WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT
Administrative Procedures
Chapter 6– Business and Fiscal Affairs

AP 6100 Delegation of Authority
AP 6150 Designation of Authorized Signatures
AP 6155 Fraud
AP 6200 Budget Preparation
AP 6240 Allocation of Community Support Funds
AP 6250 Budget Management
AP 6251 Reserves
AP 6252 Fund Balance
AP 6300 Fiscal Management
AP 6310 Accounting
AP 6311 Travel and Conference Reimbursement
AP 6315 Warrants
AP 6320 Investments
AP 6322 Employee Indemnity Bonds
AP 6325 Payroll
AP 6330 Purchasing
AP 6335 Debt Issuance and Management
AP 6340 Bids and Contracts
AP 6345 Bids and Contracts (UPCCAA Option)
AP 6350 Contracts – Construction
AP 6360 Contracts – Electronic Systems and Materials
AP 6365 Contracts – Accessibility of Information Technology
AP 6370 Contracts – Personal Services
AP 6380 Solicitation of Funds & Outside Vendors
AP 6400 Audits
AP 6450 Wireless or Cellular Telephone Use
AP 6500 Property Management
AP 6520 Security for District Property
AP 6530 District Vehicles
AP 6535 Use of District Equipment
AP 6540 Insurance
AP 6550 Disposal of Property
AP 6600 Capital Construction
AP 6620 Naming of Facilities & Other Naming Opportunities
AP 6700 Civic Center and Other Facilities Use
AP 6740 Citizens’ Bond Oversight Committee
AP 6750 Parking
AP 6800 Safety
AP 6850 Hazardous Materials
AP 6900 Bookstores
AP 6950 Drug and Alcohol Testing (U.S. Department of Transportation)
The Vice Chancellor is delegated authority from the Chancellor to supervise budget preparation and management; oversee fiscal management of the District; and contract for, purchase, sell, lease, or license real and personal property, in accordance with District Policy and law. Responsibility for the development of internal policies and procedures consistent with the provision of this regulation remains with the Vice Chancellor. This delegated authority is subject to the condition that certain of these transactions be submitted to the Chancellor for review and approval from time to time as determined by the Chancellor.

When transactions do not exceed the dollar limits established in the Public Contracts Code, the Education Code, or other laws pertaining to the taking of competitive bids, the Executive Director of General Services may contract for goods, services, equipment, and rental of facilities so long as the transactions comply with law and any limitations or requirements set forth therein. Furthermore, the Executive Director of General Services may amend the terms and conditions of any contractual arrangement so long as the total expenditure of funds and period of contract do not exceed the limitations set forth in applicable law or regulation. Bi-monthly the Executive Director of General Services will present a report for contracts not approved on the PO report for ratification by the Board of Trustees.

No employee of the District or member of the Board, or other agent of the District, is authorized to enter into any verbal agreement on behalf of the District. If an individual has purported to represent the District and has made a verbal agreement involving the District, that agreement will be without force and will not be recognized by the District without regard to whether the individual or individuals making the agreement are authorized agents of the District.

Date Approved: January 18, 2012

(Replaces current WVMCCD Procedures 6.2 and 6.2.4)
WVMCCD Administrative Procedure

AP 6150

Business and Fiscal Affairs

AP 6150 DESIGNATION OF AUTHORIZED SIGNATURES

References:

Education Code Sections 85232 and 85233

The Chancellor and Vice Chancellor are designated as the District officers authorized to sign warrants on behalf of the District. Two signatures are required.

Such Authority may be delegated by the Chancellor, Vice Chancellor, or the Board to the Executive Director of Financial Services and/or College Presidents.

Proper documentation regarding signing District warrants shall be filed with the county superintendent of schools. (Note: “proper documentation” may vary from district to district according to Education Code Sections 85233, 85266)

Approval of District warrants will be withheld when:

- Disbursement of the funds will result in the total amounts expended in any major account classification to exceed the amount budgeted.

- Established procedures have not been followed to permit verification of authenticity of the expenditure.

In regard to the Associated Student Government, the Chancellor and/or each College President will designate how and by whom checks will be signed. (See BP/AP 5420 titled Associated Student Organizations’ Finance)

College and District administrators are authorized, within District and Board approved guidelines and budgets, to initiate and approve payment documents. All such disbursements shall be ratified by the Board.

The following shall be considered District obligations for payment (subject to Board ratification or consent) when signed by the designated authorized person. Until the authorized person has signed the appropriate document, no obligation of the District exists.
• **Classified and academic hourly timesheets** = Responsible College/District administrator

• **Academic or classified personnel salary placement** = Chancellor, Vice Chancellor or Associate Vice Chancellor of Human Resources

• **Lease agreements for use of off-campus facilities** = Chancellor or Vice Chancellor

• **Public Works Contracts** = Chancellor or Vice Chancellor

• **Independent contractor agreements, up to the amount authorized in State law** = Chancellor, Vice Chancellor and Associate Vice Chancellor of Human Resources, or Executive Director of General Services

• **Purchase orders** = Chancellor, Vice Chancellor or Executive Director of General Services

The following shall not be considered official District documents (subject to Board approval or consent) until signed by the designated authorized person:

• **Applications, reports, contracts, and other documents for categorically or specially funded programs** = Chancellor, Vice Chancellor or Executive Director of General Services

• **Assurance of compliance with Federal Department of Health and Welfare Civil Rights regulations** = Chancellor or Vice Chancellor

• **Receipt of merchandise/services** = Receiving Department and the responsible department manager or designee

• **Required State reports** (attendance, costs, Higher Education General Information Survey (HEGIS), etc.) = Chancellor, Vice Chancellor or College Presidents

• **Reports required by Santa Clara County or the County Office of Education** = Chancellor or Vice Chancellor

• **Facilities Use Agreement** = Chancellor, Vice Chancellor, College Presidents, or designee

Such Authority may be delegated by the Chancellor or the Board to the Vice Chancellor in the Chancellor’s absence.
The Chancellor or Board may delegate signature authority in the following instances. All
designees must have a Signature Authorization form on file in the District Finance Office.
The following shall not be considered official District obligations for payment or Official
District documents until signed by the designated authorized person (subject to Board
approval or consent). See attached list.

