

Human Resources

BP 7365 DISCIPLINE AND DISMISSAL – CLASSIFIED EMPLOYEES

References:

Education Code, Section 88013 and 88016;
Government Code, Sections 3300 et seq.

The President/Superintendent shall enact procedures for the disciplinary proceedings applicable to permanent classified employees of the District. 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 District.

Discipline

No employee in the classified service shall be disciplined because of his/her/their political or religious opinions or affiliations, or race, color, gender, gender identity, gender expression, medical condition, genetic information, sexual orientation, physical or mental disability, age, national origin, ancestry, marital status or other category prohibited by law.

The Board of Trustees retains broad discretionary powers in the matters of imposition of disciplinary actions on classified employees. A permanent classified employee of the District shall be accorded rights to due process in relation to disciplinary actions.

Probationary Dismissal

At any time prior to the expiration of the probationary period, the Board of Trustees may, at its sole discretion, dismiss a probationary classified employee from District employment without cause. A probationary classified employee shall not be entitled to an appeal or to a hearing.

Cause for Discipline

A permanent classified employee shall be subject to disciplinary action n for cause including but not limited to demotion, suspension or dismissal from employment.

The term "cause" shall include, but shall not be limited to the following:

- 1) Incompetence or inefficiency in the performance of the duties of the position held.

- 2) Insubordination (including, but not limited to, refusal to do assigned work), or insolence or disrespect toward authority.
- 3) Carelessness or negligence in the performance of duty or in the care or use of District property.
- 4) Discourteous, offensive, or abusive conduct or language toward other employees, students, or the public.
- 5) Dishonesty.
- 6) Possession, consumption, or being under the influence of alcoholic beverages or intoxicants while on duty.
- 7) Unauthorized use or possession during working time of any illegal drugs or controlled substances or prescription drugs for which an employee does not have a valid, current prescription issued to him/her/them.
- 8) Personal conduct unbecoming an employee of the District, whether or not such conduct amounts to a crime.
- 9) Conviction of a felony or of any crime involving moral turpitude, or any crime bringing discredit upon the District.
- 10) Conviction of a sex offense as defined in Education Code, Section 87010.
- 11) Absence and/or repeated tardiness without authority or sufficient reason.
- 12) Excessive absenteeism and/or tardiness regardless of reason.
- 13) Abuse of leave privileges.
- 14) Falsification or omission of any information supplied or required to be supplied to the District, including but not limited to, information supplied on application forms, employment records, or any other college District records.
- 15) Violation or refusal to obey the school laws of the state or reasonable regulations prescribed for the government of community colleges by the Board of Governors or by the Board of Trustees of the District.
- 16) Offering of anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment, or accepting anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
- 17) Willful refusal to follow the lawful directives of the employee's supervisor or other supervisory or managerial directives.
- 18) Willful failure of good conduct tending to injure the public service.
- 19) Abandonment of position, by being absent without authorization for five (5) or more days.
- 20) Immoral conduct.
- 21) Evident unfitness for service.
- 22) Engaging in political activities during assigned hours of duty.
- 23) Inability to meet requirement of job description, including but not limited to, possession of licenses, etc.
- 24) Any conduct that threatens or tends to threaten the welfare and/or the property of the students or employees of the District, including the employee(s) involved in the conduct.
- 25) 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

81 may constitute of itself sufficient ground for the immediate discharge of such officer
82 or employee.

83 26)Working overtime without authorization.

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85 Office of Primary Responsibility: Vice President, Human Resources

Date Adopted: 12/10/08

Dates Revised: 5/20/09; 10/24/12

Dates Reviewed: 5/15/19; 4/15/26