

**Human Resources**

**BP 7050 EMPLOYEE CONFLICT OF INTEREST**

**References:**

Government Code, Sections 1126, 82029, 87100, 87302;  
CCR, Title 2, Section 18705

The following policy pertains to all employees of the Cerritos Community College District.

**A. CONFLICTS OF INTEREST ARE PROHIBITED**

No employee or consultant/contractor of the Cerritos Community College District shall make, participate in making, or in any way attempt to influence a decision of the Cerritos Community College District in which he or she knows or has reason to know will have a financial effect, distinguishable from its effect on the public generally, on the employee or his or her "immediate family." Immediate family members, consistent with Board Policy 7310 Nepotism, shall be defined as father, mother, brother, sister, spouse, domestic partner, child, grandchild, stepfather, stepmother, stepson, stepdaughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandfather, grandfather-in-law, grandmother, grandmother-in-law, foster parents in lieu of father or mother, foster children or family members living in the immediate household, which includes:

1. Any business entity in which the employee, consultant/contractor or his/her immediate family has an investment;
2. Any business entity in which the officer, employee, consultant/contractor or his/her immediate family is a director, officer, partner, trustee, employee, or holds any position of management; or,
3. Any real property in which the officer, employee, consultant/contractor or his/her immediate family has a direct or indirect interest.

**B. USE OF CONTRACTORS**

In accordance with Government Code, Section 1126, no designated employee filing an Annual Statement shall accept money or gifts from any current contractor providing facilities, grounds, or construction services to the District. Designated employees are required to disclose on the Annual Statement any money or gifts in any amount from any current contractor providing facilities, grounds, or construction services to the District. For purposes of this section, a 'current contractor' refers to any business entity or individual including contractors, suppliers, architects, attorneys, engineers, and insurers, providing services related to the construction of facilities or grounds for the District during the year covered by the Annual Statement.

**C. PENALTIES**

Any employee who shall make, participate in making, or in any way attempt to use his or her relationship with the Cerritos Community College District to influence a decision of the Cerritos Community College District in which he or she knows or has reason to know he or she has a prohibited financial interest shall be subject to discipline, including up to dismissal.

#### D. ACADEMIC DECISIONS

In the area of academic decisions, the Fair Political Practices Commission has established certain specific exemptions from conflict of interest provisions which are applicable to the Cerritos Community College District. Academic decisions with respect to textbook utilization and other educational materials are also subject to the District's written guidelines for textbooks which appear in the collective bargaining agreement. The regulations for academic decisions adopted by the California Fair Political Practices Commission, at Title 2 Code of the California Code of Regulations (CCR), Section 18705, provide as follows:

##### Section 18705. Academic Decisions.

"(a) Except as provided in subsection (b), neither disclosure of financial interests nor disqualification is required under Government Code, Sections 87100, 87302, or any Conflict of Interest Code, in connection with:

"(1) Teaching decisions, including the selection by a teacher of books or other educational materials for use within his or her own school or institution, and other decisions incidental to teaching;

"(2) Decisions made by a person who has teaching or research responsibilities at an institution of higher education to pursue personally a course of academic study or research, to apply for funds to finance such a project, to allocate financial and material resources for such academic study or research, and all decisions relating to the manner or methodology with which such study or research will be conducted. Provided, however, that the provisions of this subsection (2) shall not apply with respect to institution- or campus- wide administrative responsibilities respecting the approval or review of any phase of academic research or study conducted at the institution or campus.

"(b) Disclosure shall be required under Government Code, Section 87302 or any Conflict of Interest Code in connection with a decision made by a person or persons at an institution of higher education with principal responsibility for a research project to undertake such research, if it is to be funded or supported, in whole or in part, by a contract or grant (or other funds earmarked by the donor for a specific research project or for a specific researcher) from a nongovernmental entity, but disqualification may not be required under Government Code, Sections 87100, 87302, or any Conflict of Interest Code in connection with any such decision if the decision is substantively reviewed by an independent committee established within the institution."

#### E. DISTRIBUTION OF THIS POLICY

80 Copies of this policy shall be distributed by the Human Resources Office to all  
81 current and future employees.

82 See also BP/AP 2710 titled Conflict of Interest and BP 2712 titled Conflict of Interest  
83 Code.

84 Office of Primary Responsibility: Vice President, Human Resources

**Date Adopted: December 10, 2008**

**Date Revised: November 6, 2019**

**Date Reviewed: April 8, 2019**

*(Replaces former Cerritos CCD Policy 5000.1)*

**Human Resources**

**BP 7100 COMMITMENT TO DIVERSITY**

**References:**

Education Code, Sections 87100 et seq.;  
Title 5, Sections 53000 et seq.

The Board of Trustees is committed to employing qualified equity minded administrators, faculty, and staff members who are dedicated to student success. To further this commitment, the District will support professional development opportunities related to diversity, inclusion, and equity. The Board of Trustees recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The District supports the goals of diversity, inclusion, and equity, and provides equal opportunity for all qualified candidates.

Office of Primary Responsibility: Vice President, Human Resources

**Date Adopted: December 10, 2008**

**Date Revised: November 16, 2019**

**Date Reviewed: April 8, 2019**

**Human Resources**

**1 BP 7110 DELEGATION OF AUTHORITY, HUMAN RESOURCES**

**2 Reference:**

3 Education Code, Section 70902(d)

4 The Board of Trustees delegates authority to the President/Superintendent to authorize  
5 employment, set job responsibilities, and perform other personnel actions provided that  
6 all state and federal laws and regulations and Board Policies and Administrative  
7 Procedures have been followed, subject to confirmation by the Board.

8 Office of Primary Responsibility: President/Superintendent

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**Date Adopted: December 10, 2008**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policy 7000.1)*

**Human Resources**

**BP 7130 COMPENSATION**

**References:**

Education Code, Sections 70902(b)(4), 72411, 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

The Board of Trustees shall establish salary schedules, compensation, and benefits (including health and welfare benefits as applicable) for all classes of employees and each administrator employed pursuant to a contract under Education Code Section 72411.

District salary schedules, compensation, and benefits shall be administered in accordance with federal, state, local laws, and Board Policies and Administrative Procedures and will be consistent with the terms of respective collective bargaining agreements.

The District may establish an employee insurance program for those employees who are employed on a 50% or more basis as a regular employee or other qualifying assignments as determined by the President/Superintendent or designee.

The President/Superintendent shall establish a District Insurance Committee for the purposes of participation in employees' insurance matters, and shall provide administrative rules and regulations that provide for membership from all Board recognized employee organizations.

The Board of Trustees may defer the adoption of salary schedules to be paid, pending adoption of the District's budget for the ensuing fiscal year.

**Prohibition on Incentive Compensation**

The District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance. Employees covered by this ban shall be referred to as "covered employees" for purposes of this policy.

Foreign students residing in foreign countries who are not eligible to receive federal student assistance are not subject to this prohibition.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted:** December 10, 2008  
**Dates Revised:** June 13, 2012; April 8, 2019; June 3, 2020  
**Date Reviewed:** May 15, 2019; February 10, 2020  
*(Replaces former Cerritos CCD Policy 7006 and 7019)*

**Human Resources**

**1 BP 7140 COLLECTIVE BARGAINING**

**2 References:**

3 Government Code, Sections 3540 et seq.

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

10 Procedures for recognition and verification are contained in existing collective bargaining  
11 agreements.

12 The District shall meet and confer with employee groups who are not represented by an  
13 employee organization under Government Code.

14 Also see BP and AP 2610 titled Presentation of Initial Collective Bargaining Proposals

15 Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: February 5, 2014**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policies 7035 and 7036)*

**Human Resources**

**1 BP 7160 PROFESSIONAL DEVELOPMENT**

**2 Reference:**

3 ACCJC Accreditation Standard III.A.14 (*formerly III.A.5*)

4 The Board of Trustees authorizes the President/Superintendent to establish  
5 administrative procedures which support professional development for employees in  
6 alignment with the District's goals and within the budget allocation for professional  
7 development and/or within the terms of negotiated collective bargaining agreements.

8 Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: October 16, 2013**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policies 3019 and 3020)*

**Human Resources****BP 7210 ACADEMIC EMPLOYEES****References:**

Education Code, Sections 87400 et seq., 87419.1, 87600 et seq., and 87482.8;  
Title 5, Section 51025

Academic employees are all persons employed by the District in academic positions. Academic positions include every type of service, other than paraprofessional service, for which minimum qualifications have been established by the Board of Governors for the California Community Colleges.

Faculty members are those employees who are employed by the District in academic positions that are not designated as educational administrators or managers. Faculty employees include, but are not limited to, instructors, librarians, counselors, and professionals in DSPS, and EOPS.

Decisions regarding tenure of faculty shall be made in accordance with the evaluation procedures established for the evaluation of probationary faculty contained in the collective bargaining agreement and in accordance with the requirements of the Education Code.

A bachelor's degree or the equivalent, from an accredited educational institution, shall be the minimum degree requirement for obtaining tenure as a faculty member in the District. The Board of Trustees reserves the right to determine whether a faculty member shall be granted tenure.

The District may employ temporary faculty from time to time as required by the interests of the District. Temporary faculty may be employed full time or part time. The Board of Trustees delegates authority to the President/Superintendent to determine the extent of the District's needs for temporary faculty.

Notwithstanding this policy, the District shall comply with its goals under the Education Code regarding the ratio of full-time to part-time faculty to be employed by it and for making progress toward the standard of 75% of total faculty workload hours taught by full-time faculty.

Offices of Primary Responsibility: Vice President, Academic Affairs  
Vice President, Human Resources

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**Date Adopted: December 10, 2008**

*(Replaces former Cerritos CCD Policies 7000.2, 7000.3, 7200, and 7201)*

**Human Resources**

**BP 7230 CLASSIFIED EMPLOYEES**

**References:**

Education Code, Sections 88003, 88004, 88009, and 88013

Classified employees are those who are employed in positions that are not academic positions. The employees and positions shall be known as the classified service.

The classified service does not include:

- Substitute and short-term employees who are employed and paid for less than 75 percent of the fiscal year.
- Part-time apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment.
- Full time 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 the District.

The Board shall fix and prescribe the duties of the members of the classified service. (See BP 7110 titled Delegation of Authority) The Board of Trustees shall determine the number and classification of classified positions for the District and shall employ personnel to fill these positions from a list of candidates nominated by the President/Superintendent. The assignment of these employees to specific duties shall be made by the immediate manager with the approval of the President/Superintendent.

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

The President/Superintendent shall establish procedures to assure that the requirements of state law and regulations regarding the classified service are met.

The President/Superintendent, through the Vice President of Human Resources or designee, shall maintain current job descriptions for all classified employment classifications which specify duties, responsibilities, and employment standards.

The President/Superintendent or designee shall establish procedures for approval of revisions to such job classification descriptions.

All employees in the classified service, except restricted employees, shall be designated as either probationary or permanent.

33 The probationary period of all members of the classified service (except for personnel  
34 employed in sworn police officer classifications and the classification of Campus Security  
35 Officer) shall be six (6) months of service. The probationary period shall commence on  
36 the first day of paid service.

37 The probationary employment period for personnel employed in sworn police officer  
38 classifications and the classification of Campus Security Officer shall be 12 calendar  
39 months of service. The probationary period shall commence on the first day of paid  
40 service.

41 During the probationary period, employees in the classified service may be dismissed  
42 without cause and shall not have a right to a hearing.

43  
44 Upon successful completion of the required probationary period by any member of the  
45 classified service, such employee shall be designated as a permanent employee and  
46 shall be subject to disciplinary action only for cause as prescribed in Board Policy.

47 Any permanent classified employee who is subsequently hired in or voluntarily accepts a  
48 transfer into a different or higher classification shall serve the required probationary period  
49 to obtain permanent status in the job classification. During the applicable probationary  
50 period, the employee may be dismissed without cause. In such a case, the employee  
51 shall not have a right to an appeal or hearing and shall be demoted to his or her former  
52 classification.

53 Also see AP 7230 titled Classified Employees

54 Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: November 1994**

**Date Revised: June 3, 2020**

**Date Reviewed: February 10, 2020**

*(Replaces former Cerritos CCD Policies 7300.1, 7301.2, 7301.3, 7302.1, 7303)*

**Human Resources**

**BP 7233 WORK OUT OF CLASSIFICATION**

**Reference:**

Education Code, Section 88010

Government Code, Section 20480

It is the intent of the Board of Trustees that no classified, confidential, or management employee will work out of classification for an indefinite period of time and that out-of-classification work assignments will be temporary as prescribed in the Education Code and Government Code.

