

BP 7365 Discipline and Dismissals – Classified Employees

Reference:

Education Code Section 88013

The Superintendent/President 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's 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.

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 discharge, for any of the following grounds:

1. Fraud in securing employment or making a false statement on an application for employment.
2. Intentional falsification, alteration of District information or record (including, but not limited to, timekeeping records).
3. Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
4. Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee in the position (including, but not limited to, failure to possess required licenses or failure to pass required tests).
5. Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions of, or insulting or demeaning the authority of a supervisor or manager.
6. Dishonesty involving employment.

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7. Possession, distribution, sale, use or being impaired by or under the influence of alcohol or illegal drugs or narcotics while on duty or while operating a vehicle leased or owned by the District which could impact the ability to do the job.
8. Excessive absenteeism.
9. Unexcused absence without leave.
10. Abuse or misuse of sick leave.
11. 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.
12. Discourteous treatment of the public or other employees.
13. Improper or unauthorized use or removal of District or personal property.
14. Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.
15. 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 division.
16. Inattention to duty, tardiness, indolence, carelessness or negligence in the care and handling of District property.
17. Mental or physical impairment which renders the employee unable to perform the essential functions of the job without reasonable accommodation or without presenting a direct threat to the health and safety of self or others.
18. Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.

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19. 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 may constitute of itself sufficient ground for the immediate discharge of such officer or employee.
20. Willful violation of policies, procedures and other rules which may be prescribed by the District, college or departments.
21. Working overtime without authorization.
22. Actual or threatened physical violence toward the public or other employees.
23. Violating safety or health rules or practices or engaging in conduct that creates a safety hazard.
24. Sexual harassment or other unlawful harassment of a fellow employee.
25. Bringing on District property dangerous or unauthorized materials such as explosives, firearms or other similar items.

See Administrative Procedures [#]