan procedure guidelines are maintained in the Human Resources and District Police Departments.

**Human Resources****AP 7340 LEAVES****References:**

Education Code Sections 87763 et seq. and 88190 et seq.;  
Labor Code Section 234

Various types of leave of absence are noted in collective bargaining agreements. The following is the process to be followed when requesting a leave of absence.

- Complete the Request for Leave of Absence form.
- To ensure timeliness of submission and the approval process, please refer to the instructions before completing the Request for Leave of Absence form.
- When requesting a leave which requires use of sick leave for more than day-to-day sick leave, submit a completed Request for Leave of Absence form with the Physicians Verification or Medical Certification Statement to the immediate supervisor.
- The supervisor shall forward the Request for Leave of Absence complete with the Physicians Verification or Medical Certification Statement to the appropriate Human Resources Specialist.
- Leaves requiring Board of Trustees approval will be placed on a Board agenda by Human Resources.
- Human Resources will notify employees of approvals and/or denials of all leave requests.

Also see BP 7340 titled Leaves, AP 7341 titled Sabbaticals, AP 7342 titled Holidays, AP 7343 titled Industrial Accident and Illness Leave, AP 7344 titled Notifying District of Absence/Illness, BP/AP 7345 titled Catastrophic Leave, AP 7346 titled Employees Called to Military Duty, and AP 7347 titled Paid Family Leave.

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**Date Approved: January 18, 2012**

*(Replaces current WVMCCD Procedure  
3.16.1)*



**Human Resources****AP 7341 SABBATICALS****References:**

Education Code Sections 87767 et seq.

The District may grant a leave of absence for study and travel (sabbatical) under to any academic employee who has rendered service to the District for at least six (6) consecutive years preceding the granting of the leave, but not more than one such leave of absence shall be granted in each six-year period.

No absence from the service of the District under a leave of absence, other than another sabbatical leave, shall be deemed a break in the continuity of service required by this section, and the period of the absence shall not be included as service in computing the six consecutive years of service required by this section.

Service under a national recognized fellowship or foundation approved by the Board of Governors, for a period of not more than one year, for research, teaching or lecturing shall not be deemed a break in continuity of service, and the period of the absence shall be included in computing the six consecutive years of service required by this section.

Every employee, as a condition to being granted a leave of absence pursuant to this procedure, shall agree in writing to render a period of service to the District following his/her return from the leave of absence that is equal to twice the period of the leave.

A written compliance report shall be filed with the Sabbatical Leave Committee by the fifth Friday of the semester of a member's return to duty. The compliance report shall consist of the end products indicated in the proposal and documentation demonstrating that the member has completed all tasks delineated within the proposal.

The Committee shall review the report for compliance with the member's proposal. Unsatisfactory reports shall be returned to the member for revision. Revised reports must be received by the committee within thirty (30) days of their return to the member. Extensions to those deadlines may be granted by the committee. Such extensions can only be granted in writing upon receipt of a written request from the members.

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**Date Approved: January 18, 2012**

*This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****AP 7343 INDUSTRIAL ACCIDENT AND ILLNESS LEAVE****References:**

Education Code Sections 87787 and 88192

**Academic Employees**

Academic employees shall be entitled to not less than sixty (60) days leave on account of an industrial accident or illness in any one fiscal year for the same accident.

Allowable leave shall not be accumulated from year to year.

Industrial accident or illness leave shall commence on the first day of absence.

When an academic employee is absent from his/her duties on account of an industrial accident or illness, the employee shall be paid the portion of the salary due him/her for any month in which the absence occurs as, when added to his/her temporary disability indemnity under the Labor Code, will result in a payment to the employee of not more than his/her full salary. "Full salary," shall be computed so that it shall not be less than the employee's "average weekly earnings" as that phrase is used in Labor Code Section 4453. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in Labor Code Section 4453 shall otherwise not be deemed applicable.

Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award.

When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him/her for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Education Code Sections 87780, 87781 and 87786, and, for the purposes of each of these sections, his/her absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave. However, if the employee continues to receive temporary disability indemnity, he/she may elect to take as much of his/her accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than his/her full salary.

During any paid leave of absence, the employee may endorse to the District the temporary disability indemnity checks received on account of his/her industrial accident or illness. The District shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the salary warrants.

Any employee receiving benefits as a result of this section, during periods of injury or illness, shall remain within the State of California unless the Chancellor authorizes travel outside the state.

### **Classified Employees**

Classified employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness, in any one fiscal year for the same accident.

Allowable leave shall not be accumulative from year to year.

Industrial accident or illness leave of absence will commence on the first day of absence.

Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.

Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workers' compensation.

When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Education Code Section 88191. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation, the person shall be entitled to use only so much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

During all paid leaves of absence, whether industrial accident leave as provided in this procedure, sick leave, vacation, compensated time off or other available leave provided by law or the action of the District, the employee shall endorse to the District wage loss

benefit checks received under the workers' compensation laws of this state. The District, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this procedure.

When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of the person's position, the person, if not placed in another position, shall be placed on a reemployment list for a period of thirty-nine (39) months. When available, during the 39 month period, the person shall be employed in a vacant position in the class of the person's previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations.

The Board of Trustees may require that an employee serve, or have served continuously, a specified period of time before the benefits provided by this section are made available to the person. All service of an employee prior to the effective date of any such requirement shall be credited in determining compliance with the requirement.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the Chancellor authorizes travel outside the state.

An employee who has been placed on a reemployment list, as provided above, who has been medically released for return to duty and who fails to accept an appropriate assignment, shall be dismissed.

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**Date Approved: January 18, 2012**

*This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****AP 7344 NOTIFYING DISTRICT OF ABSENCE/ILLNESS****References:**

Collective Bargaining Agreements between units and WVMCCD

Procedures are outlined in respective Collective Bargaining Agreements (CBAs) between units and WVMCCD.

Individual departments are responsible for establishing protocols for absence notification.

Employees must follow department call-in procedures to notify the department of the reason for lateness and expected arrival time.

Unless the collective bargaining agreement provides otherwise, employees are required to complete absence forms upon return from absence as follows:

- Submit completed absence report forms to the Human Resources Specialist (hereafter referred to as Specialist).
- Incomplete or incorrect absence reports will be returned to the employee's supervisor for correction.
- Full-time classified employee:
  - Use Classified Employee Absence Report form – obtain from Supervisor.
- Full-time academic faculty:
  - For Absence from regular class load: Use Academic Absence form – obtain from department Senior Office Coordinator (SOC).
  - For Absence from overload class: Use the Hourly / Overload Absence form.
- Part-time associate faculty or full-time academic – overload:
  - Use the Hourly / Overload Absence form.