<table>
<thead>
<tr>
<th>Document</th>
<th>Authorized to sign</th>
<th>Originals kept at</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Classified and academic hourly timesheets; short-term temporary timesheets; student hourly and work-study timesheets</td>
<td>Responsible College/District Department/Budget administrator</td>
<td>Payroll</td>
</tr>
<tr>
<td>2. Academic or Classified personnel salary placement</td>
<td>Chancellor, Vice Chancellor or Associate Vice Chancellor of HR</td>
<td>Human Resources</td>
</tr>
<tr>
<td>3. Lease agreements for use of off-campus facilities</td>
<td>Chancellor or Vice Chancellor</td>
<td>General Services</td>
</tr>
<tr>
<td>4. Public Works Contracts</td>
<td>Chancellor or Vice Chancellor</td>
<td>General Services</td>
</tr>
<tr>
<td>5. CUPCCA - contracts</td>
<td>Chancellor or Vice Chancellor</td>
<td>General Services</td>
</tr>
<tr>
<td>6. Independent contractor and consultant agreements, up to the amount authorized in State law.</td>
<td>Chancellor, Vice Chancellor or Associate Vice Chancellor, Human Resources,</td>
<td>General Services</td>
</tr>
</tbody>
</table>

Also see AP 6315 titled Warrants

Date Approved: July 23, 2019
Fraud covers a number of unlawful acts including intentional deception, theft, embezzlement, false representation, misappropriation of resources, manipulation of data, concealment, identity theft, and other inappropriate conduct.

The Associate Vice Chancellor of Human Resources or designee shall provide every new employee of the District with a copy of BP 6155 – Fraud.

Every District employee is required to report any instance of suspected fraud to the District Police Department. If an instance of suspected fraud is reported instead to someone other than the District Police, that person is to report the instance to the District Police. The Police Chief shall brief the Vice Chancellor of Administrative Services on all matters relating to the fraud reported.

If presented with reasonable evidence of a suspected fraud, the District Police shall conduct an investigation to determine if the reported suspicions of fraud are valid. The Vice Chancellor of Administrative Services shall be briefed regarding the outcome of the investigation.

The Vice Chancellor of Administrative Services shall review the findings with the Chancellor and make recommendations for improvements to the systems of internal controls and disciplinary actions, as appropriate.

Cases involving monetary losses to the District will be pursued for recovery of losses. The District reserves the right to seek compensation via proceedings in court against individuals whose fraudulent acts have resulted in financial loss to the District, whether or not the individual concerned is criminally convicted of the fraudulent act.
AP 6200  BUDGET PREPARATION

References:

Education Code Section 70902(b)(5);
Title 5 Sections 58300 et seq.;
ACCJC Accreditation Standard III.D

To maintain the fiscal stability of the District, the budget preparation process shall:

- Provide an annual budget that shall be prepared in conformance with the California Community College Budget and Accounting Manual, and in conformance with provisions of the Education Code.

- Provide for responsible stewardship of available resources.

- Provide for safeguarding and managing District assets to ensure ongoing effective operations; maintenance of adequate cash reserves; implementation and maintenance of effective internal controls; determination of sources of revenue prior to making short-term and long-term commitments; establishment of a plan for the repair and replacement of equipment and facilities.

- Provide for an organizational structure that incorporates a clear delineation of fiscal responsibilities and staff accountability.

- Provide that appropriate administrators keep the Board current on the fiscal condition of the District as an integral part of policy and decision-making.

- Provide for development and communication of fiscal policies, objectives and constraints to the Board, staff and students.

- Provide for an adequate management information system that gives timely, accurate and reliable fiscal information for planning, decision-making and budgetary control.
• Provide for appropriate fiscal policies and procedures and adequate controls to ensure that established fiscal objectives are met.

• Provide a process to evaluate significant changes in the fiscal environment and make necessary, timely, financial and educational adjustments.

• Provide both short-term and long-term goals and objectives, and broad based input coordinated with District educational planning.

The budget is a financial plan for the operation of the District for the fiscal year, developed in accordance with Board-adopted educational goals and objectives. The budget considers:

• Assumptions upon which the budget is based are presented to the Board for review.

• Total amounts budgeted as the proposed expenditure for each major classification of expenditures shall be the maximum expended for that classification for the school year, except as specifically authorized by the Board.

• Transfers made between expenditure classifications must be approved by a majority of the members of the Board.

• Transfers made from the reserve or contingencies to any expenditure classification must be approved by a majority vote of the members of the Board.

• Excess funds shall be added to the general reserve of the District and allocated in the new fiscal year.

• The Tentative Budget shall be presented to the Board of Trustees no later than July 1 [Title 5, Section 58305(a)], and the Final Budget no later than September 15 [Title 5, Section 58305(c)]. A public hearing on the Final Budget shall be held on or before September 15 [Title 5, Section 58301]. One copy of the adopted budget will be submitted to the California Community Colleges Chancellor’s Office on or before September 30.

To achieve and maintain fiscal stability and to dedicate resources to meet the objectives of strategic planning, the District will follow a plan that requires a balanced budget on a year-to-year basis. To achieve each of the standards of the plan, each year the Vice Chancellor will develop a budget that results in steady progress toward achieving each of the requirements of these Fiscal Standards and that reflects the Board’s annual budget priorities to the greatest extent possible. While the development of the annual budget is reviewed through the participatory governance process, the Vice Chancellor, serving as the Chief Business Officer, is responsible for submitting a budget to the Chancellor that complies with the requirements of this plan. The Chancellor is responsible for submitting a balanced budget to the Board for approval.
The annual District budget shall be prepared in conformance with the California Community College Budget and Accounting Manual, and in conformance with provisions of the Education Code. Revenues and expenses shall be projected as accurately as possible within the budget submitted to the Board. The following standards will be used in the development of the annual operating budget:

Operating Budget Standards

- **Total Salaries and Benefits:** Total employee salary and benefits costs may fluctuate depending on union contract settlements and increase in benefits costs. Permanent additions to staffing levels should consider the following conditions:
  
  - Increases in full time faculty personnel required by increased State funding.
  - Clear and imminent academic need where no reasonable alternative exists.
  - Additional staff that will result in an increase in FTES revenue.
  - Inability to obtain part time faculty within an academic discipline.
  - Workload demands resulting from growth and increased volume of work.
  - Enhancements to support services necessary to support development of instructional programs, student retention efforts or increased technology.

- **Compensation:** The goal for total compensation shall be above the median when compared to the Bay 10 districts.

- **Faculty Positions:** The District shall ensure compliance with AB 1725 pertaining to the full-time faculty obligation number (FON). The full time faculty goal is a faculty ratio of 75 percent full time compared to 25 percent part time as stated in AB 1725.

- **Classified and Administrator Positions:** Classified employee and Administrator positions are to be evaluated on a year-to-year basis to determine where employees are needed to support student success, the instructional and service programs or to enhance the working and learning environment. Support staffing levels are to be considered when evaluating changes to programs.

Revenue Standards

In a year when the District is State funded and is able to grow, the District shall actively pursue State funded growth revenue. Growth revenue is viewed as an essential element in obtaining the resources necessary to meet the Educational and Facilities Master Plan (E&FMP) goals of providing and increasing community access to each College’s educational services. The total growth revenue received by the District will be considered the maximum amount to be allocated in any given fiscal year.

Colleges, as appropriate, will provide community and contract education services to meet the needs of the community and to maximize non-State funding.
Community education courses and contract education courses shall be self-sufficient or revenue producing.

