



BP 7365 DISCIPLINE – CLASSIFIED EMPLOYEES

References:

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

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

Pursuant to Education Code Section 88013, the Board's determination of the sufficiency of the cause for disciplinary action of a classified employee shall be conclusive. (Also see AP 7365 Discipline – Classified Employees.)

No disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent, or for any cause that arose 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.

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

- Fraud in securing employment or making a false statement on an application for employment.
- Incompetence, i.e., inability to comply with the minimum standard of an employee's position.
- Inefficiency or inexcusable neglect of duty.
- Willful disobedience and insubordination (for example, the refusal to do assigned work or refusal to cooperate with a District disciplinary proceeding or complaint investigation).
- Dishonesty involving employment such as:
 - 1) Falsification of facts or altering of any campus records in connection with work;
 - 2) Altering or falsification of any student records either for one's self or other students;
 - 3) Unauthorized release or divulgence of confidential information from District and/or college records;
 - 4) Lying to a District manager or supervisor regarding work-related matters.



- Consumption or being impaired by or under the influence of alcohol or illegal drugs or narcotics while on duty.
- Possessing or being under the influence of a controlled substance while at work or furnishing a controlled substance to a minor.
- Unexcused absence without approved leave or abuse of leave privileges, including the failure to return to duty in a timely manner after the end of a Board-approved leave of absence.
- The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or verdict of guilty, or a conviction showing a plea of *nolo contendere* made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this section. Conviction of a sex offense is defined in Education Code Section 87010 and a controlled substance offense is defined in Education Code Section 87011.
- Discourteous treatment of the public or other employees.
- Improper or unauthorized use of District property, including but not limited to theft of District property or use of a District-issued credit card for other than District business.
- Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.
- Political activities engaged in by an employee during his/her assigned hours of employment that are not authorized by law. (Also see BP/AP 7370 Political Activity.)
- Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department, or the employee's division.
- Inattention to duty, tardiness, indolence, carelessness, or negligence in the care and handling of District property.
- Mental or physical impairment which renders the employee unable to perform the essential functions of the job when provided with reasonable accommodation(s); or when such impairment creates a direct threat to the health and safety of self or others even when provided with reasonable accommodation(s).
- Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his/her official duties.



- The refusal of any officer or employee of the District to testify truthfully 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.
- Willful violation of policies, procedures, and other rules which may be prescribed by the District, division(s), or department(s).

Adopted: June 23, 2016