- Complete Hourly/Overload Absence form and retain a copy for employee records.

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Policies 3.6.1  
and 3.6.2 and Procedure 3.9.3)*

**Human Resources****AP 7345 CATASTROPHIC LEAVE****Reference:**

Education Code Section 87045

The District has established 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/her family suffers from a catastrophic illness or injury. Permanent and contract employees have the option to donate accrued sick leave to be used by another employee who has, due to a catastrophic illness or injury, exhausted all paid leave.

**Definitions**

- a. "Catastrophic illness or injury" is defined as an illness or injury that has incapacitated and is expected to completely incapacitate an employee for an extended period of time, and requires the employee to be absent from work full time.
- b. Examples of catastrophic illness or injury include, but are not limited to: cancer, heart attacks or strokes, severe respiratory conditions, spinal injuries, emphysema, severe arthritis, severe nervous disorders, and Alzheimer's.
- c. "Eligible leave credits" means sick leave accrued to the donating employee.

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

- 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.
- The Associate Vice Chancellor of Human Resources or designee determines that the employee is unable to work due to the employee's or his/her family member's catastrophic illness or injury.
- The employee has exhausted all accrued paid leave credits. If the transfer of eligible leave credits is approved, any employee may, upon written notice, donate eligible leave credits at a minimum of eight hours and in hour increments thereafter.

The maximum amount of time for which donated leave credits may be used shall not exceed use for a maximum period of twelve (12) consecutive months.

Verification of catastrophic injury or illness shall be required.

All transfers of eligible leave credit shall be irrevocable.

An employee who receives paid leave pursuant to this procedure shall use any leave credits that he/she continues to accrue on a monthly basis prior to receiving such leave.

#### Donation of Sick Leave

- a. Employees who donate sick leave must retain the equivalent of at least thirty (30) days of accrued sick leave before becoming eligible to donate sick leave to cover catastrophic leave.
- b. Employees may donate leave in a minimum increment of eight (8) hours.
- c. All donations of leave credit are irrevocable.
- d. Employees must fill out a form, to be supplied by Human Resources, in order to donate sick leave to cover catastrophic leave.

#### Requests for Catastrophic Leave

- a. Requests for catastrophic leave must be in writing.
- b. The District shall determine whether an employee is eligible to receive donated leave credit.
- c. Employees on catastrophic leave shall continue to use any leave credit they accrue on a monthly basis, prior to receiving catastrophic leave.
- d. The maximum amount of time that donated leave credits may be used shall not exceed 12 consecutive months.



**Human Resources****AP 7346 EMPLOYEES CALLED TO MILITARY DUTY****References:**

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

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

**Leave**

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

**Salary**

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

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

- 1) Employees returning from military leave shall have their salary adjusted to reflect changes to the salary schedule. No adjustment will be made for merit increases.

## **Health Benefits**

1. An employee on military leave for less than thirty-one (31) calendar days shall continue to receive health insurance benefits.
2. Employees on leave for longer than thirty (30) days may elect to continue health care coverage for themselves and their eligible dependents for a maximum period of eighteen (18) months.
3. Returning veteran employees whose coverage was terminated because of military leave will not be subject to any exclusion or waiting period prior to reinstatement of health coverage.

## **Vacation and Sick Leave**

1. Employees on military leave accrue any benefits the District provides to other employees, e.g. if employees on other approved leaves are permitted to accrue vacation or sick leave, employees on military leave will do so as well.
2. Employees on military leave shall accrue any benefits afforded by any collective bargaining agreement negotiated during their absence.
3. Any employee on temporary military leave for training who has worked for the District for at least one (1) year shall continue to accrue vacation, sick leave, and holiday privileges up to a maximum period of 180 days.
  - a. Reinstatement  
An employee on active military leave shall be entitled to return to the position held by him/her at the time of his/her entrance into the service within six (6) months after the employee honorably leaves the service or is placed on inactive duty.
    - 1) In the case of a contract academic employee, absence on military leave shall not count as part of the service required for the acquisition of tenure, but the absence shall not be construed as a break in the continuity of service. If the employee was employed by the District for more than one (1) year, but had not yet become a regular academic employee of the District, he or she is entitled to return to the position for the period of time his/her contract of employment had to run at the time he or she entered military service.

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

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**Date Approved: January 18, 2012**  
(Replaces current WVMCCD Procedure  
3.19.8)

**Human Resources****AP 7347 PAID FAMILY LEAVE****References:**

Unemployment Insurance Code Sections 3300 – 3303

Effective July 1, 2004, employees who contribute to the state's unemployment compensation disability insurance (SDI) program shall be eligible for up to six weeks of Family Temporary Disability Leave (FTDL). This leave is funded entirely through employee contributions and payments are equal to those the employee would receive for other SDI leave.

The employee may take the leave to care for:

- His/her own non-work-related serious health condition (including pregnancy-related disability);
- a child, spouse, parent, or domestic partner with a serious health condition; or
- to bond with a new child.

“Serious health condition” is defined exactly the same as in the Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

An employee requesting FTDL leave:

- is eligible for the leave once in a 12-month period;
- is subject to a seven day waiting period;
- may be required to use up to two weeks of accrued but unused vacation leave before beginning FTDL (including the seven day waiting period); and
- may have his/her time run concurrently with FMLA/CFRA leave.

An employee is not eligible for this leave if:

- he/she is receiving unemployment benefits;
- he/she is entitled to receive workers' compensation benefits;

- he/she is eligible for SDI or disability benefits from another state;
- another family member is “able and available” to provide care.

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**Date Approved: January 18, 2012**  
*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****AP 7350 RESIGNATIONS****References:**

Education Code Sections 87730 and 88201

Employees who resign or retire from the District are expected to provide written advance notice. Advance notice of two (2) weeks is appreciated. One (1) month's notice is preferred in the event of a retirement. When notice is given, it should be directed to the employee's department and to Human Resources.

Individuals who leave employment with the District are expected to return District property, and satisfy outstanding financial or other obligations before the last workday. Administrators are responsible for ensuring that all District property is obtained from all terminating employees and that financial obligations are satisfied.

Upon termination of employment, the supervisor must make appropriate arrangements to discontinue an employee's password and/or access to all District information systems. This may include, but is not limited to, financial, employee, departmental, local area network, and student information systems and e-mail accounts. It also includes building and petty cash security system codes and combinations to which the employee may have had access.