The Board of Trustees authorizes the President/Superintendent to establish and maintain procedures for classified, confidential, and management employees who work out of classification. The procedures for classified employees who work out of classification are established and maintained in the collective bargaining agreement. The procedures for confidential employees who work out of classification are maintained in the Confidential Employees' Handbook. The procedures for management employees who work out of classification are established and maintained in the Management Employees' Handbook.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: December 10, 2008**

**Date Revised: April 22, 2019**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policies 7311 and 7109)*

**Human Resources**

**BP 7234 OVERTIME**

**References:**

Education Code, Sections 88027, 88028, 88029, and 88030  
29 Code of Federal Regulations, Part 541, Sections 541.102 and 541.301 (Fair Labor Standards Act)

Overtime compensation provisions for classified employees are established and maintained in the collective bargaining agreement. Provision for compensatory time off in lieu of payment for overtime are established and maintained in the collective bargaining agreement.

Overtime compensation provisions for confidential employees will be maintained by the District in administrative procedures.

The District will maintain provisions for overtime compensation for temporary hourly employees in administrative procedures.

Educational administrators and classified managers are excluded from overtime compensation provisions by federal law and Education Code Section 88029. Faculty members are excluded from overtime wage provisions by federal law.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: December 10, 2008**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policy 7106.1)*

**Human Resources**

**BP 7240 CONFIDENTIAL EMPLOYEES**

**Reference:**

Government Code, Section 3540.1(c)

Confidential employees are those who are required to develop or represent management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. The fact that an employee has access to confidential or sensitive information shall not in and of itself make the employee a confidential employee.

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

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

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

Confidential employees shall be compensated according to the confidential salary schedule.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: November 1994**

**Date Revised: June 3, 2020**

**Date Reviewed: February 10, 2020**

*(Replaces former Cerritos CCD Policies 7000.9 and 7320)*

**Human Resources**

**BP 7250 EDUCATIONAL ADMINISTRATORS**

**References:**

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

An administrator is a person employed by the Board of Trustees in a management position as defined in Government Code, Sections 3540 et seq. Educational administrators are those who exercise direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services programs of the District.

**Duties and Responsibilities**

Educational administrators, regardless of job description, have authority to recommend the hire, transfer, suspension, promotion, discharge, assignment and/or discipline of employees. Educational administrators have the responsibility to assign, direct and evaluate the work of employees, and/or address employee grievances. Educational administrators have the responsibility as specified in their Board approved job descriptions to plan, organize, and administer the activities of the department, office or division efficiently in accordance with federal, state, and local laws, Board Policies, Administrative Procedures, employee handbooks, and collective bargaining agreements.

**Appointments**

The appointments of the President/Superintendent and any other contract positions as established by the Board of Trustees are established by contracts and continued by the action of the Board of Trustees.

All other educational administrator positions are offered and held on recommendation of the President/Superintendent with the approval of the Board of Trustees. Appointments to educational administrator positions, other than those controlled by management contract as specified in Board Policy, shall be continued from year to year unless appropriate notice is given in the manner prescribed by law.

**Terms and Conditions of Employment**

The President/Superintendent shall provide, subject to approval of the Board of Trustees, regulations regarding management employees' rights, terms and conditions of employment. Management employees' concerns on matters related to wages, hours of employment and other terms and conditions of employment shall be communicated to the Board of Trustees by the President/Superintendent or his/her designee.

A full-time management assignment is defined as a 40-hour workweek; however,

managers may be required and/or expected to render any additional time as may be necessary to fulfill their management responsibilities and/or meet District needs.

### **Reassignment**

Educational administrators do not acquire and cannot obtain tenured status as educational administrators, but are eligible for and may hold status in other capacities in the District in accordance with Education Code Section 87458. An educational administrator who has not previously acquired tenure as a faculty member in the District shall have the right to become a first year probationary faculty member once his or her administrative assignment expires or is terminated, if the following criteria are met:

- The administrator meets the criteria established by the District for minimum qualifications for a faculty position, in accordance with procedures developed jointly by the President/Superintendent and the Faculty Senate and approved by the Board of Trustees. The Board shall rely primarily on the advice and judgment of the Faculty Senate to determine that an administrator possesses minimum qualifications for employment as a faculty member.
- The requirements of Education Code, Section 87458(c) and (d), or any successor statute, are met with respect to prior satisfactory service and reason for termination of the administrative assignment.
- The District has a vacancy for which the administrator meets minimum qualifications.

### **Compensation**

Educational administrators shall be compensated in the manner provided for by the appointment or contract of employment and/or are compensated according to the terms of the management salary schedule. The management salary schedule shall be set by the Board of Trustees upon recommendation by the President/Superintendent. Educational administrators will originally be placed on the appropriate salary schedule according to position by the President/Superintendent.

### **Benefits**

Educational Administrators shall be entitled to health and welfare benefits made available by action of the Board of Trustees upon recommendation by the President/Superintendent.

Educational administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, Board Policies and Administrative Procedures.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: December 10, 2008**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policies 7000.4, 7000.6, 7101.1, 7101.2, 7101.3, and 7103)*

**Human Resources**

**BP 7260 CLASSIFIED MANAGERS**

**References:**

Education Code, Sections 70902; 72411; 87002(c); 88003; 88013; 88120; 88124;  
88191;  
Government Code, Sections 3540.1(g) and (m)

Classified managers are administrators who are not employed as educational administrators. Classified managers are those classified administrators, regardless of job description, who have significant responsibilities for formulating District policies and/or administering District programs other than the educational programs of the District.

Classified managers are employed in the same manner as the other members of the classified service. Employment shall be consistent with other provisions of these Board Policies and Administrative Procedures regarding employment of classified employees.

**Duties and Responsibilities**

Classified managers, regardless of job description, have authority to recommend the hire, transfer, suspension, promotion, discharge, assignment, and/or discipline of employees. Classified managers have the responsibility to assign, direct and evaluate the work employees, and/or address employee grievances. Classified managers have the responsibility as specified in their Board approved job descriptions to plan, organize, and administer the activities of the department, office or division efficiently in accordance with federal, state, and local laws, Board Policies, Administrative Procedures, employee handbooks, and collective bargaining agreements.

**Appointments**

The appointments to contract positions as established by the Board of Trustees are established by contracts and continued by the action of the Board of Trustees.

Classified management positions are offered and held on recommendation of the President/Superintendent with the approval of the Board of Trustees.

**Probationary Period and Permanent Status**

The probationary employment period for all classified managers shall be 12 calendar months of actual service which shall be deemed to include days of absence for illness or injury to which the manager is entitled without loss of pay pursuant to the requirements and authority of Section 88191 of the Education Code. The probationary period shall commence on the first day of paid service.

Continued employment of probationary classified managers is subject to successful completion of the probationary period. During the probationary period, classified managers shall be subject to disciplinary action and/or noncontinuance of probationary employment and shall not have a right to a hearing.

Upon completion of the required probationary employment period by a classified manager, such manager is hereby designated as a permanent employee and shall be subject to disciplinary action only for cause as prescribed in the Board Policy governing discipline of classified employees.

#### **Terms and Conditions of Employment**

The President/Superintendent shall provide, subject to approval of the Board of Trustees, regulations regarding management employees' rights, terms and conditions of employment. Management employees' concerns on matters related to wages, hours of employment and other terms and conditions of employment shall be communicated to the Board of Trustees by the President/Superintendent or his/her designee.

A full-time management assignment is defined as a 40-hour workweek; however; managers may be required and/or expected to render any additional time as may be necessary to fulfill their management responsibilities and/or meet District needs.

#### **Compensation**

Classified managers will be compensated in the manner provided for by the appointment or contract of employment and/or are compensated according to the terms of the management salary schedule. The management salary schedule will be set by the Board of Trustees upon recommendation by the President/Superintendent. Classified managers will originally be placed on the appropriate salary schedule according to position by the President/Superintendent.

#### **Benefits**

Classified managers will be entitled to health and welfare benefits made available by action of the Board of Trustees upon recommendation by the President/Superintendent.

Classified managers will be entitled to vacation leave, sick leave, and other leaves as provided by law, Board Policies and Administrative Procedures.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: December 10, 2008**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policies 7000.5, 7100.4, and 7108)*

**Human Resources**

**BP 7310 NEPOTISM**

**References:**

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

The District does not prohibit the employment of a relative, an immediate family member or domestic partner (as defined by Family Code, Sections 297 et seq.) of a current employee in the same department or division, with the exception that they shall not be assigned to a position within the same department, division, or site that has an immediate family member, as defined below, who is in a position to recommend or influence personnel decisions. Any employee of the District is also prohibited from making any admissions, financial aid, work-study, student hourly employment or internship decisions for student(s) who are relatives, domestic partners or in their immediate family.

Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, discipline, demotion, or salary of the relative or domestic partner.

Relative or immediate family member as used in this policy refers to father, mother, brother, sister, spouse, child, grandchild, stepfather, stepmother, stepson, stepdaughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandfather, grandfather-in-law, grandmother, grandmother-in-law, foster parents in lieu of father or mother, foster children or family members living in the immediate household. Pursuant to Board Policy 7510, a domestic partner and his/her immediate family members shall have, insofar as permitted by California law, the same consideration as a spouse.

At anytime that an immediate family member or relative of a member of the Board of Trustees is being considered for employment in any regular full-time, part-time, or hourly capacity by the District, said member of the Board of Trustees shall make known the family relationship before action is taken.

The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest in dealing with employment of immediate family members.

Notwithstanding the above, the District retains the right where such placement has the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest, to refuse to place relatives or immediate family members in the same department, division, or facility. The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, or morale, or involves other potential conflicts of interest.

34 Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: December 10, 2008**

**Date Revised: March 28, 2011**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policies 7000.14 and 7028)*

**Human Resources**

**BP 7330 COMMUNICABLE DISEASE**

**References:**

Education Code, Sections 87408, 87408.6, and 88021

All newly hired academic employees who have not previously been employed in a school district in California shall have on file a medical certificate indicating freedom from communicable diseases, including active tuberculosis. No academic employee shall commence service until such medical certificate has been provided to the District.

All newly hired academic or classified employees who have not previously been employed in a school district in California must show that within the past 60 days they have submitted to a tuberculosis risk assessment and, if risk factors are present, have been examined to determine that they are free from active tuberculosis. If risk factors were present at the tuberculosis risk assessment, and an examination occurs, after the examination the employee shall provide the District with a certificate from the employee's examining physician showing that the employee was examined and found to be free from active tuberculosis.

All employees shall be required to undergo a tuberculosis risk assessment within four years of employment and every four years thereafter to determine if they are free from active tuberculosis.

Also see AP 7335 titled Health Examinations and AP 7336 titled Certification of Freedom from Tuberculosis.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: December 10, 2008**

**Date Reviewed: May 15, 2019**

**Human Resources**

**BP 7335 HEALTH EXAMINATIONS**

**References:**

Government Code, Section 12940;  
42 U.S. Code, Section 12112(d);  
29 C.F.R., Part 1630

The District may require examinations of candidates for appropriate positions prior to assuming the duties of the position. Such pre-employment medical examinations may only be required after a conditional job offer has been made, and shall be required of any candidate for a position for which a pre-employment medical examination has been deemed appropriate. No candidate will be required to participate in such an examination solely on the basis of the candidate's age or disability.

The Board of Trustees, the President/Superintendent or his/her designee may require any employee to undergo a physical or mental examination at any time it appears to be in the District's interest to obtain verification of an employee's fitness for duty. Such medical examinations will be at the District's expense and will be conducted by a physician chosen by the District.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: December 10, 2008**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos College Policy 7034)*

**Human Resources**

**BP 7345 CATASTROPHIC ILLNESS LEAVE PROGRAM**

**References:**

Education Code Section 87045

The Board authorizes implementation of a Catastrophic Illness Leave Program to permit regular, full-time District employees who have completed the probationary period to donate a maximum of one day of their own accumulated sick leave balance, per academic year, to another District employee who has been diagnosed with a catastrophic illness.

For the purpose of this Program, "catastrophic illness" is defined as a medically-diagnosed condition, as determined by a licensed medical practitioner, that is expected to incapacitate the employee for an extended period of time (at least 30 calendar days) and prevent the employee from performing his/her duties. Pursuant to Education Code 87045, an employee must exhaust all accrued paid leave credits in order to be eligible for catastrophic illness leave. Accumulated and donated sick leave, extended sick leave, and long-term disability benefits are used concurrently with employee leave entitlements under the Family and Medical Leave and California Family Rights Acts. Donations of sick leave through this Program can be accepted from all regular District employee groups.