Categorical and grant revenue provided by State and local agencies for specific support purposes are to be pursued by each College and the District when these services are consistent with the objectives of the E&FMPs and are financially beneficial to the District.

Funding from the Mission-West Valley Land Corporation, the Advancement Foundation and the Colleges’ Foundation will also be sought to assist in providing funding for specific E&FMP projects.

One-time revenues will be used for one-time expenditures or to temporarily augment department budgets. One-time expenditures will not be used to establish on-going and recurring costs including leases, increases in permanent personnel or other types of expenditures that result in funding beyond the current budget year.

Debt and Capital Lease Obligations Standards

- Long term debt and annual capital lease obligations shall be incorporated in the annual budgeting process. The District shall have a long-term plan to address the long term debt.

- The District shall utilize the OPEB Trust Fund to manage the long-term liability for the retiree health benefits.

- Long term debt will be issued to obtain capital equipment or facilities for which State funds are unavailable or insufficient to meet the cost of these projects.

- Prior to financing any project, an assessment will be made to define how the project assists in meeting the goals of the E&FMP.

- Long-term debt will not be used to pay for operating fund deficits.

- Capital lease obligations will only be incurred for capital purchases in excess of $25,000 and will have a lease term of no longer than five years.

- Certificate of Participation issues will not exceed ten years.

The Vice Chancellor shall ensure proper internal controls are in place to ensure reasonable accuracy of accounting information, to safeguard assets from loss and to ensure operating policies and procedures are being followed.

As required by the California Community Colleges Budget and Accounting Manual, expenditures shall be recognized in the accounting period in which the liability is incurred, and shall be limited to the amount budgeted for each major classification of accounts and to the total amount of the budget for each.
Capital Budget Standards

- A five-year Capital Construction Plan will be prepared each year. The Plan will be developed based on facility needs identified in the Educational and Facilities Master Plans.

- At least every five years the District will evaluate its need to obtain the service of professionals to develop capital projects.

- Every five years the Facility Master Plan will be reviewed for possible revision.

Review of Standards
Each year the Board will review the fiscal standards to determine the appropriateness of application of the standards. If the financial situation warrants a deviation from the parameters established in the budget guidelines, the Chancellor will seek authorization by a majority vote of the Board to waive certain provisions of this policy for any specific fiscal year.

Also see AP 6250 titled Budget Management and BP 6300 titled Fiscal Management

Date Approved: August 7, 2019
AP 6240  ALLOCATION OF COMMUNITY SUPPORT FUNDS\(^1\)

References:

Per Board Policy 6240 and under the authority of the Chancellor, this procedure sets forth the procedures by which Community Support Fund allocation proposals are forwarded to the Board of Trustees.

1. Membership for the Fiscal Workgroup:
   a. The Fiscal Workgroup is a sub-committee of District Council, composed of a membership determined by District Council. The membership shall include representation from the Classified Senate Presidents or their designee, the Classified Union, Academic Senate Presidents or their designee, the Faculty Union, college Vice Presidents of Administrative Services, Executive Director of Financial Services, and the Vice Chancellor of Administrative Services. The role of this committee is to make recommendations regarding fiscal affairs to the District Council for consideration and presentation to the Chancellor per Board Policy 6240.
   b. The co-chairs of this committee shall be a Vice President of Administrative Services and the Executive Director of Financial Services or Vice Chancellor of Administrative Services.

2. Determination of Community Support Fund (CSF) and Potential Allocation Amounts:
   a. The Vice Chancellor of Administrative Services, using reasonable estimations, shall be responsible to determine the projected local property taxes, student fees, and other local revenues applicable to the District’s “Total Computational Revenue.”\(^2\) The Vice Chancellor shall also be responsible for providing a 5 year CSF ending fund balance forecast to the committee at least twice a year (Tentative and Final Budget) to assists with determining the allocation process. The 5 year forecast shall take into account:
      i. Long-term debt and liabilities
      ii. On-going expenditures such as COLA and step increases
      iii. Funding to balance the budget
   b. Based upon the Vice Chancellor’s estimates, any Community Support Funds will be held in the Community Support Fund Reserve. This fund reserve will

\(^1\) **Community Support Funds** refer to the amount of general fund revenues, consisting of the total of proceeds from property taxes, student enrollment fees, and other revenues defined by statute, that exceed the California Community College Chancellor’s Office calculation of the district’s total entitlement based upon Full-Time Equivalent Students (FTES), infrastructure factors, and other factors (“Total Computational Revenue” or “SB 361 calculation”).

\(^2\) Per Board Policy 6240
include any remaining unallocated balance from prior years’ Community Support Fund Reserves.

c. To ensure current and future fiscal stability, the Fiscal Workgroup may recommend an amount no greater than the net amount of Community Support Funds available at year 5 in the forecast provided by the Vice Chancellor. The lesser of the current year or year five balance shall be used as the allocation limit. The Committee may recommend an allocation totaling less than the net available Community Support Funds.

3. Annual Planning Cycle and Timeline:
   a. The intent of this procedure is to develop a master list of proposals to be funded through Community Support Funds. The planning cycle will conform to the District’s overall budget development cycle, with Community Support Fund allocation proposals being included in the tentative and final budgets presented to and approved by the Board of Trustees.

4. Community Support Fund Allocation Proposals:
   a. Per Board Policy 6240, District and college planning documents and supporting data will form the basis for allocations. The documents shall include college and District participatory processes. These supporting documents should include, but are not limited to, the following:
      i. District and College Mission Statements, Strategic Planning, and Educational and Facilities Master Plans
      ii. District Council’s annual goals
      iii. District and College annual goals
      iv. Special goals identified by the Board of Trustees, Chancellor, or College Presidents

   b. Duration of funding:
      i. Proposals for Community Support Funding may be short-term, within the current fiscal year, or long-term:
         1. Proposals for “one-time” allocation of funding may extend for a period not to exceed three years without specific annual review by the Community Support Fund Allocation Committee. Any funds remaining at the conclusion of a Community Support funded proposal will be returned to the Community Support Fund Reserve.
         2. Proposals of a “continuing” nature may obligate the Community Support Fund on a recurring annual basis until one of the following actions occur:
            a. The need for continuing funding is eliminated
            b. The funding source is available from general fund or other, non-Community Support Fund, sources.

   c. Limitations of Community Support Fund Proposals:
      i. Generally, Community Support Fund Proposals are unrestricted but with certain exceptions, as noted below.
      ii. Community Support Fund Proposals should not include requests for funding for:
         1. Specific long-term personnel positions. However, Community Support Fund Proposals may include adjustments to employee
compensation to be added to the salary scale or benefits for all employees with a bargaining group or similar personnel structure.

2. Capital construction projects, major renovation, infrastructure, or site development projects identified as a part of a bond-funded project and/or not identified as a part of the Education and Facilities Master Plan.