All employees whether they are resigning or retiring must submit a letter of resignation or complete an Employee Separation Form (available on the District website) and submit a copy to his/her department supervisor and send the original to the Human Resources Department.

The date the resignation will become effective as determined by the Human Resources Department which shall not be later than the last paid day of paid service in the employee's regular assignment. For employees who retire from the District, the resignation date must be prior to the retirement date. The retirement date should be discussed with a PERS/STRS representative.

All voluntary letters of resignation in lieu of the Employee Separation Form are subject to the approval of the Associate Vice Chancellor of Human Resources. Letters may not include "intention" to resign or retire and may not include "any special conditions of resignation or retirement" outside those already provided in the employee handbooks and/or collective bargaining agreements. Unacceptable letters or resignation forms not complying with policy or these administrative procedures will be returned to the employee with an explanation.

The District retains the right to negotiate employee resignations when it is determined to be in the best interest of the District and/or the employee. The employee may have a union representative present at these negotiations.

Once the Human Resources Specialist receives the resignation document, he/she will date stamp the document as received and prepare an agenda item for subsequent Board of Trustees acceptance. The resignation becomes official when it is accepted by the Board.

Once the resignation is received by Human Resources, it cannot be rescinded unless approved by the Chancellor. Such approval must be in writing on the resignation document and forwarded to Human Resources for action.

The Human Resources Specialist will forward a confirmation email or letter to the employee after Board of Trustees action to confirm resignation acceptance and the effective date. The Human Resources Specialist will include in this letter information on completing the Exit Interview Checklist, submission of all absence report forms, and the Voluntary Exit Interview Questionnaire. The checklist and questionnaire forms are available on the District website.

The Human Resources Specialist is responsible for providing appropriate documents to the Payroll Office for terminating employees and providing information to the Benefits Specialist for retiring employees.

### **Retiring Employees**

Retiring employees must submit a letter or separation form to document resignation for the purpose of retiring. If submitting a personal letter, the details must include the specific date of resignation. Your retirement date may be noted in the letter but is not required.

The retirement date is between the employee and the retirement system. The following information is provided for retiring employees.

### **CalPERS**

- Employee must contact CalPERS at 1-888-CalPERS or 1-888-225-7377 to obtain a Service Retirement Election Application and schedule an appointment with a CalPERS counselor.
- Before submitting completed application to CalPERS the employee must contact the Specialist at least thirty (30) days prior to retirement regarding sick leave hours.
- For additional information you may visit the CalPERS website at [www.calpers.ca.gov](http://www.calpers.ca.gov)

## CalSTRS

- Employee must contact CalSTRS at 1-800-228-5453 to obtain a retirement packet.
- Employee must contact Specialist to obtain an Express Benefits Report to submit with a completed retirement packet to CalSTRS no sooner than the quarter prior to retirement.
- Retirement workshops for academic employees are conducted by STRS.
- For additional information you may visit the CalSTRS website at [www.calstrs.com](http://www.calstrs.com)

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**Date Approved: January 18, 2012**  
(Replaces current WVMCCD Policies 3.17.2,  
3.17.3, 3.17.4 and Procedure 3.20)



**Human Resources****AP 7355 EMPLOYEE COMPLAINTS****References:**

No specific references

**Informal Level**

The involved parties, complainant and employee, are encouraged to make every attempt to satisfactorily resolve the complaint on an informal basis. If the matter is resolved to the satisfaction of both parties, no further action will be taken, and there will be no record made or retained of the complaint.

**Formal Level****Level I**

If for any reason the complainant does not want to meet with the employee, or if he/she is not satisfied with the results of the informal meeting, he/she shall make a written statement of complaint stating as specifically as possible times, actions, places, and desired results within ten (10) working days of the alleged occurrence. If at this point the complainant does not make a written statement or files the complaint in an untimely manner, the matter shall be dropped.

The complainant shall send the written complaint to the immediate supervisor who will provide a copy to the employee. A conference between the employee, immediate supervisor, and the complainant shall be called by the immediate supervisor within five (5) working days after receipt of the written complaint in an effort to reach an agreement on what actions, if any, should be taken with regard to the complaint. The discussion should stay within the framework of the written complaint. A letter recording the conclusions reached at the meeting shall be written by the immediate supervisor and sent to the complainant, employee and the next level administrator (administrator to whom the immediate supervisor reports) within ten (10) working days of the meeting. Only those complaints judged to be valid by the immediate supervisor shall be placed in the employee's personnel file in accordance with the protections cited in Section 87031 of the Education Code. Any filing of documents to an employee's personnel file requires approval of the Associate Vice Chancellor of Human Resources. Records of complaints judged to be invalid by the immediate supervisor shall be destroyed. If the complaint is ruled to be invalid, the employee may choose to have the record kept in his/her personnel file. If the parties cannot come to resolution, the complainant may appeal to the next level administrator (administrator to whom the immediate supervisor reports).

## **Level II**

If a solution agreeable to all parties is not achieved at the first level, the complainant and/or the employee may request in writing within ten (10) working days of receiving the resolution or results of the Level I meeting for a conference with the next level administrator (administrator to whom the immediate supervisor reports). The next level administrator shall schedule a meeting with the individual filing the complaint to the second level. The next level administrator shall hear the complaint and make a determination. The employee's immediate supervisor shall also be present at this meeting. Any of these three persons may request the complainant to be present.

## **Level III**

If a solution agreeable to all parties is not achieved at the second level, the complainant and/or the employee may request in writing within ten (10) working days of receiving the resolution or results of the Level II meeting for a conference with the College President or Vice Chancellor as appropriate. The College President or Vice Chancellor shall schedule a meeting with the individual filing the complaint to the third level. The College President or Vice Chancellor shall hear the complaint and make a determination. The employee's immediate supervisor shall also be present at this meeting. Any of these three persons may request the complainant to be present.

## **Level IV**

If the matter is still not resolved to the satisfaction of all parties at the third level, the following procedure may be exercised by any of the parties within ten (10) working days of the conference held at Level III.

1. A written appeal to the Chancellor. The Chancellor will provide a written administrative determination to the parties within ten (10) working days of receiving the appeal. If any of the parties are still not satisfied with the Chancellor's determination, he/she may file a written appeal within ten (10) working days to the Board of Trustees for final disposition.
2. A written appeal to the Board of Trustees for final disposition by any dissatisfied party. The Board of Trustees will issue a final District decision in the matter within forty-five (45) days after receiving the appeal. Alternatively, the Board of Trustees may elect to take no action within forty-five (45) days, in which case the Chancellor's decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the Board of Trustees will be forwarded to the parties of the complaint.