The President/Superintendent shall establish administrative procedures to administer the program that comply with the requirements established by the Education Code. The administrative procedures shall ensure that the program is administered in a nondiscriminatory way.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: January 18, 2017**

**Date Reviewed: May 15, 2019**

**Human Resources**

**BP 7346 MILITARY LEAVE**

**References:**

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

The District will grant a temporary military leave of absence to employees who are members of the reserve corps or force of the Armed Forces, the National Guard, or the Naval Militia who are ordered to active duty in accordance with state and federal law and the collective bargaining agreements.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: December 10, 2008**

**Date Revised: April 22, 2019**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos College Policy 7015)*

**Human Resources**

**BP 7350 RESIGNATIONS**

**References:**

Education Code, Sections 87730 and 88201

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

The Board of Trustees hereby delegates to the President/Superintendent the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Board of Trustees when accepted in writing by the President/Superintendent. When accepted by the President/Superintendent, the resignation is final and may not be rescinded unless otherwise approved by the Board. All such resignations shall be forwarded to the Board of Trustees for ratification.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: February 5, 2014**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policy 7005)*

**Human Resources**

**BP 7365 DISCIPLINE AND DISMISSAL – CLASSIFIED EMPLOYEES**

**References:**

Education Code, Sections 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 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 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.
- 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

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

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**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)*

**Human Resources**

**BP 7510 DOMESTIC PARTNERS**

**References:**

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

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

Therefore, all references to “spouses” in the District’s policies or administrative procedures shall be read to include registered domestic partners as permitted by California law.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: December 10, 2008**

**Date Reviewed: May 15, 2019**

**Human Resources****BP 7600 CAMPUS POLICE****References:**

Education Code, Sections 72330 et seq.;  
Government Code, Sections 3300 et seq.

The Board of Trustees has established a Campus Police Department under the supervision of one Chief of Campus Police, who shall report directly to the Vice President of Business Services. The department shall have jurisdiction to enforce the law on or near the campus as provided by law and/or mutual aid agreements covering contiguous law enforcement agency territory. The department shall maintain a Department Policy Manual consisting of current state and federal legal standards and established best practices, as promulgated by the recognized police standards authority (currently Lexipol, Inc.).

Campus Police officers shall be employed as members of the classified service and shall, when duly sworn, be peace officers as defined by law. Prior to employment, they shall satisfy the training requirements set out in Penal Code, Sections 830 et seq. Additional employment conditions and requirements shall be stipulated in Administrative Procedure 7600 titled Campus Police.

The President/Superintendent or designee shall establish minimum qualifications of employment for the Chief of Campus Police including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officer Standards and Training (POST).

The President/Superintendent shall ensure that every sworn member of the police department satisfies the requirements of state law regarding qualifications for continued employment. These shall include meeting standards set by the California Commission on Peace Officer Standards and Training (California POST) including those pertaining to firearms.

Every sworn member of the Campus Police Department shall be required to know and follow procedures for the use of weapons and force, including firearms, as stipulated in the current Department Policy Manual.

Every sworn member of the Campus Police Department shall be issued a suitable identification card and badge bearing the words "Cerritos College Police".

The President/Superintendent, in cooperation with the Chief of Campus Police, shall issue such other regulations as may be necessary for the administration of the Campus Police Department.

35 Also see AP 7600 titled Campus Police.

36 Offices of Primary Responsibility: Vice President, Business Services  
37 Vice President, Human Resources

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**Date Adopted: December 10, 2008**

**Dates Revised: May 20, 2009; October 5, 2011; April 22, 2019**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos College Policies 4300-4302)*

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

Education Code, Sections 87160-87164;  
California Labor Code, Section 1102.5;  
Government Code, Section 53296;  
Private Attorney General Act of 2004 (Labor Code, Section 2698)  
Affordable Care Act (29 U.S.C. 218C)

The President/Superintendent shall establish procedures regarding the reporting and investigation of suspected unlawful activities by District employees, and the protection from retaliation of those who make such reports in good faith and/or assist in the investigation of such reports. For the purposes of this policy and any implementing procedures, "unlawful activity" refers to any activity—intentional or negligent—that violates state or federal law, local ordinances, or Board Policy.

The procedures shall provide that individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation, that such reports are investigated thoroughly and promptly, remedies are applied for any unlawful practices and protections are provided to those employees who, in good faith, report these activities and/or assist the District in its investigation.

Furthermore, District employees shall not:

- (1) retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order;
- (2) retaliate against an employee or applicant for employment because the employee or applicant is a family member of a person who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or
- (3) directly or indirectly use or attempt to use the official authority or influence of his or her position for the purpose of interfering with the right of an applicant or an employee to make a protected disclosure to the District. The District will not tolerate retaliation and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it up to and including termination.

Office of Primary Responsibility: President/Superintendent

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**Date Adopted: December 10, 2008**

**Date Revised: November 18, 2013**

**Date Reviewed: May 15, 2019**

**Human Resources**

**AP 7050 EMPLOYEE CONFLICT OF INTEREST**

**References:**

Government Code, Sections 1126, 82029, 87100, 87302;  
CCR, Title 2, Section 18705

The District will provide to all employees upon hire notice which includes, but is not limited to, those actions which will be deemed a conflict of interest.

A. Any employee violating Board Policy 7050 may be subject to disciplinary action according to and consistent with the terms of the current Board Policies, collective bargaining agreements, the Fair Political Practices Act and the Government and Education Codes. Any employees who have questions or concerns of potential conflict of interests should contact the Director or Vice President of Human Resources.

B. All rights of appeal shall be consistent with state statutes and collective bargaining agreements.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Revised: April 8, 2019**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policy 5000.1)*

**Human Resources**

**AP 7110 DELEGATION OF AUTHORITY, HUMAN RESOURCES**

**Reference:**

Education Code, Section 70902(d);  
ACCJC Accreditation Standard III.A.11

**A. Authorization to Hire**

The authority to hire employees for all service to the District is vested in the Board of Trustees. No employment is final until the Board takes official action.

**B. Recommendation for Hire**

The establishment of new positions requires approval from the Board of Trustees. Replacement positions require recommendations from the appropriate Vice President of the area to the President/Superintendent. The President/Superintendent will ensure that funds are available to cover the cost of replacement or new positions. The Human Resources Office is responsible for filling authorized positions through the established hiring policies and procedures.

**C. Delegation of Responsibility**

The President/Superintendent may delegate to the Vice President of Human Resources the development of job responsibilities and the performance of other personnel actions provided that all state and federal laws and regulations, Board Policies, and Administrative Procedures are followed.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**  
**Dates Revised: July 1, 2010; April 8, 2019**  
**Date Reviewed: May 15, 2019**

**Human Resources**

**AP 7125 VERIFICATION OF ELIGIBILITY FOR EMPLOYMENT**

**Reference:**

8 U.S. Code, Section 1324a

The District will only hire or recruit United States citizens or people legally authorized to be employed in the United States. The District will not sponsor individuals for employment except under unusual circumstances as approved by the Board of Trustees.

The District will ensure completion and verification of the employment eligibility form(s) required by the United States government for each new employee. 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.

The Employment Eligibility Verification Form (I-9) is required for employment from all persons hired subsequent to November 1986, within three business days of hire and must be accompanied by unexpired, acceptable documents as set forth in federal law (Department of Homeland Security, U.S. Citizenship, and Immigration Services) at the time of hire.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Revised: April 8, 2019**

**Date Reviewed: May 15, 2019**

**Human Resources**

1   **AP 7128    OUTSIDE EMPLOYMENT**

2   **References:**

- 3       Education Code Section 70902;  
4       Government Code Section 1126

5   Outside employment shall not in any way interfere with an employee's ability to fully carry  
6   out his/her assignment with the District.

7   Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted:**   February 24, 2020

*Replaces former Cerritos College Policy 7025*

**Human Resources**

**AP 7127 IDENTIFICATION CARDS**

**References:**

Education Code Section 87013

All new full-time probationary employees, at the time of initial employment with the District, shall be issued an identification card which includes the employee's picture, position title, employee number, and signature. This identification card, which remains the property of the District, shall be carried by the employee at all times while on campus. Upon termination from employment, the identification card must be returned to the District in accordance with administrative procedures.

Temporary part-time academic employees and part-time classified employees shall be issued an identification card valid only for the academic year for which they are employed.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted:** February 24, 2020

*Replaces former Cerritos College Policy 7024 et al.*

**Human Resources**

**AP 7126 APPLICANT BACKGROUND CHECKS**

**References:**

Civil Code, Sections 47, 1785.16, 1785.20, and 1786.16 et seq.;  
Penal Code, Sections 11075-11081;  
Fair Credit Reporting Act (Federal)

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

Where a background investigation is performed by an external, contracted third party, the Vice President of Human Resources or designee 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 affects any applicant based in whole or in part upon the third-party report, the Vice President of Human Resources or designee 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.

Also see AP 7337 titled Fingerprinting

Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**  
**Date Revised: July 1, 2010**  
**Date Reviewed: May 15, 2019**

**Human Resources**

**AP 7130    COMPENSATION**

**References:**

Education Code, Sections 87801 and 88160;  
Government Code, Sections 1340, 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

**Contract Management Employees**

The Board of Trustees will establish and maintain a contract with the President/  
Superintendent which sets forth the provisions of salary, compensation, and health and  
welfare benefits.

The Board of Trustees will establish and maintain a Contract Management Salary  
Schedule. Contract Management Employees, excluding the President/Superintendent,  
will receive compensation based upon the Contract Management Employee Salary  
Schedule. The Board of Trustees will also establish and maintain contracts with Contract  
Management Employees which include salary provisions and health and welfare benefits.

**Management Team Employees**

The Board of Trustees will establish and maintain a Management Team Salary Schedule.  
The Human Resources Office will maintain salary schedules, salary schedule provisions,  
and health and welfare benefits at the direction of the Board of Trustees. The Board of  
Trustees will also establish and maintain contracts with Management Team Employees  
hired after July 1, 2017, which include salary provisions and health and welfare benefits.

**Faculty Employees**

Faculty salary schedules, salary schedule provisions, and health and welfare benefits will  
be established and maintained in the collective bargaining agreement.

All faculty employees will be paid and receive benefits in accordance with the terms and  
conditions of the negotiated agreement.

**Classified Employees**

Classified salary schedules, salary schedule provisions, and health and welfare benefits  
will be established and maintained in the collective bargaining agreement.

All classified employees will be paid and receive benefits in accordance with the terms  
and conditions of the negotiated agreement.

### **Confidential Employees**

The Board of Trustees will establish and maintain a Confidential Salary Schedule. The Human Resources Office will maintain salary schedules, salary schedule provisions, and health and welfare benefits at the direction of the Board of Trustees.

### **Child Development Center and Short Term Hourly Employees**

The Board of Trustees will establish and maintain Salary Schedules for Child Development Center and Short Term Hourly employees. The Human Resources Office will maintain salary schedules, salary schedule provisions, and health and welfare benefits as applicable at the direction of the Board of Trustees.

### **General Employee Provisions**

The term "workday" or "working days" means a day when the Office of the President/Superintendent is open for business except as defined in other Board Policies.

#### Salary Warrant Errors

Whenever it is determined that a District error has been made in the calculation or reporting in any employee's payroll or in the payment of any employee's salary, the District shall provide the employee with a statement of the correction and a supplement payment normally within five (5) working days of such determination. The employee shall provide written notification to the Payroll Department of any alleged errors. A salary warrant error resulting in an overpayment for an employee shall be corrected and subsequent salary warrant(s) reduced accordingly after the District provides written notification to said employee.

#### Lost Salary Warrants

If an employee: a) loses a salary warrant after receipt, b) fails to receive a salary warrant within ten (10) workdays of the date of mailing, or c) fails to cash a salary warrant within six (6) months of the issuance date, said employee shall immediately notify the Payroll Department and as soon as administratively practicable a new salary warrant shall be issued. The District shall charge said employee for the actual and necessary expense of reissuing a warrant in cases of the loss of a salary warrant or failure to cash a salary warrant within the time period specified above.

#### Quarantine

All employees may receive salary in full when quarantined by city or county health officials because of another's illness.

#### **Notification of Change of Name, Address and Telephone Number**

Upon employment, each employee shall provide the Human Resources Office, his/her correct residence address, and, if different, his/her correct mailing address and telephone number. Changes of employee name, street and/or post office box, address and telephone number shall be reported in writing to the Human Resources Office within ten (10) working days of the change.