3. On-going maintenance expenses, continuing licenses for technology, or other similar routine costs of operation.

iii. Changes, enhancements, or added features to approved projects exceeding previously allocated funding for the project require a separate proposal and cannot be funded through the original project allocation.

5. Annual Evaluation of Community Support Fund Allocation Process:
   a. The Fiscal Workgroup will be responsible for an annual, open, and transparent evaluation of each Community Support Fund proposal for effectiveness and adherence to Board Policy. The Committee will prepare a list of Community Support Fund proposals recommended for funding and present to District Council for review. District Council will disseminate the committee’s list of proposals to all constituent groups for consultation prior to approval.
   b. Based upon the committee’s evaluation of the Community Support Fund Allocation Process, recommended improvements or adjustments to the allocation process, procedures, and board policy will be disseminated to all constituent groups for consultation prior to recommendation to District Council.

Date Approved: August 7, 2019
AP 6250 BUDGET MANAGEMENT

Reference:

All units of the District shall operate within the allocations of the current budget. The Chancellor has overall responsibility for management of the District's budget. The Vice Chancellor is responsible for the general management of the budgeting, budget controls, and the accounting programs of the District. College administrative responsibilities include: adherence to guidelines established by the District Administrative Services Office; compliance with time deadlines; and following generally accepted accounting principles.

The approved annual budget will be monitored and managed to ensure actual performance is consistent with the budget and that corrective action will occur as necessary in accordance with these policies and as provided by law.

Monitor and Enhance Revenue Management
Locally generated revenues such as interest income, property taxes, non-resident tuition and other miscellaneous sources of funds will be monitored throughout the year to ensure the actuals are on track with projected revenues.

Monitor Expenditures and Seek Opportunities to Reduce Expenditures
The Board grants spending authorization through adoption of the Final Budget. The Vice President of Administrative Services at each college shall review expense accounts throughout the year and realign budget accordingly. The Vice Chancellor shall periodically review districtwide department accounts to ensure overall expenditures do not exceed the total budgeted expenditures.

Transfers from the contingency reserve to any expenditure classification must be approved by a majority vote of the members of the Board. Transfers between major expenditure classifications must be approved by a majority vote of the members of the Board.

All budget transfers shall be approved by the budget administrators, Vice President of Administrative Services and the Executive Director of Financial Services or designee at the District level. The District is responsible for preparing the report for all budget adjustment between major account codes for board approval on a quarterly basis.
The Vice Chancellor shall utilize the Associate Faculty Funding Model to allocate funding for part-time faculty and special reassigned time. This model is driven by the FTES goals, weekly student contact hours (WSCH), and the part-time faculty funding rate. The Vice Chancellor shall utilize the Resource Allocation Model (RAM) to allocate District wide resources to support the integrated processes of strategic planning, Educational Master Planning, Accreditation and Program Review. Refer to AP 6240 for Community Support Funds Allocation procedure.

Prior to the Tentative/Final Budget, the Vice Chancellor will implement the following process to allocate the funds among the District Administrative Services Departments:

- District Finance staff will work with the Administrative Services Managers to augment existing budget.
- The Department Budget Manager or the Finance Office shall present their budget proposal for consideration.
- The Vice Chancellor will review the proposals and allocate the augmentation based on proposals that best fit the stated Board Budget Priorities.
- The recipients of the augmentation will provide line item detail for their augmentation to the District Finance Office.
- The Finance Office will process the line item detail per the established process.

The Vice Presidents of Administrative Services at the colleges shall facilitate the allocation of funds through processes established at each college.

The Fixed Cost work group, under the direction of the Vice Chancellor, meets bi-annually for the preparation of the Tentative and Final Budget. Membership shall include, but is not limited to the Vice Chancellor of Administrative Services, Vice President of Administrative Services at each college, and the Executive Director of Financial Services.

Departmental managers who seek increases/decreases to currently funded fixed cost items or manager’s seeking funding for items which they believe fit the fixed cost definition, must contact the Vice President of Administrative Services at the college, or the Executive Director of Financial Services at the District.

Requests for one-time funding from the Undesignated Fund Balance must be presented to the Vice Chancellor. The Vice Chancellor will determine if the request should be funded. If approved, the requested amount will be presented to the Board as part of the quarterly financial report.

Allocation of the Unassigned Fund Balance is valid for the fiscal year when funding is granted. Unspent monies revert to the Unassigned Fund Balance at year end, unless otherwise stated.
- **Budgeting**
  The annual Adopted Budget shall include a budget for each account identifying projected revenues and expenditures. Projected revenues shall be based on the latest information available. Projected expenditures shall be based on projected revenues which may include the use of the actual accumulated fund balance.

- **Reporting**
  The District shall periodically report information to the Board of Trustees regarding the financial and budgetary condition of the District for all funds. The report shall include a comparison of budget to actual amounts. It shall be produced in accordance with Generally Accepted Accounting Principles (GAAP) as defined by the Governmental Accounting Standards Board (GASB) and the California Community College’s Budget and Accounting Manual.

**Budget Calendar**

The Executive Director of Financial Services, in collaboration with the college Vice Presidents of Administrative Services, prepares the annual budget calendar. The calendar is reviewed with District Council and then submitted to the Board of Trustees for approval no later than February of each year.

The Executive Director of Financial Services, will coordinate with the College Administrative Services Offices to insure that all deadlines on the calendar are met.

The Budget Calendar shall identify deadline dates for:

- Development of Budget Guidelines (Board Budget Priorities)
- State Workshops
- State Reports
- Position Control Lock
- Revenue analysis and projections
- Review of initial budget projections
- Budget Detail Line Item
- Quarterly Financial and Budget Adjustment Reports
- Year-end close
- Adoption of the Tentative and Final Budget

The Tentative Budget shall be presented to the Board of Trustees no later than July 1 [Title 5, Section 58305(a)], and the Final Budget no later than September 15 [Title 5, Section 58305(c)].

**Budget Position Control**

District Services staff will maintain the budget position control database. Actual hire dates will be used to prepare the Tentative/Final Budget.
Vacant positions will be budgeted at step B for all classified positions. Certificated positions are budgeted at Column D, Step 7.

The status of unfilled positions fluctuates throughout the year, therefore continual assessment must occur on a regular basis in order to more efficiently and effectively use salary and benefit savings.

Permanent changes to full-time positions have budgetary implications and may impact the following:

- FON (Full-time Faculty Obligation Number)
- 50% Law

If submitting position changes which impact any of the following:

- Increase/Decrease in FTE
- Increase/Decrease number of Months a position is budgeted
- Reclassification of a position which results in a higher salary
- Changes to a position's Funding Source
- Changes to Object Code Classification
- Adding or deleting positions.