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**Date Approved: January 18, 2012**

*(Replaces current WVMCCD Procedure  
3.10.2)*

**Human Resources****AP 7360 DISCIPLINE AND DISMISSALS – ACADEMIC EMPLOYEES****References:**

Education Code Sections 87669 and 87732

**Causes for Discipline**

A regular employee or academic employee may be dismissed or penalized for one or more of the following causes:

- Immoral or unprofessional conduct.
- Dishonesty.
- Unsatisfactory performance.
- Evident unfitness for service.
- Physical or mental condition that makes him/her unfit to instruct or associate with students.
- Persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the community colleges by the Board of Governors or by the Board of Trustees of the District.
- Conviction of a felony or of any crime involving moral turpitude.
- Conduct specified in Government Code Section 1028. (i.e., knowing membership in the Communist Party or of any organization which advocates the overthrow of the government of the United States by force or violence.)

**Background Checks**

Background checks may be conducted as part of disciplinary or harassment investigations. (Civil Code Sections 1786 et seq. Fair Credit Reporting Act)

Advanced notice of discipline/harassment investigations shall be provided to those under investigation. If the investigation results in action that adversely affects the employee, the employee shall receive oral, written, or electronic notice of:

- the adverse action;

- the name, address, and telephone number of the third party agency that furnished the report;
- the employee's right to obtain a free copy of the report; and
- the employee's right to dispute the accuracy or completeness of any of the information in the report.

### **Notice and Appeal**

The District shall not act upon any charges of unprofessional conduct or unsatisfactory performance unless during the preceding term or half college year prior to the date of the filing of the charge, and at least ninety (90) days prior to the date of the filing, the employee against whom the charge is filed has been given written notice of the unprofessional conduct or unsatisfactory performance, specifying the nature of the conduct with specific instances of behavior and with particularity to permit the employee an opportunity to correct his or her faults and overcome the grounds for the charge. The written notice shall include the most recent evaluation of the employee.

If the Board decides it intends to dismiss or penalize a contract or regular employee, a written statement, signed and verified, shall be delivered to the employee setting forth the complete and precise decision of the Board and the reasons for the decision.

The written statement shall be delivered by serving it personally on the employee or by mailing it by United States registered mail to the employee at his/her address last known to the District.

If the employee objects to the decision on any ground, the employee shall give written notice of the objection to the Board, the Chancellor and the president of the college at which the employee serves of his/her objection within thirty (30) days of the date of the service of the notice.

Within 30 days of receipt of the employee's demand for a hearing, the employee and the Associate Vice Chancellor of Human Resources shall attempt to agree upon an arbitrator to hear the matter. When there is agreement as to the arbitrator, the Associate Vice Chancellor shall enter into the records of the Board of Trustees written confirmation of the agreement signed by the employee and an authorized representative of the district. Upon entry of such confirmation, the arbitrator shall assume complete and sole jurisdiction over the matter.

If within 30 days of the receipt of the employee's demand for hearing, no written agreement has been reached between the employee and the district regarding appointment of an arbitrator, the District will certify the matter to the California State Office of Administrative Hearings and request the appointment of an administrative law judge.

Upon appointment, the arbitrator or the Administrative Law Judge shall conduct the proceedings in accordance with the California Administrative Procedures Act, except that the right of discovery shall not be limited to those matters set forth in Government Code Section 11507.6 but shall include the rights and duties of any party in a civil action brought in a superior court. In all cases, discovery shall be completed prior to one week before the date set for hearing.

The arbitrator or Administrative Law Judge shall determine whether there is cause to dismiss or penalize the employee. If the arbitrator finds cause, the arbitrator shall determine whether the employee shall be dismissed, the precise penalty to be imposed, and whether the decision should be imposed immediately or be postponed.

No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters that occurred more than four years prior to the date of the filing of the notice. Evidence of records regularly kept by the District concerning the employee may be introduced, but no decision relating to the dismissal or suspension of any employee shall be made based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

The decision of the arbitrator or Administrative Law Judge will be made in writing and provided to all parties.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****AP 7365 DISCIPLINE AND DISMISSALS – CLASSIFIED EMPLOYEES****References:**

Education Code Section 88013;  
Government Code Sections 3300 et seq.

**Grounds for Discipline**

A permanent member of the classified service shall be subject to disciplinary action, including but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or discharge, for any of the following grounds:

- Fraud in securing employment or making a false statement on an application for employment.
- Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
- Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his position.
- Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position or insulting or demeaning the authority of an administrator.
- Dishonesty involving employment.
- Being under the influence of alcohol or illegal drugs or narcotics while on duty, being impaired by alcohol or illegal drugs in your biological system while on duty which could impact your ability to do your job.
- Excessive absenteeism.
- Inexcusable absence without leave.
- Abuse of sick leave, i.e., taking sick leave without a doctor's certificate when one is required, or misuse of sick leave.

- The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The Office of Human Resources may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline, or the determination if such conviction is an offense involving moral turpitude. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this section.
- Discourteous treatment of the public or other employees.
- Improper or unauthorized use of District property.
- Refusal to subscribe to any oath or affirmation that is required by law in connection with District employment.
- Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department or division.
- Inattention to duty, tardiness, indolence, carelessness, or negligence in the care and handling of District property.
- Violation of the rules and regulations published in any department.
- Mental or physical impairment that render the employee unable to perform the essential functions of the job without reasonable accommodation, or without presenting a direct threat to the health and safety of self or others.
- Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his/her official duties.
- The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.
- Willful violation of any of the provisions of the ordinances, resolutions or any rules, regulations or policies, which may be prescribed by the District.
- Improper political activity. Example: Those campaigning for or espousing the election or non-election of any candidate in national, state, county or municipal

elections while on duty and/or during working hours or the dissemination of political material of any kind while on duty and/or during working hours.

- Working overtime without authorization.

### **Background Checks**

Background checks may be conducted as part of disciplinary or harassment investigations. (Civil Code Sections 1786 et seq. Fair Credit Reporting Act)

Advanced notice of discipline/harassment investigations shall be provided to those under investigation. If the investigation results in action that adversely affects the employee, the employee shall receive oral, written, or electronic notice of:

- the adverse action;
- the name, address, and telephone number of the third party agency that furnished the report;
- the employee's right to obtain a free copy of the report; and
- the employee's right to dispute the accuracy or completeness of any of the information in the report.

### **Disciplinary Actions**

Disciplinary action taken by the District against a permanent member of the classified service may include, but not be limited to oral reprimand, written reprimand, and the following:

**Reduction in pay or demotion** – The District may reduce the pay or demote an employee whose performance of the required duties falls below standard, or for misconduct.

