

Human Resources

1 BP 7365 DISCIPLINE AND DISMISSAL – CLASSIFIED EMPLOYEES

2 References:

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

5 The President/Superintendent shall enact procedures for the disciplinary proceedings
6 applicable to permanent classified employees of the District. Such procedures shall
7 conform to the requirements of the Education Code.

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

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

15 Discipline

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

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

23 Probationary Dismissal

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

28 Cause for Discipline

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

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

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

- 33 2) Insubordination (including, but not limited to, refusal to do assigned work), or
34 insolence or disrespect toward authority.
- 35 3) Carelessness or negligence in the performance of duty or in the care or use of
36 District property.
- 37 4) Discourteous, offensive, or abusive conduct or language toward other employees,
38 students, or the public.
- 39 5) Dishonesty.
- 40 6) Possession, consumption, or being under the influence of alcoholic beverages or
41 intoxicants while on duty.
- 42 7) Unauthorized use or possession during working time of any illegal drugs or
43 controlled substances or prescription drugs for which an employee does not have
44 a valid, current prescription issued to him/her.
- 45 8) Personal conduct unbecoming an employee of the District, whether or not such
46 conduct amounts to a crime.
- 47 9) Conviction of a felony or of any crime involving moral turpitude, or any crime
48 bringing discredit upon the District.
- 49 10) Conviction of a sex offense as defined in Education Code, Section 87010.
- 50 11) Absence and/or repeated tardiness without authority or sufficient reason.
- 51 12) Excessive absenteeism and/or tardiness regardless of reason.
- 52 13) Abuse of leave privileges.
- 53 14) Falsification or omission of any information supplied or required to be supplied to
54 the District, including but not limited to, information supplied on application forms,
55 employment records, or any other college District records.
- 56 15) Violation or refusal to obey the school laws of the state or reasonable regulations
57 prescribed for the government of community colleges by the Board of Governors
58 or by the Board of Trustees of the District.
- 59 16) Offering of anything of value or offering any service in exchange for special
60 treatment in connection with the employee's job or employment, or accepting
61 anything of value or any service in exchange for granting any special treatment to
62 another employee or to any member of the public.
- 63 17) Willful refusal to follow the lawful directives of the employee's supervisor or other
64 supervisory or managerial directives.
- 65 18) Willful failure of good conduct tending to injure the public service.
- 66 19) Abandonment of position, by being absent without authorization for five (5) or more
67 days.
- 68 20) Immoral conduct.
- 69 21) Evident unfitness for service.
- 70 22) Engaging in political activities during assigned hours of duty.
- 71 23) Inability to meet requirement of job description, including but not limited to,
72 possession of licenses, etc.
- 73 24) Any conduct that threatens or tends to threaten the welfare and/or the property of
74 the students or employees of the District, including the employee(s) involved in the
75 conduct.
- 76 25) The refusal of any officer or employee of the District to testify under oath before
77 any court, grand jury, or administrative officer having jurisdiction over any then
78 pending cause of inquiry in which the District is involved. Violation of this provision

79 may constitute of itself sufficient ground for the immediate discharge of such officer
80 or employee.
81 26) Working overtime without authorization.

82 Office of Primary Responsibility: Vice President, Human Resources

Date Adopted: December 10, 2008

Dates Revised: May 20, 2009; October 24, 2012

Date Reviewed: May 15, 2019

(Replaces former Cerritos CCD Policies 7333, 7334, and 7335)