The requestor of the change shall provide the following to the District Finance Office:

- Personnel Action Request (PAR) requesting and explaining the change;
- An analysis which calculates the additional budget required to effect the change;
- Budget Transfer Form which permanently funds the requested change.

District Finance Office Review:

- Review the financial information for completeness, reasonableness and accuracy.
- District Finance Office will prepare an “FTE Analysis” to determine potential impact on FON and 50% Law
- District Finance Office will forward the completed packet to HR for processing. HR will review and forward packet to EMT for approval.

The following budget reallocation process will be followed for District Administrative Services Departments:

- The District Finance Office will review unfilled positions and compare YTD Actual with YTD Budget.
- Collaboratively, the departmental manager will work with the District Finance Office to determine any savings or overspending related to an unfilled position.
• Calculated savings will be placed in the Vice Chancellor’s holding account for re-allocation.

• Cumulative savings in the Vice Chancellor’s holding account will first be used to cover any overspending which may have occurred on positions. Any net surplus will be re-allocated to the Administrative Services departments on a one-time basis.

• The Administrative Services Managers will notify the Vice Chancellor to present their proposal for consideration.

• The Vice Chancellor will review the submitted proposals and allocate the augmentation based on proposals which best fit the stated Board Budget Priorities.

• The District Finance Office will transfer budget from the Vice Chancellor’s holding account to the departmental budget based on the information provided on the proposals.

• Funding not fully expensed by the beginning of the subsequent quarter will be re-allocated to Administrative Services departments via the same method outlined above.

• After the third quarter, the Vice Chancellor reserves the right to spend the available balance at his/her discretion.

The Vice President of Administrative Services at each college shall facilitate the reallocation of funds from vacant positions through processes established at each college.

**Land Corporation Budget Setup and Reimbursement:**
Recipients of Land Corporation grants will follow the process detailed below in order to have their budgets established and to insure receipt of monies pledged by the Land Corporation.

**Establishing Budget:**

• Land Corporation will notify the District of any allocation regarding the amount and the terms of the grant by virtue of its recorded and approved meeting minutes and budgets.

• The responsible administrator of the allocation will work with the District Finance Office to identify the account numbers and setup the budgets.
All project funds not expended on the specific project, as approved, by June 30 of the succeeding fiscal year will be returned to the Land Corporation. Carry-over funds shall be approved by the Vice Chancellor.

**Requesting Reimbursement from Land Corporation:**
The District will prepare the invoice for all Land Corporation projects and grants at least once each quarter. The amounts on the invoice will be based on actual expenditures and revenues posted to the general ledger.

Invoices to the Land Corporation must be approved by the Vice Chancellor of Administrative Services or his designee.

At the end of each fiscal year, a written report summarizing the efforts and outcome for each project will be reported at a regular Land Corporation meeting.

**Signature Authorization Form:**
The Signature Authorization Form shall be used to designate, change or remove signature authority for budget transfers, expense transfers, timesheets, contracts, check request, mileage claims, purchase orders, and travel and conference reimbursements.

The organization code must be clearly identified on the form along with the types of forms that can be signed by the designated individual (timesheets, purchase orders, check requests, etc.).

The name of the individual who is being given signature authority or having signature authority removed must have their name typed or clearly printed on the form.

The individual being given signature authority must sign and date the form.

Once completed, the form must be signed by the Executive Director of Financial Services or Vice President of Administrative Services at each college.

The form is then sent to the Finance Office where it is retained for reference.

---

*Date Approved:  July 23, 2019*
AP 6251  RESERVES

Reference:

California Community Colleges Budget and Accounting Manual, Chapter 5; Appendix A

The District’s Unrestricted General Fund reserve shall be 5% of the total expenditures. In addition to the 5% reserve, the District shall retain no more than a 3% contingency reserve. The contingency reserve is to be used for unanticipated changes in expenditures or revenues when impending changes in operations would result in significant service reductions. Use of the contingency reserve requires Board approval of two-thirds positive vote.

Date Approved: July 23, 2019
AP 6252  FUND BALANCE

Reference:

GASB Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.

GASB Statement No. 54 is intended to improve the usefulness of the amounts reported in Fund Balance by providing more structured classification. It is the responsibility of the Vice Chancellor of Administrative Services to report all Fund Balance in the appropriate categories in the District’s Financial Statements.

This procedure shall apply to, but is not limited to, the District’s governmental funds listed below:

- The general fund is used to account for all financial resources not accounted for and reported in another fund.

- Special revenue funds are used to account and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt service or capital projects.

- Debt service funds are used to account for all financial resources restricted, committed or assigned to expenditure for principal and interest.

- Capital projects funds are used to account for all financial resources restricted, committed or assigned to expenditure for the acquisition or construction of capital assets.

The five Fund Balance categories are:

- Non-spendable Fund Balance (inherently non-spendable)
  - Not in spendable form (inventories and prepaid)
  - Legally or contractually required to be maintained intact.

- Restricted Fund Balance (externally enforceable limitations on use)
Can be spent only for the specific purposes imposed by creditors, grantors, contributors, or laws or regulations or other governments.
Can be spent according to law through constitutional provisions or enabling legislation
Restrictions may be changed or lifted only with the consent of the resource providers.

- Committed Fund Balance (self-imposed limitations set in place prior to the end of the period)
  - Can be used only for the specific purposes determined by a formal action of the Board of Trustees.
  - Requires formal action at the same level to remove the limitation.
  - Formal action must be taken prior to year-end.
  - Resources designated as committed fund balance must be for a specific purpose and non-routine.

- Assigned Fund Balance (limitation resulting from intended use)
  - Intent can be expressed by the Board of Trustees or body to which the board designates the authority.
  - In government funds other than the general fund, the assigned fund balance represents the amount that is not restricted or committed which indicates that these resources are, at a minimum, intended to be used for the purpose of that fund.
  - The amount reported as assigned fund balance can never exceed total fund balance less its non-spendable, restricted and committed components.
  - Any funds set aside as Assigned Fund Balance require a simple majority vote. The same action is required to change or remove the assignment.

- Unassigned Fund Balance (residual net resources)
  - Total fund balance in the general fund in excess of non-spendable, restricted, committed and assigned fund balance.
  - If another government fund has a fund balance deficit, it will be reported as a negative amount in the unassigned classification in that fund.
  - Unassigned Fund Balance may be accessed in the event of unexpected expenditures upon approval of a budget revision by the Board of Trustees.
  - Any budget revision that will result in the Unassigned Fund Balance dropping will require the approval of 2/3 vote of the Board of Trustees.

Date Approved: July 23, 2019
AP 6300  FISCAL MANAGEMENT

References:

Education Code Section 84040(c);
Title 5 Section 58311;
ACCJC Accreditation Standard III.D.9

District administrators are primarily responsible for safeguarding District resources by establishing and maintaining sound business controls designed to deter and detect potential misuse of resources. Further, the District encourages its employees and other persons to disclose improper activities as defined in the Reporting of Improper Governmental Activities Act per the Government Code and to protect those reporting improper activities from reprisal or intimidation.