71 **Tax Sheltered Annuities (No District Financial Interest)**

72 *(Policy 7021 to be included here after Payroll updates IRS information.)*

73 **Prohibition on Incentive Compensation**

74 The District shall not provide any commission, bonus, or other incentive payment based,  
75 directly or indirectly, on the success in securing enrollments or financial aid, to any person  
76 or entity engaged in any student recruiting or admission activities or in making decisions  
77 regarding the award of student financial assistance. Employees covered by this ban shall  
78 be referred to as “covered employees” for purposes of this policy.

79 Contract management employees who are only involved in the development of policy and  
80 do not engage in individual student contact or the other activities covered by the  
81 prohibition of incentive compensation will not generally be subject to the ban.

82 The management team and employees who are only involved in the development of  
83 policy and do not engage in individual student contact or the other activities covered by  
84 the prohibition of incentive compensation will not generally be subject to the ban.

85 The President/Superintendent or designee shall identify any covered employees of the  
86 District and determine whether the District’s compensation arrangements comport with  
87 the prohibition on incentive compensation, and to the extent that they do not, make  
88 necessary modifications to comply. Similarly, the President/Superintendent or designee  
89 shall identify any covered service providers, evaluate whether the contract pricing  
90 structure is consistent with the prohibition on incentive compensation, and if not,  
91 determine what modifications the District can make to any applicable contract.

92 Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Dates Revised: October 10, 2011; April 8, 2019; February 10, 2020**

**Date Reviewed: May 15, 2019; February 10, 2020**

*(Replaces former Cerritos CCD Policies 7000.12, 7002, 7006, 7007, 7021, 7206, 7304, 7305, 7307, 7308, 7309, 7310, and 7321)*

**Human Resources**

**AP 7145 PERSONNEL FILES**

**References:**

Education Code, Section 87031;  
Labor Code, Section 1198.5

Personnel records are private, accurate, complete, and permanent. Personnel files shall be maintained in confidence and shall be available for inspection only to appropriate management or other designated employees of the District when such is actually necessary in the proper administration of the District's affairs or the supervision of the employee. All documents concerning employees and established as official District personnel files shall be maintained by the District's Human Resources Office. The President/Superintendent or appropriate Vice President shall be responsible for the development and implementation of procedures for placement of materials in employees' personnel files. All materials to be placed in personnel files shall be submitted through the appropriate Vice President or designee for review and placement in District personnel files.

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

Management employees shall also have a right to review the personnel file of employees under their supervision.

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 appropriate Vice President or designee shall determine whether or not materials submitted for placement in personnel files are derogatory in nature. Employees shall be notified in writing of placement of any derogatory material in their personnel files and shall also receive a copy of such material. Employees shall be notified of their right to comment in writing on any such derogatory material. Employees must submit written comments to the Human Resources Office not later than ten (10) working days after receipt of a copy of such material. Such comments shall be attached to the material and placed in their personnel files. Comments not received within the ten (10) day period will not be placed in the personnel file

36 The employee shall not have the right to inspect personnel records at a time when the  
37 employee is actually required to render services to the District. Reviews of personnel files  
38 shall take place in the presence of and under the supervision of authorized  
39 representatives of the District Human Resources office. Documents may not be removed  
40 from personnel files. Employees may request copies of documents reproduced for  
41 personal use at the employee's expense. Employees may also authorize other individuals  
42 to review their personnel files provided such authorization is made in writing and signed  
43 by such employees.

44 Nothing in this procedure shall entitle an employee to review letters of reference or  
45 ratings, reports, or records that (a) were obtained prior to the employment of the person  
46 involved, (b) were prepared by identifiable examination committee members, or (c) were  
47 obtained in connection with a promotional examination or interview.

48 Copies of personnel records may be released if legally required under subpoena;  
49 however, the District will require reimbursement of reasonable costs for such service.

50 If a collective bargaining agreement provides for more benefits, provides a different  
51 procedure than this policy, or contains provisions regarding documents that shall or shall  
52 not be placed in a personnel file, then the collective bargaining agreement applies.

53 Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted:** February 24, 2020  
(Replaces former Cerritos CCD Policy 7023)

**Human Resources**

**AP 7160 PROFESSIONAL DEVELOPMENT**

**Reference:**

ACCJC Accreditation Standard III.A.14 (*formerly III.A.5*)

The District plans for and provides all personnel with appropriate opportunities for continued professional development, consistent with the District's mission. The District will evaluate these programs and use the results of the evaluation as the basis for improvement.

Cerritos College encourages employees to participate in professional development activities which enhance performance in current or potential assignments. Such participation will be supported through the established budget in alignment with the District's goals and/or within the terms of negotiated collective bargaining agreements.

Professional Development may include, but is not limited to:

- improvement in teaching;
- activities that support student success or job skill enhancement;
- maintenance of current academic and technical knowledge and skills;
- retraining to meet changing instructional, support or operational needs;
- development of innovations in instructional and administrative techniques and program effectiveness;
- computer and technological proficiency programs;
- interpersonal communication (i.e. customer service, leadership, mentorship)
- courses and training implementing equal opportunity, equity, diversity, inclusion, and professional advancement; and
- other activities determined by the Board of Governors of the California Community Colleges to be related to educational and professional development.

***Management Employees***

Management employees are encouraged to engage in a systematic program of professional development. The President/Superintendent, upon recommendation of the appropriate Vice President and supervising manager (if any), is authorized to approve the use of available funds to support professional development of management employees. The procedures for application and use of professional development funds will be maintained in the Management Employees' Handbook.

***Faculty Employees***

Faculty members are encouraged to maintain currency with information, concepts, laws and ideas in their disciplines and with best practices in teaching and learning. Also see BP/AP 4005 titled Duties and Responsibilities of Faculty Members, and provisions of the faculty

35 collective bargaining agreement.

36 ***Classified Employees***

37 Classified Employees are encouraged to engage in professional development opportunities.  
38 The District has negotiated a Professional Growth Program that is contained in the classified  
39 collective bargaining agreement and the program will be administered according to the  
40 terms and conditions set forth in the collective bargaining agreement.

41 ***Confidential Employees***

42 Confidential Employees are encouraged to engage in a systematic program of professional  
43 development. It is the responsibility of the employee to apply for professional growth and  
44 meet all guidelines and procedures for the program. The procedures for use, application,  
45 and approval process of professional development funds will be maintained in the  
46 Confidential Employees' Handbook.

47 ***All Other Employees***

48 All other employees are encouraged to pursue professional development opportunities  
49 under prior approval from their immediate supervisor.

50 Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: September 23, 2013**

**Date Revised: April 22, 2019**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policy 8009)*

**Human Resources**

**AP 7210 ACADEMIC EMPLOYEES**

**References:**

Education Code, Sections 87400 et seq., 87600 et seq., and 87482.8;  
Title 5, Section 51025

**Faculty Senate:** A faculty senate, organized under the provisions of the Administrative Code (California Code of Regulations, Title 5, Section 53200 et seq.), may represent the faculty by participating with the administration and the Board of Trustees in the formation of District policies on academic and professional matters as long as the exercise of such function does not conflict with lawful collective bargaining agreements.

**Full-Time Faculty Assignment:** All employment is predicated on a 40-hour week for all full-time academic employees. A full-time teaching load is 30 teaching units per academic year. Full-time academic employees' work hour assignments shall be made in accordance with established administrative guidelines and procedures. All full-time faculty employees regardless of tenure status, title or District assignment, shall perform specific duties under the direction of the designated management employee (see AP 4005 Duties and Responsibilities of Faculty Members and collective bargaining agreement).

**Full-Time Faculty Assignment in Adult Education:** A full-time teaching assignment in Adult Education classes for the District is 30 teaching hours per week. Temporary part-time Adult Education instructors' assignments shall not exceed 67 percent of the 30 hours per week pursuant to Education Code Section 87482.5. The duties and responsibilities of full-time Adult Education faculty are the same as the duties and responsibilities of all other full-time academic employees.

**Academic Rank:** Qualifications and procedures to obtain rank shall be recommended by the Faculty Senate, approved by the Vice President of Academic Affairs, and published in the collective bargaining agreement.

**Reduced Workload Prior to Retirement:** A reduced workload from full-time to part-time (not less than half-time) with prorated pay and maintenance of full retirement benefits, may be granted by the Board of Trustees to those academic employees who qualify.

**Qualification for Application:** To qualify for the application for reduced load, the employee must meet all the following criteria:

1. The employee shall have reached age 55 prior to the year when the reduction in workload occurs.

2. The employee shall have been employed full-time in an academic position for at least ten years of which the immediate preceding five years were full-time employment with the Cerritos Community College District.
3. During the period immediately preceding a request for a reduction in workload, the employee shall have been employed full-time in an academic position for a total of at least five years without a break in service. Sabbatical leaves and other approved leaves of absence shall not constitute a break in service. Time spent on a sabbatical or other approved leave of absence shall not be used in computing the five-year full-time service requirement.
4. The employee cannot participate in the plan for more than five years.
5. The employee is not an educational administrator.

**Terms of Agreement:** The terms of agreement for reduced workload between the District and the employee include the following:

1. The option of part-time employment shall be exercised at the request of the employee and can be revoked only with the mutual consent of the employer and the employee.
2. The employee shall be paid a salary which is the pro-rata share of the salary he/she would be earning had he/she not elected to exercise the option of part-time employment, but shall retain all other rights and benefits for which he/she makes the payments that would be required if he/she remained in full-time employment. All hours of required service to the District under this agreement shall be prorated accordingly.
3. An employee requesting the reduced workload prior to retirement will be assigned a minimum of 50% load. An employee requesting the reduced workload of 50% prior to retirement may have the reduced assignment scheduled in either one semester or in the two semesters upon mutual agreement of the employee and the District. If reduced workload exceeds a 50% assignment, the load will be divided over two semesters. Each case will be individually considered in relationship to how the reduced assignment will affect the employee's assignment and meet District needs.
4. The employee and the District shall agree to contribute to the Teachers' Retirement Fund the amount that would be contributed if the member were employed on a fulltime basis. The employee shall make arrangements with the Payroll Department for payroll deductions or a lump sum payment in the amount necessary to pay the employee's 100% retirement contributions.
5. The period of agreement may be from one to five years.
6. The length of the original agreement for reduced load or the percentage of assigned load may be changed within the limits of the Education Code only by mutual agreement of the District and the employee.
7. If an employee works less than 100% assignment, the amount of accumulated sick leave varies in direct proportion to the percent of full-time employment.
8. An employee on less than full-time employment, who must use sick leave, will reduce earned leave on the same basis as employment.
9. The employee must retire on or before the termination of the agreement.

10. An employee on a reduced workload agreement shall not be employed in any overload or substitute hourly assignments during the regular school year.

**Approval of Application:** Eligible academic employees who wish to apply for a reduced workload should do so prior to February 1 of the school year preceding the first year in which the reduced workload will become effective.

The application must be approved by the employee's immediate manager, the appropriate Vice President, and the President/Superintendent before it can be recommended to the Board of Trustees for approval.

The decision to approve or deny a request for a reduced workload of an employee will depend on the effect it will have on the educational program. Consideration should be given to whether adequate replacement can be found and the number of people within an instructional area who may be on leave.

Also see BP 4005 titled Duties and Responsibilities of Faculty Members and BP 2510 titled Participation in Local Decision Making.

Offices of Primary Responsibility: Vice President, Academic Affairs  
Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Revised: April 22, 2019**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policies 7209, 7210, 7212, 7215 and 7222)*

**Human Resources**

**AP 7212 TEMPORARY FACULTY**

**References:**

Education Code, Sections 87481, 87482 and 87482.5

The District may employ any qualified individual as a temporary full-time faculty member for a complete academic year, but not less than one semester during an academic year:

- based upon the need for additional faculty because a full-time faculty member has been granted leave for a semester or an academic year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need, as determined by the governing board;
- such employment may be pursuant to an appointment fixing a salary for the entire semester or academic year; and
- with the understanding that no person shall be employed for more than two semesters within any period of three consecutive years, unless otherwise authorized by the Education Code.

Effective January 1, 2009, any person who is employed as a faculty member 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.

Service as a substitute on a day-to-day basis shall not be used for purposes of calculating eligibility for contract or regular status.

All temporary faculty employees shall perform specific duties under the direction of the designated management employee.

Offices of Primary Responsibility: Vice President, Academic Affairs  
Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policy 7202.2)*

**Human Resources**

**AP 7215 ACADEMIC EMPLOYEES: PROBATIONARY CONTRACT  
FACULTY**

**References:**

Education Code, Sections 87600 et seq.

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

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

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

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

**First Contract (Year 1)**

If a contract employee is working under his or her first contract, the Board of Trustees, 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, or
- Employ the contract employee as a regular employee for all subsequent academic years.

**Second Contract (Year 2)**

If a contract employee is working under his or her second contract, the Board of Trustees, 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, or

- Employ the contract employee as a regular employee for all subsequent academic years.