**Suspension** – An employee may be suspended for disciplinary purposes without pay.

**Discharge** – A permanent member of the classified service may be discharged for just cause at any time. Formal written notice of discharge may be made after considered action during a period of suspension.

### **Procedure for Disciplinary Action and Appeal**

The District may, for disciplinary purposes, suspend, demote or terminate any employee holding a position in the classified service. Demotion shall include reduction in pay from a step within the class to one or more lower steps.

For classified employees suspended, demoted or discharged the District shall follow a pre-disciplinary procedure as follows:



**Notice of Intent** – Whenever the District intends to suspend an employee, demote the employee, or dismiss the employee, the employee shall be given a written notice of discipline which sets forth the following:

- The disciplinary action intended;
- The specific charges upon which the action is based;
- A factual summary of the grounds upon which the charges are based;
- A copy of all written materials, reports, or documents upon which the discipline is based;
- Notice of the employee’s right to respond to the charges either orally or in writing to the appropriate administrator;
- The date, time and person before whom the employee may respond in no less than five working days;
- Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

**Response by Employee** – The employee shall have the right to respond to the appropriate administrator orally or in writing. The employee shall have a right to be represented at any meeting set to hear the employee’s response. In cases of suspensions, demotions, or dismissal, the employee’s response will be considered before final action is taken.

**Final Notice** – After the response or the expiration of the employee’s time to respond to the notice of intent, the appropriate authority shall:

- dismiss the notice of intent and take no disciplinary action against the employee;  
or
- modify the intended disciplinary action; or
- prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:
  - The disciplinary action taken;
  - The effective date of the disciplinary action taken;
  - Specific charges upon which the action is based;
  - A factual summary of the facts upon which the charges are based;

- The written materials reports and documents upon which the disciplinary action is based;
- The employee's right to appeal.

**Appeal and Request for Hearing** – If a classified employee, having been issued the final notice of disciplinary action, wants to appeal the action, he/she shall within ten calendar days from the date of receipt of the notice, appeal to the Board of Trustees by filing a written answer to the charges and a request for hearing with the Associate Vice Chancellor of Human Resources.

**Time for Hearing** – The Board of Trustees shall, within a reasonable time from the filing of the appeal, commence the hearing. The Board may conduct the hearing itself, or it may secure the services of an experienced hearing officer or Administrative Law Judge, mutually selected by the District and the employee, to conduct a hearing and render a proposed decision for consideration by the Board. However, in every case, the decision of the Board itself shall be final. The Board of Trustees may affirm, modify or revoke the discipline. Any employee, having filed an appeal with the Board and having been notified of the time and place of the hearing, who fails to make an appearance before the Board, may be deemed to have abandoned his or her appeal. In this event, the Board may dismiss the appeal.

**Record of Proceedings and Costs** – All disciplinary appeal hearings may, at the discretion of either party or the Board of Trustees, be recorded by a court reporter. Any hearing which does not utilize a court reporter shall be recorded by audio tapes. If a court reporter is requested by either party, that party shall pay the cost of the court reporter.

### **Conduct of the Hearing**

The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses but hearings shall be conducted in a manner most conducive to determination of the truth.

Any relevant evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.

Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence that shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

The rules dealing with privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.

Irrelevant and unduly repetitious evidence may be excluded.

The Board shall determine relevancy, weight, and credibility of testimony and evidence. Decisions made by the Board shall not be invalidated by any informality in the proceedings.

During examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.

**Burden of Proof** – In a disciplinary appeal the District has the burden of proof by preponderance of the evidence.

**Proceed with Hearing or Request for Continuance** – Each side should be asked if it is ready to proceed. If either side is not ready and wishes a continuance, good cause must be stated.

**Testimony under Oath** – All witnesses shall be sworn in for the record prior to offering testimony at the hearing. The chairperson will request the witnesses to raise their right hand and respond to the following:

“Do you swear that the testimony you are about to give at this hearing is the truth, the whole truth and nothing but the truth?”

**Presentation of the Case** – The hearing shall proceed in the following order unless the Board of Trustees, for special reason, directs otherwise:

- The party imposing discipline (District) shall be permitted to make an opening statement.
- The appealing party (employee) shall be permitted to make an opening statement.
- The District shall produce its evidence.
- The party appealing from such disciplinary action (employee) may then offer their evidence.
- The District followed by the appealing party (employee) may offer rebutting evidence.
- Closing arguments shall be permitted at the discretion of the Board of Trustees. The party with the burden of proof shall have the right to go first and to close the hearing by making the last argument. The Board may place a time limit on closing arguments. The Board or the parties may request the submission of written briefs. After the request for submittal of written briefs, the Board will determine whether to allow the parties to submit written briefs and determine the number of pages of briefs.

**Procedure for the Parties** – The District representative and the employee representative will address their remarks, including objections, to the President of the Board. Objections may be ruled upon summarily or argument may be permitted. The Board reserves the right to terminate argument at any time and issue a ruling regarding an objection or any other matter, and thereafter the representative shall continue with the presentation of their case.

**Right to Control Proceedings** – While the parties are generally free to present their case in the order that they prefer, the Board reserves the right to control the proceedings, including, but not limited to, altering the order of witnesses, limiting redundant or irrelevant testimony, or by the direct questioning of witnesses.

**Hearing Demeanor and Behavior** – All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity or personal behavior of their adversaries or members of the Board of Trustees.

**Deliberation Upon the Case** – The Board of Trustees should consider all oral and documentary evidence, the credibility of witnesses, and other appropriate factors in reaching their decision. The Board may deliberate at the close of the hearing or at a later fixed date and time. In those cases where the Board has received a proposed decision from a hearing officer or Administrative Law Judge, the proposed decision, the record of the hearing and all documentary evidence shall be available for review by the Board when it deliberates.

**Written Findings, Conclusion, and Decision** – The Board shall render its findings, conclusions and decision as soon after the conclusion of the hearing as possible. A finding must be made by the Board on each material issue. The Board may sustain or reject any or all of the charges filed against the employee. The Board may sustain, reject, or modify the disciplinary action invoked against the employee. In those cases where the Board has received a proposed decision from a hearing officer or Administrative Law Judge, the Board may adopt the proposed decision, modify the proposed decision or render a new decision. If the Board recommends reinstatement of the terminated employee, the employee is only entitled to back pay minus the sum the employee has earned during the period of absence.

**Decision of the Board to be Final** – The decision of the Board of Trustees in all cases shall be final.

**Emergency Suspension** – If an employee's conduct presents an immediate threat to the health and safety of the employee or others, the employee may be suspended without compliance with the provisions this procedure. However, as soon as possible after suspension, the employee shall be given notice as set forth herein.