Misuse is the inappropriate use of District resources for non-District purposes. Resources include, but are not limited to, cash, property, personnel, and time due to the District by employees. Criteria used to determine whether certain activities or employee behavior constitutes misuse of resources includes State and Federal laws and District policy and procedures.

Investigations of suspected misuse of District resources may be initiated for a variety of reasons, including, but not limited to, the following: questionable circumstances, allegations made by employees or members of the public, or situations disclosed during the course of routine audits.

Such investigations shall be conducted in a manner that:

- Fulfills the District’s legal and fiduciary responsibilities;
- Minimizes loss and promotes recovery of District resources;
- Identifies controls which should be strengthened to reduce future vulnerability regarding misuse of District resources;
- Protects the rights of the accused, the interests of those making allegations, and the public interest;
• Provides confidentiality compatible with an effective response and applicable reporting requirements; and

• Guards against real or apparent conflict of interest.

The Vice Chancellor of Administrative Services has overall responsibility for matters concerning known or suspected misuse of District resources. As part of this responsibility, the Vice Chancellor shall ensure that timely and complete information about significant investigations is reported to the Chancellor and the Board, as appropriate, and shall issue Districtwide fiscal guidelines to the Colleges on the implementation of this procedure. (Also see AP 7371 titled Personal Use of Public Resources)

The collection of all money shall be made in accordance with applicable statutes, standard accounting principles and practices, and written District administrative procedures.

It shall be the responsibility of the Chancellor and Vice Chancellor to ensure that appropriate controls and safeguards are in place.

Each employee of the District whose duty it is to handle district funds shall be fingerprinted. (Also see AP 6322 titled Employee Indemnity Bonds)

There are six types of monies collected by the Admissions and Records Offices at West Valley and Mission Colleges: cash, checks, money orders, cashier's checks, wire/ACH transfers, and credit cards.

Cash and Check Handling
Many areas receive cash on behalf of the College for the sale of goods and services. Payment by currency, coin, check, money order, and cashier’s check are all possible forms of acceptable payments. Strong internal controls must be in place to ensure cash proceeds are adequately safeguarded and deposited. It is imperative that areas opting to conduct cash transactions fully understand and accept the related cash handling responsibilities.

All cash proceeds must be properly reconciled and stored in a secure safe and deposited into an authorized District bank account at least twice per week. Cash must not be left unattended at any time. Cash should be stored in a cash box within a locked cabinet or safe to which there is restricted access. Under no circumstances are cash proceeds to be used for making loans, advances, or purchases.

Critical controls such as segregation of duties, limited access, and regular reconciliation are important in handling cash. Each area/department must ensure that the responsibility for receiving cash is segregated from the responsibility for depositing the cash. No one person should be permitted to handle a transaction from beginning to end.
Other Types of Monies
Wire transfers and ACH transfers are arranged in advance and are transmitted to and from the Clearing Account and Treasury Account at the District’s Financial Institution. A journal entry recording the revenue and expense is prepared by Finance staff and approved by the Director of Accounting. All money transfers shall be arranged with the Director of Accounting.

Monies for property taxes, lottery, and interest are deposited directly to the County Treasury Account. The Accountant or Director of Accounting prepares a journal entry to record the cash and revenue.

Returned checks with non-sufficient funds (NSF)
The District shall send an NSF letter to the individual whose check was returned for NSF. If the check was used as payment towards a student’s account, the payment will be reversed and an NSF fee of up to $50 will be assessed to the student’s account. For non-student accounts, the District Finance Office will reverse the revenue and request for a replacement check with an additional penalty fee to cover the NSF expense.

Credit Card Payments (Terminals and Online)
Areas processing credit card transactions must deposit proceeds daily by closing each terminal on a daily basis. Monthly Transaction Reports shall be sent to the District Finance Office each month to reconcile with the bank statement and general ledger postings.

Credit Card Chargebacks/Disputes
The District Finance Office shall be responsible for resolving chargeback/disputes, which includes submitting appropriate documentation to the cardholder’s bank to validate the charge amount. Upon notification by the cardholder’s bank that the credit card account holder is continuing to dispute the transaction, for student accounts, the District Finance Office shall put a “Hold” on the account and reverse the payment. For non-student accounts, the District Finance Office will notify the department of the chargeback and will reverse the revenue.

Monies received in Admissions and Records Office
Monies shall be recorded in the primary ERP system in sessions which are opened at the beginning of each day. At the end of each day, individual cashiers count, balance, and close their sessions. Cashier Detail Report and monies are placed in a sealed envelope in a locked safe to be counted and reconciled the next day by a designated cashier. The designated cashier cannot reconcile his/her own sessions. The Supervisor or designated cashier reconciles the monies, completes the official Deposit Form including their initials and session number and places them in the safe. The money shall be picked-up by the designated armored car service and deposited to the District’s financial institution twice weekly. A copy of the deposit slip is kept in the department and submitted to the District Finance Office along with the monthly Transaction Report. The District Finance Office shall reconcile the deposit with the monthly bank statement and general ledger postings.
The procedures above apply to any money collection site on college grounds, which may include Community Education, Contract Education, International Studies, Hospitality/Bistro, and selected Grant and Child Development Centers.

**Petty Cash:**
Petty cash in the amount of $5,000 is held in each college A&R Office for the purpose of covering minor expenditures that may arise. Requests can be made to reimburse employees for the purchase of supplies and postage expenditures of $100 or less. Supplies are defined as items costing $100 or less that are necessary to sustain or conduct day-to-day business of a particular department.

Requests are limited to an aggregate of $100 per employee, per month. Multiple receipts may be submitted. Splitting an expense of $100 between two or more employees is not allowed. Requests must have the signature of the appropriate budget administrator and the Vice President of Administrative Services or designee.

Original receipts must accompany each request and must contain: transaction date, vendor name and address, a detailed list of the items purchased, the cost of each item, and the total cost of all items. Copies of receipts and/or calculator tapes will not be accepted. Merchandise purchased on-line must be delivered to the District Warehouse in order to receive reimbursement. Items delivered to personal addresses will not be reimbursed.

Petty Cash requests must be submitted within **45** days of the date of the transaction.

Petty Cash requests will not be processed for reimbursement of food for meetings.

District Finance will conduct a random audit of Petty Cash. Budget Administrators will be held accountable for improprieties identified by the Finance Department.

**Revolving Fund:**
The District maintains a revolving cash fund of $35,000. This fund is used for emergencies occurring at either college or District Office that cannot wait for a regular District warrant. Checks written from the Revolving Fund must be approved by the Chancellor, Vice Chancellor, or designee.