### **Third Contract (Years 3 and 4)**

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

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

Notice of decision regarding continued employment of a probationary faculty employee shall be given to such employees in accordance with the provisions of Education Code Sections 87609 and 87610. The notice shall be by registered or certified mail to the most recent address on file with the District Human Resources Office. Failure to give the notice as required to a contract employee under his or her third consecutive contract shall be deemed a decision to employ him or her as a regular employee for all subsequent academic years.

Offices of Primary Responsibility: Vice President, Academic Affairs  
Vice President, Human Resources

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**Date Approved: December 10, 2008**  
**Date Reviewed: May 15, 2019**

**Human Resources**

**AP 7233 WORK OUT OF CLASSIFICATION**

**Reference:**

Education Code, Section 88010

Government Code, Section 20480

An out-of-class assignment shall not exceed a total of 960 hours in each fiscal year. For purposes of this section, "out-of-class assignment" means an appointment of an employee to a higher classification by the Board of Trustees in a vacant position for a limited duration. A "vacant position" refers to a position that is vacant during recruitment for a permanent appointment. Vacant position does not refer to a position that is temporarily available due to another employee's leave of absence.

**Classified Employees**

Temporary out-of-classification work assignments lasting longer than forty-five (45) calendar days must be approved in advance by the Board of Trustees.

The procedures for out-of-classification work will be established through the collective bargaining process and maintained in the collective bargaining agreement. All new classified employees shall have the option to receive a hard or electronic copy of the collective bargaining agreement. A copy of the collective bargaining agreement will be maintained on the District's website.

**Confidential Employees**

Temporary out-of-classification work assignments lasting longer than forty-five (45) calendar days must be approved in advance by the Board of Trustees.

A confidential employee required to work in a higher classification with prior approval of the employee's immediate manager will qualify for out-of-classification pay if the employee works out of classification for five (5) workdays or more within a 15 calendar-day period. The employee will have his/her salary adjusted upward for the entire period he/she is required to work out of classification and in such amounts as will reasonably reflect the duties required to be performed outside his/her normal assigned duties. Salary adjustments will be made so that the employee is placed on the lowest step of the higher classification resulting in at least a five percent (5%) increase in pay (but not lower than Step 2 unless the employee is currently on Step 1).

These procedures will be maintained in the Confidential Employees' Handbook and all new confidential employees shall have the option to receive a hard or electronic copy of the Handbook. A copy of the Confidential Employees' Handbook will be maintained on the District's website.

35 **Management Employees**

36 Management employees may be eligible to receive compensation for work that is out of  
37 classification. The management employee and/or his/her immediate supervisor may  
38 make a request to the President/Superintendent for such compensation which will be  
39 considered on a case-by-case basis. The President/Superintendent will make all  
40 recommendations for additional compensation to the Board of Trustees.

41 All management assignments for additional compensation must be approved in advance  
42 by the Board of Trustees and must be for a defined purpose and defined period of time.  
43 This procedure will be maintained in the Management Employees' Handbook and all new  
44 management employees shall have the option to receive a hard or electronic copy of the  
45 Handbook. A copy of the Management Employees' Handbook will be maintained on the  
46 District's website.

47 Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Revised: April 22, 2019**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policies 7311 and 7109)*

**Human Resources**

**AP 7234 OVERTIME**

**References:**

Education Code, Sections 88027, 88028, 88029, and 88030

Fair Labor Standards Act, 29 CFR, Part 541, Sections 541.102 and 541.301

Overtime service is voluntary for employees, except in cases of emergency as determined by the District.

**Classified Employees**

Overtime compensation provisions for classified employees will be established and maintained in the collective bargaining agreement. Provision for compensatory time off in lieu of payment for overtime will be established and maintained in the collective bargaining agreement.

**Confidential Employees**

Overtime

For confidential employees assigned to work an eight (8) hours per day/forty (40) hours per week schedule, overtime is defined to include any time authorized by the immediate manager to be worked in excess of eight (8) hours in any one and in excess of forty (40) hours in any calendar week. For employees assigned to work a nine (9) hours per day/eighty (80) hours per two-week work schedule, overtime is defined to include any time authorized by the immediate manager to be worked in excess of the required workday(s). For employees assigned to a ten (10) hours per day/four (4) days per calendar week, overtime is defined to include any time authorized by the immediate manager to be worked in excess of ten (10) hours in any one work day and in excess of forty (40) in any calendar week. Confidential employees will be compensated at the rate of one and one-half times his/her regular rate for overtime hours worked or granted compensatory time off.

Compensatory Time (Comp Time)

Confidential employees authorized by the immediate manager to take compensatory (comp) time off in lieu of paid compensation for authorized overtime must take the comp time off within twelve (12) months of having earned the comp time. Comp time off will be taken at a time mutually agreed to by the employee and the immediate manager. Comp time will be credited at the rate of one and one-half hours off for each overtime hour worked. If a confidential employee is not able to take the earned comp time off because of District needs, the confidential employee will then be compensated for the comp time earned.

**Human Resources**

**AP 7240 CONFIDENTIAL EMPLOYEES**

**Reference:**

Education Code Section 88014, 88015, 88117, 88127, 88160 et seq., 88190, 88196, 88197, and 88198. Government Code Section 3540.1 subdivision (c)

The terms and conditions of employment for confidential employees shall be provided for as necessary by additional procedures developed by the Office of Human Resources

**Salary Placement/Advancement**

Confidential employees initially placed on Step 1 shall be granted an anniversary increment to Step 2 after completion of a minimum of six months of paid service in the District. The increment shall be effective on the immediate July 1., following completion of the six months service.

Confidential employees placed on Step 2 shall be granted anniversary increments to the following salary step on July 1 and after completion of each one calendar year period on the prior column. The employee shall have been in paid status for at least 75% of the working days of his/her assignment in the one-year period to be credited with the year for column advancement purposes.

**Salary Increases**

Any confidential employee subject to promotion or reclassification approved by the Board of Trustees will be placed on the appropriate higher range for the classification and thereafter placed on the appropriate column, not lower than Step 2 unless currently on Step 1, so as to result in at least a five percent (5%) salary increase as compared to the prior range and column placement, exclusive of longevity increments and shift differentials. The confidential employee shall be credited with the period of time on the prior step in determining the six-month or one-year period necessary for advancement to the next column.

**Longevity Salary Increments**

Employees are required to render nine (9) years of service as Confidential employee to be eligible to move to the longevity step.

The confidential employee shall have been in fully-paid status for at least 75% of the working days in a year to be credited with the entire year of service. The longevity increment shall be effective on the immediate July 1 after completion of credited service as specified above.

Upon re-employment after a break in service, prior service for longevity purposes shall be credited to the employee if the break in service was less than 39 months and due to: approved leaves of absence, reduction in force, or abolishment of position. Credit for prior service shall not be granted toward longevity if the break in service was voluntary and not due to reasons stated above.

### **Vacation**

Confidential employees earn vacation leave at the rate of 8.7 hours for each month of service. In addition, confidential employees who have rendered service in the District for four or more fiscal years shall earn eight additional hours of vacation leave per year for each additional fiscal year of service in the District to a maximum of 184.4 hours of vacation leave earned per year.

Excluding established exceptions, employees will be limited to how much vacation they can accrue beginning July 1, if their vacation balance on the previous June 30th exceeds the maximum accrual allowed by policy.

### **Vacation Buy Back**

Confidential employees will be allowed to sell back to the District up to a maximum of 40 hours of vacation time per fiscal year (July 1 – June 30). The request to sell vacation time back to the District must be approved by the employee's manager, and final approval by the appropriate Vice President.

All other policies governing the utilization and/or payment of vacation leave for classified employees shall also apply to confidential employees.

### **Bonus Vacation**

Confidential employees are eligible for bonus vacation hours based on accumulated sick leave hours as follows:

Accumulated Sick Leave Hours	Bonus Vacation Hours
192 - 383	8
384 - 575	16
576 - 767	24
768 - 959	32
960 or more	40

Credit for bonus vacation hours for each school year will be credited as of July 1 based on the accumulated sick leave as of the previous June 30. Such bonus credit shall not be pro-rated in fractions of hours.

### **Extended Sick Leave**

Confidential employees are eligible for extended sick leave benefits in the amount of 50% of regular compensation for a maximum of 100 workdays. The 100 workdays of 50% pay shall be available to employees after the exhaustion of all other paid sick leave, vacation, holidays, or other paid leaves. Only a single 100 workday period shall be allowed for any

single and continuous absence for an illness or injury including one that extends into the next school year.

### **Personal Holiday Benefit**

A total of sixteen (16) hours of personal holiday leave with pay may be taken each fiscal year by a confidential employee provided the employee gives the District a minimum of 24 hours advance notice. This personal holiday leave is to be used in increments of not less than eight hours.

### **Retiree Medical Insurance**

Retiree insurance programs shall be in accordance with federal and state laws and agreements for respective employee groups. Procedures for administration of approved retiree insurance programs shall be developed and implemented by the Vice President of Business Services through the Personnel Services Office and the District Business Services Office.

### **Evaluations**

Confidential employees shall receive at least one (1) formal written performance rating on District-approved forms no later than June 30 each year.

Probationary confidential employees shall receive at least two (2) formal written performance ratings on District-approved forms during the probationary period of employment. The performance ratings shall be conducted on or about the end of the third and fifth months of the probationary period of employment.

A confidential employee may be evaluated by his/her immediate manager at any other time if exemplary or less than unsatisfactory service is performed. The rating forms shall be completed by the confidential employee's immediate manager prior to an evaluation conference between the employee and the immediate manager. The formal rating form shall contain information regarding the employee's performance based upon evaluation criteria established by the District.

### **Layoff Provisions**

A confidential employee who is laid off from employment due to a lack-of-work or a lack-of-funds, which also includes any reduction in hours of employment or reduction of the work year, shall be eligible for the following:

- a. Medical and dental benefits for ninety (90) days after the effective date of layoff.
- b. Upon notification of layoff, confidential employees will be given a total of twelve (12) hours of released time from their assignments for employment interviews with other employers. A confidential employee must notify his/her supervisor at least one (1) day prior to an interview for the use of this released time.
- c. Confidential employees laid off will be given first consideration for substitute employment in any class the District determines he/she meets the minimum qualifications for.

- 103 d. The District shall make good faith efforts to avoid layoffs by voluntary  
104 reassignments, voluntary transfers and voluntary retirements.  
105 e. If two or more employees subject to layoff have equal seniority in a class, the  
106 determination as to whom will be laid off will be made on the basis of the earliest  
107 hire date in the class. If two or more employees have equal seniority, the  
108 determination will be made by lot.  
109 f. The District will make every reasonable effort for confidential employees  
110 separated from service with the District due to layoff to receive payment of all  
111 earned salary and/or allowances on or about the employee's last day of paid  
112 service.

113 Also see AP 7230 Classified Employees.

114 Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted:** February 10, 2020

*(Replaces former Cerritos College Policies 7321, 7322, 7323, 7324, 7325, 7326, 7327, 7328, and 7329.)*

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

39 **Educational Administrators and Classified Managers**

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

42 **Faculty**

43 Persons serving in faculty positions shall be excluded from these procedures regarding  
44 overtime.

45 **Other Employees**

46 All overtime service for other employees must be pre-authorized by the immediate  
47 manager.

48 Overtime for other employees is defined to include any time authorized by the immediate  
49 manager to be worked in excess of eight (8) hours in any one day and in excess of forty  
50 (40) hours in any calendar week.

51 Other employees shall be compensated at the rate of one and one-half times regular pay  
52 rate for overtime hours worked and will not be eligible to accrue compensatory time off.

53 Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Revised: April 22, 2019**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policies 7106 and 7306)*

**Human Resources**

**AP 7250 EDUCATIONAL ADMINISTRATORS**

**References:**

Education Code, Sections 72411 et seq., 87002(b), 87414, 87415 and 87457-87460; Government Code, Section 3540.1(g) and (m)

**Employment**

Educational administrators must complete and sign required employment forms and meet any other employment requirements set by the District policies, procedures and practices, federal and/or state laws before beginning employment with the District.

**Salary Advancement**

Advancement from one step to the next on the appropriate salary schedule shall be dependent upon the recommendation of the educational administrator's immediate manager and subject to approval by the President/Superintendent.

**Faculty Seniority and Faculty Service Areas**

Educational administrators employed by the District prior to July 1, 1990 in a position eligible to accrue faculty tenure will be deemed to have been employed on the date upon which he/she first rendered paid service. That date will be deemed to be the educational administrator's faculty seniority date. Those educational administrators who hold faculty tenure are eligible to apply for and receive a stated FSA (Faculty Service Area) consistent with the Education Code, Board Policy, and Administrative Procedures.

