

Chapter 7 – Human Resources

BP 7365 Discipline and Dismissals - Classified Employees

Reference:

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

The College President/CEO shall enact procedures for the disciplinary proceedings applicable to permanent classified employees of the College including classified managers. Such procedures shall conform to the requirements of the Education Code.

The Board of Trustees' determination of the sufficiency of the cause for disciplinary action of a classified employee shall be conclusive.

No disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent or for any cause that arise more than two years preceding the date of the filing of any charge against the employee, unless the cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the College.

Permanent employees shall be subject to disciplinary action, including but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or termination, for any of the following causes:

- 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 in the position;
- willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of, or insulting or demeaning the authority of a supervisor or manager;
- dishonesty involving employment;
- being impaired by or under the influence of alcohol or illegal drugs or narcotics while on duty, which could impact the ability to do the job;
- excessive absenteeism;
- unexcused absence without leave;
- abuse 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. 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 College property;
- refusal to subscribe to any oath or affirmation that is required by law in connection with College 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 College, the employee's department, or the division;
- inattention to duty, tardiness, indolence, carelessness, or negligence in the care and handling of College property;
- mental or physical impairment that renders 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 or her official duties;
- the refusal of any officer or employee of the College to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the College is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee;
- willful violation of policies, procedures, and other rules that may be prescribed by the College; or
- working overtime without authorization.

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