Date Approved: July 23, 2019
AP 6310  ACCOUNTING

References:

California Community Colleges Budget and Accounting Manual, Chapters 3 and 4

The District’s fiscal management shall be in accordance with the principles contained in law and the California community Colleges Budget and Accounting Manual, including that:

- Adequate internal controls exist.
- Fiscal objectives, procedures, and constraints are communicated to the Board and employees.
- Adjustments to the budget are made in a timely manner, when necessary.
- The management information system provides timely, accurate, and reliable fiscal information.
- Responsibility and accountability for fiscal management are clearly delineated.

The books and records of the District shall be maintained pursuant to the California Community Colleges Budget and Accounting Manual. Independent audits will be performed each year as required by law.

Payment of Invoices

- The District warehouse receives and updates the purchase order in the Financial System with the appropriate receiving data when an order is received. The warehouse reconciles the merchandise received to the purchase order and forwards the approved documents to Accounts Payable.
• Accounts Payable inputs the amount to be paid to vendors from original invoice documents. Each completed invoice receives an invoice number and is tracked by purchase order number and vendor number within the Financial System. Invoices awaiting payment are collected within the Financial System each week until paid during the weekly check run normally occurring on Thursday.

• Blank check stock is used when printing checks. The signature of the Chancellor and the Executive Director of Financial Services are printed on the checks.

• Accounts Payable staff audits the invoice report to ensure payment amounts match the invoice. The Director of Accounting performs the final audit and signs the check register.

• Warrants are then processed through a sealing machine and mailed to vendors. The warrant register is transmitted electronically to the bank for the encumbrance of funds.

Check Request
The Check Request Form shall not be used to pay for the purchase of equipment and furniture. All equipment and furniture purchases must go through the Purchasing Department.

To request payment for items that cannot be purchased using a purchase order or to request reimbursement for items that cannot be reimbursed through petty cash, employees should adhere to the following:

• Check requests shall be used in the following situations when a purchase order is not an option:
  
  o Registration fees/conference fees
  o Employee reimbursements
  o Memberships
  o Subscriptions
  o Received Materials and Services

• Original detailed receipts and/or appropriate back-up documentation is required for reimbursement or payment. The Check Request Form along with original receipts shall be submitted no later than 45 days after receipt of the invoice, event, or purchase.

Special circumstances will be allowed, but must have the approval of the College Vice President of Administrative Services or District Executive Director of Financial Services. An employee cannot “pay him/herself.” Reimbursements to a budget administrator must be signed by his/her supervisor.
Budget and Expense Transfers
Once a budget is adopted by the Board of Trustees, the total designated for each major expenditure classification is the maximum expenditure allowed. Pursuant to California Code of Regulations Section 58307, any budget transfers between major classifications, or from reserves, must be authorized by the Governing Board. Budget can only be transferred within the same fund or fund group.

The intent of the expense transfer is to move or reclassify actual expenditures or revenues that have posted to the general ledger accounts incorrectly. It is necessary to attached backup documentation identifying where the expenditure or income was posted and provide an explanation for the transfer. Expense can be transferred from one fund to another.

Transfers are initiated online and approved electronically through approval queues. It is the responsibility of the college Administrative Services Office to notify the District Finance Office of any changes to the finance approval queues. Electronic transfers shall be processed within five business days from the date of receipt in the District’s approval queue. The college Administrative Services Office shall notify the District Office if there are pending transfers that require immediate attention.

Salary Redistribution for Incorrect Payroll Postings
College and District staff may submit a Salary Redistribution Form to correct payroll posting in the general ledger. The completed form shall be processed within five business days from the date of receipt.

Date Approved: July 23, 2019
AP 6311 TRAVEL AND CONFERENCE REIMBURSEMENT

References:
- Education Code 87032
- Government Code 11139.8
- U.S. Department of State
- Department of Homeland Security
- Internal Revenue Service (IRS)

Employee Travel Reimbursement
District employees and members of the Board of Trustees are entitled to request reimbursement for travel and conferences made on the District’s behalf.

All claims for reimbursement must be accompanied by original receipts. The claim shall be submitted no later than 45 days after the date of travel.

Prior Board approval must be obtained for any travel at District expense if the total travel expense will exceed $10,000 for any one event or purpose, without regard to the number of individuals traveling.

If the employee is issued a District credit card, the employee should use the card to pay for all expenses related to official business travel, including event registration, lodging, meals, and transportation. Meals shall not exceed the per diem rates.

Employees shall make their own travel arrangements.

It is the District’s intent that no employee shall incur a personal financial gain as a result of traveling on district business.

Prior to travel
Prior to traveling for a district-related conference or event, the employee must complete “Section I” of the Conference Attendance Reimbursement form and submit it to his/her supervisor/budget administrator for approval regardless of the funding source. Once approved, retain the form and complete after attending the conference.

Prepayment
Prepayment for registration, hotel and airfare may be made through a District/personal credit card or a check request. Claims for prepayment reimbursements may be processed upon incurring the cost and prior to the conference or event. The employee
shall submit a check request for each vendor who is to receive a check for prepayment. A copy of the approved and signed conference attendance form and back-up documentation for the prepayment expenses must accompany the check request.

**Upon completion of travel**
After the conference, complete “Section II” of the original form (including all prepaid expenses), attach all applicable original receipts, secure appropriate approval signatures, and submit the form to Accounts Payable. The reimbursement request should include all expenses (hotel, airfare, car rental, mileage etc.) for the one event. The form and documentation will be reviewed by Accounts Payable who will then issue a reimbursement check or ACH transfer.

**Meals**
For a one day trip (less than 24 hours) that does not require an overnight stay, no meal reimbursement will be provided.

For trips that exceed 24 hours, the average of the daily California per-diem meal reimbursement rate established by the U.S. General Services Administration shall be applied. Employees are not eligible for meal reimbursement if the conference is providing the meals or if the meals are charged on a District-issued credit card. If meals are charged on a District-issued credit card, the employee will be responsible for the difference of the actual charge and the per-diem limit.

**Rental Cars**
The standard size for automobile rental is a “compact” unless more than two employees share a single vehicle. Car rentals are allowed one day before or after the conference. There will be no reimbursement for car rentals that are beyond the conference period.

**Airfare**
Air travel shall be by regularly scheduled airlines in coach class with standard check-in. All expenses above the regular coach class and standard check-in will not be reimbursed by the District. Upgrading to a more expensive class or early check-in is allowed but only at the employee’s expense.