**Record Filed** – When final action is taken, the documents shall be placed in the employee’s personnel file.

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**Date Approved: January 18, 2012**  
*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****AP 7370 POLITICAL ACTIVITY****References:**

Education Code Sections 7050 et seq.

No restriction shall be placed on the political activities of any employee of the District except as provided in Board policy and these procedures.

District employees may exercise all rights of citizenship, including campaigning for or against a candidate or ballot measure, on their own time, provided the following conditions are met:

- Campaign activities may be undertaken only at times when the employee is not required to perform duties for the District. Distributing campaign materials while on duty as an employee of the District is prohibited;
- District resources shall not be used to campaign for or against a candidate or ballot measure. District resources include computers, copying equipment, telephones, mailboxes, e-mail, phone mail, faxes, staff time, etc.;
- Reasonable steps must be taken to clarify that the District employee is acting in an individual capacity and does not represent the District;
- All other restrictions imposed by the Political Reform Act of 1976 and other provisions of law are followed;
- All College and/or District regulations are respected; and
- A careful accounting of the time used in campaigning should be maintained so that there is no question of impropriety.

Candidates for office may be invited to address a class or forum provided the following conditions are met:

- All candidates for a particular office are offered the same opportunity to address the class or forum, although not necessarily at the same time; and
- The discussion or debate of candidates is directly related to the course matter being taught.

District employees, employee organizations, or student organizations are encouraged to invite declared candidates for office to address groups on campus provided the following conditions are met:

- The presentation does not interfere with the educational programs or processes of the Colleges and/or District;
- All candidates for a particular office are offered the same opportunity to address groups on campus, although not necessarily at the same time; and
- All candidates for a particular office are offered the same opportunity to address students in an in-classroom forum, although not necessarily at the same time.

Declared candidates for office and proponents or opponents of political issues and candidates who wish to speak or distribute materials on campus may do so provided all District and College regulations related to time, place, and manner of speech are respected. Candidates or proponents or opponents of specific issues may not use District resources to prepare or distribute materials on campus.

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 Board member may appear before a citizens' group that requests the appearance to discuss the reasons why the 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, and entry into buildings and grounds of the District during working hours is prohibited. Such activities are permitted during nonworking time. "Nonworking time" means time outside an employees' working hours, whether before or after the work day or during the employees' lunch period or other breaks during the day.

Also see BP/AP 3900 titled Speech: Time, Place, and Manner as well as BP/AP 7340 titled Leaves.

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**Date Approved: January 18, 2012**  
(Replaces current WVMCCD Policies 2.16.1,  
2.16.2, 2.16.3, 2.16.4 and Procedure 2.16)



**Human Resources**

**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.

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**Date Approved: January 18, 2012**  
*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources**

**AP 7380 RETIREE HEALTH BENEFITS – ACADEMIC EMPLOYEES**

**References:**

- Education Code Sections 7000 et seq.;
- BP 7380 titled Retiree Health Benefits – Academic Employees;
- Article 14, Collective Bargaining Agreement between ACE and WVMCCD

In addition to BP 7380 titled Retiree Health Benefits – Academic Employees, which contains the minimum necessary to meet statutory requirements, the procedure is outlined in Article 14 of the CBA between ACE and WVMCCD.

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**Date Approved: January 18, 2012**

*(This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources**

**AP 7385 SALARY DEDUCTIONS**

**References:**

Education Code Sections 87040, 87833, 87834, and 88167;  
Government Code Sections 3540 et seq.

Regular and contract faculty, members of the classified service, and administrative staff may, for the purpose of deferring taxation on compensation, enter into amendments to their contracts of employment for the purpose of effecting a reduction in the salary paid them by contacting the Human Resources Department.

The Fiscal Services and/or Human Resources Department as appropriate shall deposit the deferred compensation with Public Employees Retirement System, State Teachers Retirement System, any commercial insurance company, or other investment company chosen by the individual employee and which meets the criteria of Section 403(b) of the Internal Revenue Code and the requirements of the District.

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Procedure 3.12)*

**Human Resources****AP 7400 TRAVEL****Reference:**

Education Code Section 87032

Prior to the conference, the employee must complete the "Request and Estimated Cost" sections of the form and submit it to their supervisor/budget administrator for approval.

Prepayment of some expenses may be made by Finance once the request and estimated costs have been approved. If requested, the Finance Department will process expenses such as registration, hotel and travel (airfare) for prepayment. In order to obtain prepayment, the requestor must be an employee. Independent contractors must request payment of expenses through their existing purchase order for services.

Employees shall make their own travel arrangements. If prepayment of expenses is requested, the employee shall submit a purchase requisition or a check request for each vendor to receive a check for prepayment. A copy of the approved and signed conference attendance form and back-up documentation for the prepayment expenses must accompany the check request. Checks for prepayments will be made payable to the vendor only. Checks for prepayments will not be made payable to employees.

Following the conference, complete the "reimbursement" section of the original form (including all prepaid expenses), attach all applicable receipts, secure appropriate approval signatures, and submit the form to Accounts Payable. The form and documentation will be reviewed by Accounts Payable who will then issue a reimbursement check.

Mileage for the use of your personal car will be reimbursed at the current IRS-approved rate. Reimbursement will be based upon the general mileage distance guide, if one has been established for the location of the conference. If not, record and submit the distance from the District/College (not home) to the conference destination. Mileage for personal excursions while at the conference will not be reimbursed.

If you are required to attend a District-related activity on the weekend, and Saturday and/or Sunday are not a regular workday, you may claim the mileage distance from your residence to the off-site location.

When traveling between campuses, mileage may be claimed for roundtrip travel if the employee is returning to his/her primary work location to continue the workday. If the employee travels to the sister college and ends his/her work day at that location,

mileage may only be claimed one way. If an employee starts and/or ends his/her workday at a location other than the primary work location, mileage may be claimed from the primary work location to the off-site work location (not including District sites).

Mileage claims may be submitted as frequently as needed, but not less than once a quarter.

All expenses, other than meals and mileage, must have original receipts before reimbursement will be made. Claims should not be submitted for meals included as part of the conference registration fee. Meals will be reimbursed based on an area rate pre-determined by the District. Unless specifically authorized by the Chancellor, Vice Chancellor, or College Presidents, meal amounts exceeding the per-diem limit will not be reimbursed. If meals are charged on a District-issued credit card, the employee will be responsible for the difference of the actual charge and the per-diem limit.