**Sexual Harassment Prevention and Awareness Training**

Educational administrators will complete training in Sexual Harassment Prevention and Awareness within the first six months of employment with the District. Every two years, thereafter, educational administrators will participate in and have documented at least two hours of training in Sexual Harassment Prevention and Awareness.

**Reassignment to Faculty Position**

The Board of Trustees, in conformance with Education Code Section 87458, may reassign an eligible educational administrator to a faculty position when the specified conditions are satisfied.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policy 7115)*

**Human Resources**

**AP 7260 CLASSIFIED MANAGERS**

**References:**

Education Code, Section 72411

**Employment**

Classified managers must complete and sign required employment forms and meet any other employment requirements set by the District policies, procedures and practices, federal and/or state laws before beginning employment with the District.

**Salary Advancement**

Advancement from one step to the next on the appropriate salary schedule shall be dependent upon the recommendation of the classified manager's immediate manager and subject to approval by the President/Superintendent.

**Members of Classified Service**

Classified managers are employed in the same manner as the other members of classified service. Employment will be consistent with the other provisions of Board Policy and Administrative Procedures regarding the employment of classified employees.

**Sexual Harassment Prevention and Awareness Training**

Classified managers will complete training in Sexual Harassment Prevention and Awareness within the first six months of employment with the District. Every two years, thereafter, classified managers will participate in and have documented at least two hours of training in Sexual Harassment Prevention and Awareness.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policy 7116)*

**Human Resources**

**AP 7310 NEPOTISM**

**References:**

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

The employment of relatives, immediate family members, or domestic partners in the same facility, department, division, office, or line of supervisory authority can cause serious problems in the work place which adversely affect productivity, morale, confidentiality, safety, security, and can create conflicts of interest. The employment of relatives, immediate family members, or domestic partners can adversely impact the nature of the necessary working relationships between supervisors and employees and between co-workers. Such employment can raise issues which adversely affect the public trust and confidence in the fairness and efficiency of the employment policies and operations of the District. These issues may be raised as:

- real or perceived favoritism;
- scheduling conflicts;
- personal conflicts;
- hostility in the work place;
- claims of preferential treatment;
- the award of better working conditions, promotions, transfers or assignments;
- the compromise or suspected compromise of confidential or privileged information or records;
- alternation or destruction of records; and/or
- the suspected or actual loss or destruction of District property or financial assets.

A. "Relatives" or "members of an immediate family" are defined in Board Policy 7310 as father, mother, brother, sister, spouse, child, grandchild, stepfather, stepmother, stepson, stepdaughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandfather, grandfather-in-law, grandmother, grandmother-in-law, foster parents in lieu of father or mother, foster children or family members living in the immediate household. Pursuant to BP 7510 titled Domestic Partners, a domestic partner and his/her immediate family members shall have, insofar as permitted by California law, the same consideration as a spouse.

B. At anytime that an immediate family member or a relative of a member of the Board of Trustees is being considered for employment in any regular full-time, part-time, or hourly capacity by the District, said member of the Board of Trustees shall make known the family relationship before action is taken.

- 35 C. Relatives or immediate family members of current District employees may be hired  
36 by the District as employees, promoted, or transferred but the District may consider  
37 the following issues before taking these personnel actions:
- 38 1. will the individuals concerned work in a direct supervisory  
39 relationship with one another, or be in the same line of authority or  
40 supervision;
  - 41 2. will the individuals concerned work in divisions, departments, offices,  
42 or facilities which would allow or require that their work or work  
43 products are shared or dependent on one another;
  - 44 3. will the employment, promotion or transfer pose any reasonably  
45 foreseeable problems or conflicts involving supervision, security,  
46 confidentiality, performance, or morale.
- 47 D. Current District employees are strictly prohibited from participating in, or  
48 influencing or attempting to influence the selection process or employment,  
49 promotion, or transfer of a relative or immediate family member as described in  
50 Board Policy 7310.
- 51 E. Current District employees are strictly prohibited from participating in, or  
52 influencing or attempting to influence decisions regarding admission, financial aid,  
53 work-study, student hourly employment or internship for students or prospective  
54 students who are their relatives or immediate family members as described in  
55 Board Policy 7310.
- 56 F. The District reserves the right to take prompt action to prevent the attempt of any  
57 relatives or immediate family members from influencing any personnel action.
- 58 G. No personnel action will be based on an individual's status as a relative or  
59 immediate family member of a current District employee except in the following  
60 circumstances:
- 61 1. for business reasons of supervision, safety, security or morale, or direct  
62 reporting relationship; and
  - 63 2. for business reasons of supervision, safety, security or morale, the  
64 District may refuse to place both members of an immediate family in the  
65 same department, division or facility if the work involves reasonably  
66 foreseeable conflicts of interest.
- 67 G. Applicants for employment must declare on their District applications their relatives  
68 or immediate family members who are current District employees. Present  
69 employees who become relatives or members of the same immediate family must  
70 notify their supervisors and/or the Human Resources Office. Any supervisor who  
71 receives a report of change in status of two employees such that they become  
72 relatives or immediate family members of one another will notify the Human  
73 Resources Office. If that relationship causes or it is reasonably foreseeable that it  
74 will cause a conflict of interest or any of the problems listed above in this procedure,

75 the District will make every attempt to reassign one of the employees or will make  
76 arrangements which mitigate the problems until such a transfer is possible.

77 Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Revised: March 28, 2011**

**Date Reviewed: May 15, 2019**

**Human Resources**

**AP 7330 COMMUNICABLE DISEASE**

**References:**

Education Code, Sections 87408, 87408.6, and 88021;  
Government Code, Section 12940

For successful applicants for academic positions who have not previously been employed in an academic position in California:

- A medical certificate is required showing that the applicant is free from any communicable disease, including, but not limited to, active tuberculosis or hepatitis, rendering the applicant unfit to instruct or associate with students if that applicant is (1) offered an academic position with the District subject to submission of the medical certificate and (2) has not previously been employed in an academic position in this state. Such certificate will be obtained from the applicant after an offer of employment is made but before the applicant commences employment.
- The medical certificate shall be submitted by a physician as authorized by the code.
- The medical examination and the medical certification will be obtained not more than six months prior to the offer of employment and will be at the expense of the applicant.
- The medical certificate will become part of the employee's District medical file and is open to inspection by the employee or by the employee's designee with written authorization from the employee.

The District may require an employee or employees to undergo a medical examination at District expense to determine that the employee is free from communicable disease rendering the employee unfit to instruct or associate with students. The employee or employees will be provided notice of the District-paid examination by the Human Resources Office. Such notice shall state the reason for the examination and the date by which the examination must be completed.

Following a District-paid medical examination, the District may require that the employee submit a medical certificate from a licensed physician or surgeon stating that the employee is free from communicable disease. Failure or refusal to submit such certification in a timely manner may cause the District to exclude any employee from service until such time as the employee provides the certification.

33 This policy is limited to examinations and certification for freedom from communicable  
34 disease.

35 If an employee is not certified as free from communicable disease, the District will provide  
36 the applicant or employee with a referral to a local health official. The local health official  
37 will advise the District when the applicant or employee can be certified free from  
38 communicable disease.

39 Also see AP 7336 titled Certification of Freedom from Tuberculosis.

40 Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Reviewed: May 15, 2019**

**Human Resources**

**AP 7336 CERTIFICATION OF FREEDOM FROM TUBERCULOSIS**

**Reference:**

Education Code, Section 87408.6

Prior to employment with the District each person is required to present medical certification showing that the person is free from active tuberculosis which would render the person unfit to instruct or associate with students. The District will ensure that the employee has submitted to a tuberculosis risk assessment developed by the State Department of Public Health and the California Tuberculosis Controllers Association within the last 60 days and, if risk factors are present, an examination which will consist of:

- an X-ray of the lungs, or
- an intradermal tuberculin test which, if positive, will be followed by an X-ray of the lungs.

The certification of freedom from tuberculosis must be made by or under the direction of a physician or surgeon licensed under the California Business and Professions Code. An X-ray film may be taken by a competent and qualified X-ray technician if the film is subsequently interpreted by a physician or surgeon licensed under the Business and Professions Code.

The Vice President of Human Resources may exempt, for a period not to exceed 60 days following the termination of pregnancy, any pregnant employee from the requirement to receive an X-ray examination following a positive intradermal tuberculin test.

Employees who are skin test or X-ray negative for tuberculosis, or were not tested because of a lack of risk factors, are required to undergo the foregoing tuberculosis risk assessment and, if risk factors exist, examination at least once every four years for so long as the employee remains skin test or X-ray negative. Once an employee has a documented positive skin test that has been followed by an X-ray or an X-ray which is positive for tuberculosis, the foregoing tuberculosis risk assessments and examinations will no longer be required and a referral will be made in no more than 30 days to the local health officer to determine the need for follow-up care.

If risk factors were present at the tuberculosis risk assessment and an examination occurs, after the examination, it is the employee's responsibility to ensure that the District receives a certificate from the examining physician or surgeon showing the employee was examined and found free from active tuberculosis. Failure or refusal to provide certification of freedom from tuberculosis in a timely manner may cause the District to exclude an employee from service until such time as the employee provides such certification.

35 The District will provide new employees one intradermal skin test and certification record at  
36 the Student Health Center for a reasonable cost to be paid by the employee. The District  
37 will provide, at no expense to a continuing employee, one intradermal skin test and  
38 certification record once every four years at the Student Health Center. The District will not  
39 cover the expense of any intradermal skin test or X-ray examination performed at any office  
40 or facility other than the Student Health Center. The Student Health Center will provide  
41 documentation to the Human Resources Office if the person chooses to use the services of  
42 the Student Health Center.

43 A person who was previously employed by another private or public nursery school,  
44 elementary school, secondary school or post-secondary school and who can provide  
45 medical certification that he/she was medically examined within the past four years or had  
46 a tuberculosis risk assessment that showed no risk factors were present, and found free of  
47 active tuberculosis, or if it is verified by the school district previously employing the person  
48 that it has a record of such certification is not required to submit to further examination upon  
49 employment. Subsequent testing will be done every four years thereafter.

50 Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**  
**Date Revised: October 5, 2009; July 1, 2010**  
**Date Reviewed: May 15, 2019**  
*(Replaces former Cerritos CCD Policy 7001)*

**Human Resources**

**AP 7337 FINGERPRINTING**

**References:**

Education Code, Sections 87013 and 88024;  
Penal Code Sections 11102.2 and 11077.1

The Vice President of Human Resources will designate one or more employees to receive, store, disseminate and destroy criminal records furnished by the California Department of Justice and to serve as the contact for the California Department of Justice for related issues. Any such employee must be confirmed by the California Department of Justice as required by law and pursuant to California Department of Justice procedures. The Vice President of Human Resources will notify the California Department of Justice by March 1 of each year beginning on March 1, 2012, of the individuals designated.

The Vice President of Human Resources will ensure that criminal history record information is destroyed in accordance with Administrative Procedure 3310 titled Records Retention and Destruction once the District's business need for the information is fulfilled.

**Classified Employees**

The District, not later than ten working days from the date of employment, shall require each person to be employed, or employed in, a nonacademic position to:

- complete a Request for Live Scan Service Form which contains a personal description of the applicant or employee which will be electronically transmitted to the Department of Justice by the Cerritos College Campus Police Department; and
- submit to a process at the Cerritos College Campus Police Department whereby that applicant's or employee's fingerprints are rolled onto a Live Scan device which electronically captures and transmits the fingerprints to the Department of Justice.

The Cerritos College Campus Police Department will excerpt the information returned from the Department of Justice indicating any convictions of the applicant or employee and forward that information to the Human Resources Office.

Employees who have not completed the fingerprinting process are not deemed to be legally employed.

The fee for the service is determined by the Department of Justice and that fee shall be a proper charge against the general fund of the District and no fee shall be charged to the applicant or employee.

Upon separation from service with the District, the Human Resources Office will initiate notification to the Department of Justice of that separation. If the person is reemployed, after notification of separation to the Department of Justice, the person shall be required to undergo the same procedures as a newly hired employee.

Substitute and temporary employees employed for less than the academic year may be exempted from these procedures.

## **Academic Employees**

When the Human Resources Office receives an Employment Request, the Human Resources Office will notify the person to be employed in an academic position that the fingerprinting process must be completed no later than ten working days from the date of employment. All academic employees who have not previously been employed by the District will be required to:

- complete a Request for Live Scan Service Form which contains a personal description of the applicant or employee which will be electronically transmitted to the Department of Justice by the Cerritos College Campus Police Department or other law enforcement agency; and
- submit to a process at the Cerritos College Campus Police Department or other law enforcement agency whereby that applicant's or employee's fingerprints are rolled onto a Live Scan device which electronically captures and transmits the fingerprints to the Department of Justice.