Expense items for the following will not be reimbursed: expenses for spouse or children, personal use items, hotel laundry, in-house movies, alcoholic beverages, telephone calls (other than for Conference/District business).

The use of personal vehicles by employees on District business is at the employee's own risk. An employee's personal vehicle insurance is considered primary coverage.

Also see BP/AP 2735 titled Board Member Travel, BP/AP 4300 titled Field Trips and Excursions, and AP 6530 titled District Vehicles

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Policy 6.18.6 and  
Procedure 6.9)*

**Human Resources****AP 7500 VOLUNTEERS****References:**

No specific references

Each volunteer is subject to the screening process set forth in these procedures with the following exception: individuals serving as volunteers in Associated Student Organization (ASO) officer positions at the colleges. ASO officers are not entitled to defense and indemnity by the District.

The Associate Vice Chancellor of Human Resources may authorize suspension of the screening process when he/she believes that this process is not necessary for the volunteers serving in the particular event.

**General**

1. The District may enter into agreements with outside organizations to provide volunteers to the District to work at college locations. Such agreements will contain appropriate defense and indemnification language to protect the District from liability in connection with the volunteer services.
2. Volunteers serve the District in an "at will" capacity. The District may terminate a volunteer's services for any reason or no reason at all.
3. Pursuant to Government Code section 3119.5, no person aged sixty (60) years or older may be excluded from volunteer service if the person is physically, mentally and professionally capable of performing the services involved. A person shall be deemed "professionally capable" if he/she can demonstrate reasonable proficiency or relevant certification and performs his/her professional duties in accordance with laws, regulations or the technical standards that govern his/her area of volunteer responsibility.
4. Volunteers may not be used in lieu of classified employees. The District may not refuse to employ a person in a vacant classified position and use volunteers instead, nor may it abolish any classified positions and use volunteers instead. Volunteers may assist employees in the performance of their duties.
5. Volunteer services in a department cannot exceed more than eighteen (18) hours per week with the exception of special events, athletics, and management assignments.

6. The following are titles of services volunteers may perform:

- a. Instructional assistant
- b. Coaching assistant
- c. Clerical
- d. Tutor
- e. Note taker
- f. Managerial
- g. Special events

#### Screening

1. The District may use a written application form that requires, at a minimum, the volunteer's name, address, phone number and history of convictions.
2. A volunteer's service record shall be maintained by the Human Resources Department.
3. Subject to the limitations of this policy, employees assigned to other positions within the District may serve as volunteers during off-hours.
4. Fingerprints shall be required.
5. A tuberculosis clearance shall be required.
6. No person may serve as a volunteer in the District if:
  - a. He/she has been convicted of or if he/she has charges pending which pertains to any sex offense (as defined in Education Code Section 87010), or controlled substance offense (as defined in Education Code Section 87011).
  - b. He/she has been convicted of a crime and the Associate Vice Chancellor of Human Resources determines that: the nature of the crime is too serious to serve as a volunteer; the crime was too recent; and/or the crime is inconsistent with obligations in performing assigned duties as a volunteer.
  - c. He/she has a health condition that would preclude him/her from satisfactorily performing essential duties of the position.
  - d. He/she makes a false statement or omits a statement as to any material fact on the application form.

#### Incidental Expenses

Persons serving without pay as volunteers may receive reimbursement for incidental expenses with prior approval of the Vice Chancellor of Administrative Services.

## Benefits

Volunteers are employees of the District only for the purpose of worker's compensation benefits for injuries sustained while engaged in the performance of any service under the direction and control of the District. With the exception of worker's compensation (Education Code Section 72401), volunteers shall serve without any type of compensation or any other benefits granted to District employees. Volunteers shall not be entitled to defense and indemnity from the District.

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**Date Approved: January 18, 2012**  
*(Replaces current WVMCCD Procedure 3.22)*



**Human Resources****AP 7510 DOMESTIC PARTNERS****References:**

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

The District has established a Domestic Partner health insurance policy. This policy extends benefits to the domestic partner of a regular employee if they meet the eligibility requirements as outlined in the "Affidavit of Domestic Partnership."

Employees requesting this additional benefit must provide written documentation that they have been residing together for at least six (6) months prior to the time of application for benefits, complete the Affidavit of Domestic Partnership form, and provide two documents to verify financial interdependence. Examples of acceptable documentation may include: rental receipts, mortgage agreements, bank statements or utility bills, all of which must be in the name of the employee and the domestic partner. Please refer to the "Affidavit of Domestic Partnership" for the specific requirements.

If the domestic partnership ceases, the employee has thirty (30) calendar days to notify the Human Resources Specialist – Benefits or designee verbally or in writing of the termination of the relationship and to file an "Affidavit of Termination of Domestic Partnership" with the District.

There may be tax or legal consequences to the employee resulting from the domestic partnership benefits. The employee should contact a tax advisor or an attorney if s/he has any questions regarding the tax/legal implications of signing the Affidavit of Domestic Partnership.

The eligible period to add a domestic partner is six months from the effective date of the domestic partnership or open enrollment, whichever occurs later.

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**Date Adopted: January 18, 2012**

*(Replaces current WVMCCD Procedure 3.15)*

**Human Resources****AP 7600 DISTRICT POLICE DEPARTMENT****References:**

Education Code Section 72330-72332;  
Government Code Sections 3300 et seq.;  
Penal Code Section 830.32(a);  
Penal Code Section 830.6;  
Peace Officer Standards and Training Regulations

The Vice Chancellor is delegated the responsibility to establish minimum qualifications of employment for the District Chief of Police including but not limited to the conditions contained in District Policy and the California Commission on Peace Officer Standards and Training (POST) requirements.

Every member of the police department first employed by the District before July 1, 1999, must, in order to retain his or her employment, meet the requirements of Education Code Section 72330.2. All sworn personnel must meet the minimum qualifications set forth in the following Codes and Regulations: Penal Code 830.32, Education Code 72330 and California Peace Officer Standards and Training Regulations.

Badges and departmental identification shall be issued for sworn personnel in compliance with Education Code 72331.

Salaries for college police shall be established after appropriate negotiations with their exclusive representative. If no such unit is established, salaries shall be recommended by the Associate Vice Chancellor of Human Resources.

The Chief of Police shall issue such other regulations as may be necessary for the administration of the District Police, including, but not limited to:

- Schedules and shifts
- Call back procedures
- Use of Force/Weapons practices
- Use of vehicles
- Pursuit practices
- Discipline procedures
- Complaints against Peace Officers
- Training

The District Police shall cooperate with local law enforcement in accordance with the requirements of Education Code Section 67381. The agreement shall address, but not be limited to, the following:

- Operational responsibilities for investigations of the following violent crimes: willful homicide, forcible rape, robbery, aggravated assault;
- Geographical boundaries of the operational responsibilities;
- Mutual aid procedures.