The Cerritos College Campus Police Department or the law enforcement agency which processed the fingerprints will excerpt the information returned from the Department of Justice indicating any convictions of the applicant or employee and forward that information to the Human Resources Office.

Employees who have not completed the fingerprinting process are not deemed to be legally employed.

The fee for the service is determined by the Department of Justice and the employee will be notified of that fee by the Human Resources Office. The academic employee will not be reimbursed by the District for the Department of Justice fee.

The Cerritos College Campus Police Department will not assess an additional charge for processing the fingerprints of an academic employee. If the academic employee chooses to have his/her fingerprints processed at another law enforcement agency, the employee will not be reimbursed for such charges.

When an academic employee has not been employed with the District for a period of four or more consecutive semesters, the Human Resources Office will initiate notification to the Department of Justice of the separation from service. If such notification has taken place and that person is being reemployed, that person will be required to complete the fingerprint process as well.

Also see AP 7126 titled Applicant Background Checks and AP 3310 titled Records Retention and Destruction.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Revised: April 11, 2011**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policies 7204 and 7313)*

**Human Resources**

**AP 7343 INDUSTRIAL ACCIDENTS AND ILLNESS LEAVE**

**References:**

Education Code, Sections 87787 and 88192

**Academic Employees**

Academic 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 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 or 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.

### **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.

An employee shall be permitted to return to service after an industrial accident or illness only upon the presentation of a release from a physician stating that the employee is

68 medically able to return to work and assume the essential duties of his/her position with  
69 reasonable accommodations. The District, at its sole discretion and at District expense,  
70 may require an employee returning from an industrial injury or illness to be examined by  
71 a District designated physician.

72 Any time an employee on industrial accident or illness leave is able to return to work, the  
73 employee may be reinstated in a position in the same class without loss of status or  
74 benefits.

75 An employee who has been medically released by a physician designated by the District  
76 and fails to return to a position in the same class may be terminated.

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

85  
86 An employee who has been placed on a reemployment list, as provided above, who has  
87 been medically released for return to duty and who fails to accept an appropriate  
88 assignment, shall be dismissed.

89 The Vice President, Human Resources, or designee may require that an employee serve,  
90 or have served continuously, six months before the benefits provided by this section are  
91 made available to the person. All service of an employee prior to the effective date of any  
92 such requirement shall be credited in determining compliance with the requirement.

93  
94 An employee who has been placed on a reemployment list and has notified the District of  
95 availability to return to service which includes an acceptable medical release for return to  
96 duty, and subsequently fails to accept and/or report for an appropriate assignment, shall  
97 have waived any further reemployment rights with the District.

98 If a collective bargaining agreement provides for more benefits or provides a different  
99 procedure than this procedure, then the collective bargaining agreement controls.

100 Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted:** February 10, 2020

*(Replaces former Cerritos CCD Policies 7013, 7218, and 7317)*

**Human Resources**

**AP 7344 EMPLOYEE ABSENCE AND TARDY REPORTING**

**Reference:**

Education Code, Section 88191

Employees are required to provide notification to the appropriate supervising manager(s) when they are absent or tardy for any length of time. Each division and department may develop written rules for reporting absences and tardiness which are consistent with the terms of the collective bargaining agreement or Handbook. All employees will receive notice of the rules of the division or department upon receipt of a copy of those rules.

If the illness or injury requires extended absence, notification or absence must be made daily until an official medical verification has been provided to the Office of Human Resources detailing the necessity for continued absence and the expected date of return to work.

**Absences or Tardiness**

- Absences and tardiness shall be recorded on employees' time sheets and/or on College absence report forms as appropriate.
- Absences and tardiness may be charged to accumulated sick leave credit consistent with the Education Code if the absence is due to illness or injury. Employees who have negative balance of sick and vacation (if any) leave may be eligible to receive compensation under applicable state laws.
- The District through the appropriate supervising manager(s) may authorize leave for other reasons, i.e. jury duty, personal necessity.
- Absences and/or tardiness which are not authorized by the appropriate supervising manager(s) shall be deducted from employees' salaries.
- Employees participating in the Catastrophic Leave Program (see BP/AP 7345 titled Catastrophic Leave Program) may be eligible for additional compensated leave of absence.
- Excessive absence or tardiness is grounds for disciplinary action.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Revised: April 22, 2019**

**Date Reviewed: May 15, 2019**

**Human Resources**

**AP 7345 CATASTROPHIC ILLNESS LEAVE PROGRAM**

**Reference:**

Education Code Section 87045

**Catastrophic Illness Leave Program Procedures**

Regular, full-time District employees who have completed the probationary period may participate in the Catastrophic Illness Leave Program by donating a maximum of one day of their own accumulated sick leave balance, per academic year, to another District employee who has been diagnosed with a catastrophic illness. For the purpose of this Program, catastrophic illness is defined as a medically-diagnosed condition, as determined by a licensed medical practitioner, that is expected to incapacitate the employee for an extended period of time (at least 30 calendar days) and prevent the employee from performing his/her duties.

Pursuant to Education Code 87045, an employee must exhaust all accrued paid leave credits in order to be eligible for catastrophic illness leave. Accumulated and donated sick leave, extended sick leave, and long-term disability benefits are used concurrently with employee leave entitlements under the Family and Medical Leave and California Family Rights Acts. Donations of sick leave through this Program can be accepted from all regular District employee groups.

**PART A: PROCEDURES FOR RECIPIENTS**

**Step 1:** District permanent full-time employees who have been medically diagnosed with a catastrophic illness and would like to participate in this Program should contact the Office of Human Resource Services to obtain information pertaining to medical absence reporting, required documentation, procedures for use of regular and extended sick leave, and other related matters.

**Step 2:** The potential recipient must complete the required form titled, "Catastrophic Illness Leave Request Form" in order to request participation in this Program. The request form and information packet may be sent electronically. These materials will also be available on the Human Resources Web Page, and/or can be requested from the Office of Human Resource Services.

**Step 3:** Once completed and signed, the Request Form is to be submitted to the Office of Human Resources. The completed form must be accompanied by written medical verification from the treating physician that documents the catastrophic nature of the employee's illness and the estimated period of absence due to the illness.

The completed request form and written medical verification will be reviewed by a designated Human Resources staff member to determine eligibility for participation in the Program. The requester will then be notified of his/her eligibility for Program participation. An employee may request Catastrophic Illness Leave donations once per academic year.

If it is determined that the illness does not qualify for participation in this Program, Human Resources staff will advise the requester about use of accumulated sick leave, extended sick leave, leaves of absence, and other applicable District benefits.

**Step 4:** The Office of Human Resource Services is responsible for notifying the District "community" about the "open period" for sick leave donations and the opportunity to donate sick leave to the approved requester. If the requester employee wishes to remain anonymous in announcing the request for sick leave donations, the Office of Human Resources will notify the District "community" that an employee who qualifies for sick leave donations is requesting sick leave donations. The open period for accepting sick leave donations from District employees will be ten (10) working days. The start and end dates for the open period will be determined by Human Resources and clearly stated as part of the District wide notification process.

**Step 5:** Recipients may accept a maximum of one hundred (100) four-hour days of donated sick leave per academic year.

**Step 6:** All donated sick leave that is not exhausted on or before June 30 will automatically be carried over into the new academic year, and will become part of the recipient's new academic year sick leave beginning balance.

## **PART B: PROCEDURES FOR DONORS**

**Step 1:** Once notice of the donation "open period" has been made by the Office of Human Resources, potential donors should request the packet of information and forms through the District Website under Human Resources **OR** call Human Resources directly to obtain a copy of the Program Procedures and the required "Catastrophic Illness Leave Donation Form." District employees must donate **a minimum of eight hours** of sick leave during the specified "donation period." A **maximum of eight (8) hours** of sick leave may be donated to a single recipient during an academic year. Donors may, however, donate to several different employees during the same academic year, a maximum of one day (eight hours) per year to each person.

**Step 2:** Once the Donation Form is completed, signed, and submitted to the Office of Human Resources, each donor's own sick leave balance will be reviewed. In order to donate sick leave in this Program, District employees must have an accumulated sick leave balance of twenty-three (23) days at 8 hours/day of their own work days, so that they can retain at least twenty-two (22) days of sick leave after the donation is made.

**Step 3:** Sick leave donations will be accepted in the order received in the Office of Human Resources. Donations that are received **AFTER** the maximum of 100 four-hour days have

72 been received for the recipient, **AND/OR** those donations that are received after the close  
73 of the open period, will be returned to the donors.

74 For details concerning District leave policies, please contact staff in the Office of Human  
75 Resource Services.

76 Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: January 18, 2017**

**Date Reviewed: May 15, 2019**

*Replaces former Cerritos CCD Policy 7039*

**Human Resources**

**AP 7346 MILITARY LEAVE**

**References:**

Military and Veteran's Code, Sections 389 et seq.;  
Education Code, Sections 87018, 87700, 87832, and 88116;  
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) calendar days of active service regardless of length of service with the District.

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

- 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.
- 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.

Employees returning from military leave shall have their salary adjusted to reflect salary increases that are not based on merit.

34 **Health Benefits**

35 An employee on military leave for less than 31 days shall continue to receive health  
36 insurance benefits.

37 Employees on leave for longer than thirty (30) days may elect to continue health care  
38 coverage for themselves and their eligible dependents for a maximum period of eighteen  
39 (18) months.

40 Returning veteran employees whose coverage was terminated because of military leave  
41 will not be subject to any exclusion or waiting period prior to reinstatement of health  
42 coverage.

43 **Vacation and Sick Leave**

44 Employees on military leave accrue any benefits the District provides to other employees,  
45 e.g. if employees on other approved leaves are permitted to accrue vacation or sick leave,  
46 employees on military leave will do so as well.

47 Employees on military leave shall accrue any benefits afforded by any collective  
48 bargaining agreement negotiated during their absence.

49 Any employee on temporary military leave for training who has worked for the District for  
50 at least one year shall continue to accrue vacation, sick leave, and holiday privileges up  
51 to a maximum period of 180 days.

52 **Reinstatement**

53 An employee on active duty military leave shall be entitled to return to the position held  
54 by him or her at the time of his or her entrance into the service within six months after the  
55 employee honorably leaves the service or is placed on inactive duty.

56 In the case of a contract academic employee, absence on military leave shall not count  
57 as part of the service required for the acquisition of tenure, but the absence shall not be  
58 construed as a break in the continuity of service. If the employee was employed by the  
59 District for more than one year, but had not yet become a regular academic employee of  
60 the District, he or she is entitled to return to the position for the period of time his or her  
61 contract of employment had to run at the time he or she entered military service.

62 In the case of a regular academic employee, absence on military leave shall not be  
63 construed as a break in the continuity of service.

64 In the case of a classified employee, absence on military leave shall not be construed as  
65 a break in the continuity of service.

66 Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policy 7015)*

**Human Resources**

**AP 7365 DISCIPLINE AND DISMISSAL – CLASSIFIED EMPLOYEES**

**References:**

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

**Discipline**

No employee in the classified service shall be disciplined because of his/her 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 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.
- 8) Personal conduct unbecoming an employee of the District, whether or not such conduct amounts to a crime.

- 37 9) Conviction of a felony or of any crime involving moral turpitude, or any crime  
38 bringing discredit upon the District.
- 39 10) Conviction of a sex offense as defined in Education Code Section 87010.
- 40 11) Absence and/or repeated tardiness without authority or sufficient reason.
- 41 12) Excessive absenteeism and/or tardiness regardless of reason.
- 42 13) Abuse of leave privileges.
- 43 14) Falsification or omission of any information supplied or required to be supplied to  
44 the District, including but not limited to, information supplied on application forms,  
45 employment records, or any other college District records.
- 46 15) Violation or refusal to obey the school laws of the state or reasonable regulations  
47 prescribed for the government of community colleges by the Board of Governors  
48 or by the Board of Trustees of the District.
- 49 16) Offering of anything of value or offering any service in exchange for special  
50 treatment in connection with the employee's job or employment, or accepting  
51 anything of value or any service in exchange for granting any special treatment to  
52 another employee or to any member of the public.
- 53 17) Willful refusal to follow the lawful directives of the employee's supervisor or other  
54 supervisory or managerial directives.
- 55 18) Willful failure of good conduct tending to injure the public service.
- 56 19) Abandonment of position, by being absent without authorization for five (5) or more  
57 days.
- 58 20) Immoral conduct.
- 59 21) Evident unfitness for service.
- 60 22) Engaging in political activities during assigned hours of duty.
- 61 23) Inability to meet requirement of job description, including but not limited to,  
62 possession of licenses, etc.
- 63 24) Any conduct that threatens or tends to threaten the welfare and/or the property of  
64 the students or employees of the District, including the employee(s) involved in the  
65 conduct.
- 66 25) The refusal of any officer or employee of the District to testify under oath before  
67 any court, grand jury, or administrative officer having jurisdiction over any then  
68 pending cause of inquiry in which the District is involved. Violation of this provision  
69 may constitute of itself sufficient ground for the immediate discharge of such officer  
70 or employee.
- 71 26) Working overtime without authorization.