The Administrative responsibility for District Police services shall rest with the District Police Chief under the Vice Chancellor.

Per state law, an operations manual consisting of departmental policies and procedures shall be developed by the Chief of Police and maintained for departmental personnel and available for review by the public upon request.

A Reserve Officer program may be established to meet the needs of the department. The Reserve Officer program shall not supplant full-time police officers.

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**Date Approved: January 18, 2012**  
(Replaces current WVMCCD Policies 6.19.2,  
6.19.4, and 6.19.5 and Procedure 6.19)

**Human Resources****AP 7700 WHISTLEBLOWER PROTECTION****References:**

Education Code Sections 87160-87164;  
Government Code Section 53296;  
Labor Code Section 1102.5;  
Private Attorney General Act of 2004 (Labor Code Section 2698)

Individuals are encouraged to report suspected incidents of unlawful activities by District employees in the performance of their duties. Reports will be investigated promptly and appropriate remedies applied. Employees who, in good faith, reported such activities and/or assist the district in the investigation will be protected from retaliation.

This procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in BP 7700 titled Whistleblower Protection, and addressing complaints of retaliation for making such reports.

**Filing a Report of Suspected Unlawful Activities**

Any person may report allegations of suspected unlawful activities. Knowledge or suspicion of such unlawful activities may originate from academic personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, customers, vendors, students, or other third parties.

Anonymous reports will be investigated to the extent possible. However, employees are strongly encouraged not to report anonymously because doing so impedes the District's ability to thoroughly investigate the claim and take appropriate remedial measures. As set forth fully below, retaliation against individuals who report suspected unlawful activities will not be tolerated.

Normally, a report by a District employee of allegations of a suspected unlawful activity should be made to the reporting employee's immediate supervisor or other appropriate administrator or supervisor within the operating unit. However, if the report involves or implicates the direct supervisor or others in the operating unit, the report may be made to any another District official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged unlawful activity on behalf of the District. When the alleged unlawful activities involve a College President, the report should be made directly to the Chancellor. When the alleged unlawful activity involves the Chancellor, the report should be made to the President of the Board of Trustees. When the alleged unlawful activity involves the Board of Trustees or one of its members, the report should be made to the Chancellor who will

confer with the President of the Board of Trustees and/or legal counsel on how to proceed.

Allegations of suspected unlawful activities should be made in writing so as to assure a clear understanding of the issues raised, but may be made orally. Such reports should be factual and contain as much specific information as possible. The receiving supervisor or administrator should elicit as much information as possible. If the report is made orally, the receiving supervisor or administrator shall reduce it to writing and make every attempt to get the reporter to confirm by his/her signature that it is accurate and complete.

Once the receiving supervisor or administrator has received and/or prepared a written report of the alleged unlawful activity, he/she must immediately forward to the College President where the alleged activity has occurred or to the Chancellor if the activity involves the District office or is Districtwide. However, if this process would require submitting the report to an employee implicated in the report, the receiving supervisor or administrator should follow the reporting options outlined, above. The high-level administrator or trustee who receives the written report pursuant to this paragraph is responsible for ensuring that a prompt and complete investigation is made by an individual with the competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an outside investigator is secured if deemed necessary.

In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or interviewed shall be advised of the District's no-retaliation policy. Each individual shall be:

- warned that retaliation against the reporter(s) and/or others participating in the investigation will subject the employee to discipline up to and including termination; and
- advised that if he/she experiences retaliation for cooperating in the investigation, then it must be reported immediately.

In the event that an investigation into alleged unlawful activity determines that the allegations are accurate, prompt and appropriate corrective action shall be taken.

### **Protection from Retaliation**

When a person makes a good-faith report of suspected unlawful activities to an appropriate authority, the report is known as a protected disclosure. District employees and applicants for employment who make a protected disclosure are protected from retaliation.

Any employee who believes he/she has been (1) subjected to or affected by retaliatory conduct for reporting suspected unlawful activity, or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise

involved in the retaliatory conduct). Any supervisory employee who receives such a report or who otherwise is aware of retaliatory conduct, is required to advise their College President, the Chancellor, or the Chancellor's designee. If the allegations of retaliation, or the underlying allegations of unlawful conduct involve the College President or Chancellor, the supervisor shall report to the highest level administrator and/or Board member who is not implicated in the reports of unlawful activity and retaliation.

All allegations of retaliation shall be investigated promptly and with discretion, and all information obtained will be handled on a "need to know" basis. At the conclusion of an investigation, as appropriate, remedial and/or disciplinary action will be taken where the allegations are verified and/or otherwise substantiated.

### **Whistleblower Contact Information**

Employees who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees should contact the State Chancellor's Office or the District's Board of Trustees. Employees can contact the State Personnel Board with complaints of retaliation resulting from whistleblower activities. The State Personnel Board hotline is (916) 653-1403.

### **Other Remedies and Appropriate Agencies**

In addition to the internal complaint process set forth above, any employee who has information concerning allegedly unlawful conduct may contact the appropriate government agency.

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**Date Approved: January 18, 2012**

*This is a new procedure recommended by the  
Policy and Procedure Service)*

**Human Resources****AP 7800 EMERITUS STATUS****Reference:**

No specific references

This procedure addresses the granting of emeritus status to retired or retiring administrative and classified staff in recognition of exceptional service rendered and significant contributions made over time.

Emeritus status for academic employees is governed by the negotiated agreement with the academic employees' exclusive representative.

Emeritus status cannot be awarded without Board approval.

Nominations for emeritus status may be submitted by any employee. The nominee must be retired or retiring from the District to be eligible for nomination.

Completed nominations must be submitted to the Chancellor, Vice-Chancellor, Associate Vice Chancellor or College President (the executive administrators).

The executive administrator will approve or deny the nomination, and return a copy to the individual who submitted the nomination. If approved, the executive administrator will submit a Board agenda item and a copy of the approved nomination form to the Board Secretary for inclusion on the next available Board Agenda.

Nominations must be submitted to the executive administrator at least six weeks prior to the date of the Board meeting at which the Board agenda item should appear. The completed Board agenda item must be submitted by the executive administrator to the Board Secretary in accordance with the published schedule of Board Due Dates.

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**Date Approved: January 18, 2012**

*(Replaces current WVMCCD Procedure 2.19)*