## 72 **Disciplinary Actions**

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

- 76 • **Reduction in pay or demotion** – The District may reduce the pay or demote an  
77 employee whose performance of the required duties falls below standard, or for  
78 misconduct.
- 79 • **Suspension** – An employee may be suspended for disciplinary purposes without  
80 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 to Employees**

The District shall give notice to any permanent employee subject to dismissal from employment prior to taking the disciplinary action. The notice shall be in writing, and shall contain the following information:

- 1) The specific charge(s) against the employee, including a description of the conduct giving rise to the charge(s) and the specific cause(s) for discipline in accordance with Board Policy.
- 2) The date, time, and place at which a pre-disciplinary administrative review meeting will be conducted. The meeting shall be conducted not less than five (5) days and not more than ten (10) days after the date of service of notice to the employee.
- 3) A statement informing the employee that failure to appear at the pre-disciplinary administrative review meeting will result in his/her waiver of the right to such a review.

### **Pre-Disciplinary Administrative Review**

The pre-disciplinary administrative review shall be before the Vice President of Human Resources or designee, and shall constitute the administrative review required by these policies. The administrative review shall be convened at a time designated by the District. The employee may elect to be represented by the recognized employee association, outside counsel, or the employee may elect to represent himself/herself. The administrative review meeting shall be informal, and the employee shall have the opportunity to present to the Vice President of Human Resources or designee any relevant evidence in the form of a narrative presentation or documents relative to the disciplinary action of which the employee received notice. Following the administrative review meeting, the Vice President of Human Resources or designee shall decide whether the disciplinary action shall be imposed, and if not, whether lesser disciplinary action shall be imposed.

### **Notice of Disciplinary Action/Demand for Hearing**

Any permanent employee against whom disciplinary action is initiated by the District shall be given written notice by the Vice President of Human Resources or designee. Such notice shall indicate the nature of the disciplinary action, the cause(s) for such action, and the specific charge(s) against the employee. If the disciplinary action is suspension, demotion and/or dismissal from employment, the notice shall contain a statement of his/her right to a hearing on such charges, the time within which such hearing may be requested (which shall not be less than five

(5) workdays after service of the notice on the employee) and said notice shall be accompanied by a card or paper, the signing and the filing of which with the Vice President of Human Resources or his/her authorized representative shall constitute a demand for a hearing and a denial of all charges. Failure of the employee to file a request for hearing within the time specified shall constitute a waiver of the employee's right to a hearing.

At any time before an employee's appeal is submitted to the Board of Trustees or to a Hearing Officer for decision, the District may serve on the employee and file with the Board or the Hearing Officer an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his/her defense thereto. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegations may be made orally at the hearing and should be noted on the record.

### **Conduct of Hearing**

#### ***Hearing Officer***

The Board of Trustees shall appoint a Hearing Officer to hear the matter unless the Board of Trustees determines to hear the matter.

#### ***Notice of Hearing***

The Vice President of Human Resources or designee shall set the matter for hearing and shall give the employee at least five (5) workdays, notice in writing of the date, time, and the place of such hearing.

#### ***Rights of Employee and the District***

The employee shall attend the hearing, and shall be entitled to:

- 1) Be represented by counsel or any other person at such hearing;
- 2) Testify under oath;
- 3) Compel the attendance of other employees of the District to testify in his/her behalf;
- 4) Cross-examine all witnesses appearing against him/her and all employees of the District whose actions are in question or who have investigated any of the matters involved in the hearing and whose reports are offered in evidence before the Hearing Officer or the Board;
- 5) Impeach any witness;
- 6) Present such evidence as the Hearing Officer or the Board deems pertinent to the inquiry; and
- 7) Argue his/her case.

The District shall be entitled to the same rights.

#### ***Evidence***

The hearing shall be informal and need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted

165 if it is the sort of evidence on which responsible persons are accustomed to rely in  
166 the conduct of serious affairs, regardless of the existence of any common law or  
167 statutory rule which might make improper the admission of such evidence over  
168 objection in civil actions. Hearsay evidence may be admitted for any purpose, but  
169 shall not be sufficient in itself to support a finding unless it would be admissible  
170 over objection in civil actions. The rules of privilege and of official or judicial notice  
171 shall be effective to the same extent as in civil actions. Irrelevant and repetitious  
172 evidence shall be excluded. Oral evidence shall be taken only under oath or  
173 affirmation.

#### 174 ***Exclusion of Witness***

175 The Hearing Officer of Board of Trustees may, in its/his/her discretion, exclude  
176 witnesses not under examination, except the employee and the party attempting  
177 to substantiate the charges against the employee and their respective counsel.  
178 When hearing testimony on scandalous or indecent conduct, all persons not  
179 having a direct interest in the hearing may be excluded.

#### 180 ***Burden of Proof***

181 The burden of proof shall be upon the party attempting to substantiate the  
182 charge(s).

#### 183 ***Findings and Decision***

184 Upon completion of the hearing, written Findings of Fact and Conclusions of Law  
185 shall be signed and filed by the Hearing Officer with the Board of Trustees and  
186 shall constitute his/her decision. If the case is heard by the Board of Trustees, it  
187 shall prepare written Findings of Fact and Conclusions of Law.

#### 188 ***Decision of a Hearing Officer***

189 The Board of Trustees may accept, reject, or modify the decision of a Hearing  
190 Officer. Final decision regarding disciplinary matters rests with the Board of  
191 Trustees.

#### 192 ***Final Decision – Effect and Notice***

193 Unless the decision by the Board of Trustees provides otherwise, it shall be  
194 effective immediately. Notice of the decision shall be mailed promptly to the  
195 employee or his/her counsel or representative. Except for the correction of clerical  
196 error, such decision shall be final and conclusive.

#### 197 ***Report of Hearing***

198 Hearings shall be recorded by use of a stenographic reporter or electronic  
199 recording machine.

#### 200 ***Transcripts of Hearings***

201 Transcripts of hearing shall be furnished to any party involved in the disciplinary  
202 action on payment of the cost of preparing such transcripts. When transcripts are  
203 provided by the employees of the District, the cost shall be determined by the Vice  
204 President of Business Services. When transcripts are provided by an independent  
205 contractor, the cost will be established by the independent contractor.

206       **Continuances**  
207       The Board of Trustees or a Hearing Officer may grant a continuance of any hearing  
208       upon such terms and conditions as it may deem proper.

209       **Emergency Suspension**  
210       If an employee's presence on District facilities creates or has the potential of  
211       creating a danger or threat to the District's property or to the safety or health of  
212       students or employees, including the employee at issue, the District may  
213       immediately suspend without pay any employee for a period not to exceed 30 full  
214       days pending an investigation of the situation. After the investigation of the  
215       employee's conduct in creating an emergency situation the information obtained  
216       may be used as the basis, in whole or in part, for disciplinary action as provided in  
217       the policy.

218       **Record Filed**  
219       When final action is taken, the documents shall be placed in the employee's  
220       personnel file.

221   Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved:   December 10, 2008**

**Dates Revised:   May 20, 2009; September 10, 2012**

**Date Reviewed:   May 15, 2019**

*(Replaces former Cerritos CCD Policies 7336, 7337, 7338, 7339, and 7340)*

**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.

The term "political" as used in this policy includes, without being limited to, all public elections of any kind or character whether school district, city, county, state or national, and the term "activity" includes any participation in political campaigns.

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

In furtherance of this policy, the following is prohibited:

- a) Posting of Political circulars or petitions except upon that portion of the Cerritos Community College District campus where bulletin boards are set aside for that purpose.
- b) Disrupting the work of an employee or student, for political purposes, during his/her work or class period.

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.

Nothing in this policy shall prevent:

- a) The dissemination of information concerning school tax and/or bond elections insofar as authorized by the California Education Code.

- 31        b) The discussion and study of politics and political issues when such discussion and  
32        study are appropriate to classroom studies such as history, current events and  
33        political science.  
34        c) The conducting of student and employee elections and campaigning related to  
35        such elections. However, no campaigning pursuant to this section will be permitted  
36        which disrupts an employee or student during his/her work or class time.

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

45        Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted:** February 24, 2020  
(Replaces former Cerritos CCD Policy 7022)

**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 including the District's telephone, mail, and computer services, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policies 8004 and 8005)*

**Human Resources**

**AP 7600 CAMPUS POLICE**

**References:**

Education Code, Section 72330 et. seq.;  
Government Code, Sections 3300 et seq.

**Chief of Campus Police**

The President/Superintendent or designee is delegated the responsibility to establish minimum qualifications of employment for the Chief of Campus Police including, but not limited to, the conditions contained in Board Policy (see BP 7600 titled Campus Police).

**Sworn Personnel**

Every sworn member of the Campus Police Department must, in order to retain his or her employment, meet the requirements of Education Code, Section 72330.2, including but not limited to:

- Submission of one copy of his or her fingerprints for clearance by the Federal Bureau of Investigation;
- Eligibility to be District employee; and
- Approval by the Department of Justice to possess a firearm.

Every sworn member of the Campus Police Department shall be supplied with, and authorized to wear, a badge bearing the words "Cerritos College Police." Every member of the Campus Police Department shall be issued a suitable identification card.

Campus Police Officers shall be members of the classified service.

**Operating Regulations**

The Vice President of Business Services, in cooperation with the Chief of Campus Police, shall issue such other regulations and procedures as may be necessary for the administration of the Campus Police Department which may include, but not be limited to:

- Schedules and shifts
- Call back
- Weapons
- Vehicle use
- Pursuit
- Discipline
- Training

### **Department Training Plan**

The Chief of Campus Police shall have and carry out a Department Training Plan (DTP). Every sworn member of the Campus Police Department shall fulfill ongoing training requirements stipulated in the DTP as set forth by the Chief of Campus Police. The DTP shall be based on applicable sections of the Department Policy Manual. The training shall consist of, but not be limited to, use of force, control devices and techniques, firearms, shooting (discharge of firearms), TASER use, and rapid response and deployment.

### **Service Weapons and Ammunition**

All service weapons and ammunition used by authorized sworn personnel in the Campus Police Department shall be acquired, issued, maintained, and inspected by the Department in accordance with California Peace Officer Standards and Training (California POST). The Department armorer shall be responsible to the Chief of Campus Police for implementing these procedures.

### **Operational Boundaries and Mutual Aid**

The Campus Police shall cooperate with local law enforcement in accordance with an agreement to be entered into 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; and
- Mutual aid procedures.

Offices of Primary Responsibility: Vice President, Business Services  
Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Dates Revised: May 20, 2009; October 10, 2011; April 22, 2019**

**Date Reviewed: May 15, 2019**

*(Replaces former Cerritos CCD Policies 4303 and 7037)*

**Human Resources**

**AP 7700 WHISTLEBLOWER PROTECTION**

**References:**

Education Code, Sections 87160-87164;  
Labor Code, Section 1102.5;  
Government Code, Section 53296;  
Private Attorney General Act of 2004 (Labor Code, Section 2698)  
Affordable Care Act (29 U.S.C. 218C)

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, report 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 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 activity involves the President/Superintendent, 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 President/Superintendent 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 or 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 or she must immediately forward it to the President/Superintendent. 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: a) 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 b) advised that if he or 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. A District employee or applicant whose family member makes a protected disclosure is also protected from retaliation.

Any employee who believes he or she has been subjected to or affected by retaliatory conduct (1) 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 the President/Superintendent or the President/Superintendent's designee. If the allegations of retaliation or the underlying allegations of unlawful conduct involve the President/Superintendent, the supervisor shall report to the highest level administrator and/or trustee who is not implicated in the reports of unlawful activity and retaliation.

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

79 **Other Remedies and Appropriate Agencies**

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

83 Office of Primary Responsibility: Vice President, Human Resources

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**Date Approved: December 10, 2008**

**Date Revised: November 18, 2013**

**Date Reviewed: May 15, 2019**