**Hotel**
While traveling on District business, employees are encouraged to stay at moderately priced hotels. Employees are also encouraged to stay within the hotel where the conference is taking place. Expense items for the following will not be reimbursed: expenses for spouse or children, personal use items, hotel laundry, in-house movies, alcoholic beverages, telephone calls or wireless internet (other than for Conference/District business). Hotel stays are allowed one day before or no more than one day after the conference, depending on the location of the conference. Hotel stay that exceeds the conference period will be at the employee’s expense.
**Mileage**

Mileage for the use of a personal vehicle will be reimbursed at the current IRS-approved rate. The rate is intended to cover all costs associated with operation of the vehicle, including insurance, repairs, fuel, and other operating expenses. In most cases reimbursement will be based upon the distance from the District/College to the conference destination using the “Standard Mileage” list. If the destination is not identified on the “Standard Mileage” list, you may be asked to provide an internet map showing the total miles traveled. If attending a meeting or conference, a copy of the agenda or announcement with location and date must also be provided (excluding meetings at the District or colleges).

When traveling between campuses, mileage may be claimed for roundtrip travel if the employee is returning to his/her primary work location to continue the workday. If the employee travels to the sister college and ends his/her work day at that location, mileage may only be claimed one way. If an employee starts and/or ends his/her workday at a location other than the primary work location, mileage may be claimed from the primary work location to the off-site work location (not including District sites).

Mileage expenses may be allowed between the employee’s residence and the common carrier or destination if the business travel originates or terminates before or after the employee’s working hours, or during a regularly scheduled day off. Under all circumstances, the shortest route should be chosen for mileage reimbursement purpose. Mileage for personal excursions while at a conference will not be reimbursed. If it is determined that airfare to the conference/event, plus the estimated cost of a rental car, would have been less expensive than the reimbursement for using a personal vehicle, the employee will be reimbursed at the cost of the airfare, plus the estimated cost of a rental car.

Claims for mileage reimbursements may be submitted as frequently as needed, but at least once a quarter.

The use of personal vehicles by employees on District business is at the employee’s own risk. An employee’s personal vehicle insurance is considered primary coverage.

**Student Travel Reimbursement**

District funds may be used for students’ travel which may involve participating in competitions; conferences; workshops; meetings; and social, educational, and cultural activities. The procedure pertains to student travel for activities that are organized and sponsored by the College including travel that is funded by the Associated Students. All funds used to pay for student travel shall comply with allowable funding source requirements (auxiliary, grant or categorical programs).

It is preferred that the District chaperone, coach, or instructor attending the event utilize their District credit card to pay for group meals and travel expenses (travel arrangement). When possible, payments for student travel shall be paid directly to the vendor.
In an event where cash advance is needed for meals, the chaperone, coach, or instructor may submit a Check Request Form to the District Finance Office to request for a check made out to the chaperone, coach or instructor (must be District employee). They are responsible for disbursing the cash to the students and ensuring they track the disbursement on a list. The student must sign the list acknowledging receipt of the cash amount. The amount may not exceed the District’s per diem rate. Students are not entitled to per diem and must provide receipts for all meals. Alcohol expenses on any meal receipt shall be paid by the individual. All unspent funds shall be returned to the District Finance Office no later than three business days after the event.

Students who are seeking travel reimbursement for official college business shall complete the Travel Reimbursement Request for Non-Employee Form and a signed W-9 form. They are required to comply with the employee travel reimbursement procedure.

Reference AP 4300 for Student field trip and excursion procedure for additional guidance.

**Foreign Guest Speaker Travel Reimbursement**

A foreign guest speaker who is invited to speak at the college may be reimbursed for travel expenses under the American Competitiveness Workforce Act of 1998 and the IRS regulations. Such amounts are excludable from the individual’s income, are not reported as compensation, and are exempt from withholding and payment of employment taxes.

It is preferred that the department make the travel arrangements in advance and pay for the travel expense utilizing a district-issued credit card. Travel arrangements shall be in compliance with the Employee Travel Reimbursement procedure as it relates to airfare, hotel, and car rental.

Travel reimbursements to foreign visitors, including advances for airfare and reimbursements for travel expenses, may be restricted by the visitor’s visa status or other requirements established by the Department of Homeland Security. In most cases, additional documentation must be provided by the visitor in advance of the reimbursement.

A foreign guest speaker is expected to comply with the District’s Travel and Conference Reimbursement procedure. The guest speaker is not covered under the District’s liability insurance and is expected to purchase his/her own insurance coverage. Non-employee meals will be reimbursed based on actual cost which shall not exceed the District’s per diem rate. The reimbursement request must be supported by itemized receipts regardless of the amount. Alcohol expenses on any meal receipt shall be paid by the individual. Non-employees are not allowed meal per diem.
Prior to the arrival of the foreign guest, the requestor must complete the Travel Reimbursement Request for Student and Foreign Guest Speaker Form for the foreign guest speaker. The travel request shall be approved by the Supervisor or Department Manager and the VP of Administrative Services prior to the event. After the event, the requestor shall complete the form on behalf of the foreign guest speaker and have him/her sign as the claimant. The Supervisor or Department Manager needs to approve the reimbursement amount. Finally, the VP of Administrative Services shall approve and validate the supporting documents and ensure there are sufficient budget to cover the travel reimbursement. The completed form is submitted to the District Finance Office for final review and processing. After receipt of the form, the District Finance Office shall process the reimbursement within seven business days.

A citizen of a foreign country who wishes to enter the United States must first obtain a visa, I-94 or waiver status on their passport. Before hosting a foreign visitor, the hosting department should ensure that the foreign visitor has the proper visas. Foreign visitors are issued an I-94 (arrival/departure card) showing their travel status, which determines eligibility for reimbursement. Visitors from certain countries traveling under the VISA Waiver Program (VWP) on WB status are not issued a paper 1-94, rather the WB status is indicated on their passport. There are no exceptions to visa requirements. All foreign visitors shall provide proof of proper visas prior to visiting the campus.

Date Approved: August 7, 2019
AP 6315  WARRANTS

References:

   Education Code Sections 85230 et seq.

Warrants on District funds will be signed by two facsimile signatures. Vendor warrants shall be ratified by the Board every 60 days, pursuant to the Education Code.

Also see BP/AP 6150 titled Designation of Authorized Signatures
AP 6320 INVESTMENTS

References:

Government Code Sections 53600 et seq.

The Vice Chancellor is responsible for investing the funds of the District that are not required for the immediate needs of the District. Funds so invested shall follow the investment policy approved by the Board in accordance with the Government Code Sections cited above and the following:

- Funds which are not required for the immediate needs of the District shall be prudently invested in order to earn a return on such investment.

- The preservation of principal is of primary importance. Each transaction shall seek to ensure that capital losses are avoided, whether from securities or erosion of market value.

- The investment program should remain sufficiently flexible to enable the District to meet all operating requirements that may be reasonably anticipated in any fund. After preservation of principal, liquidity is the objective.

- In managing District investments, District officials should avoid any transactions that might impair public confidence.

- Investments should be made with precision and care, considering the probable safety of the capital as well as the probable income to be derived. (See Government Code Section 53600.6 regarding solvency and creditworthiness.)

District funds maintained by the County Treasurer that are not required for the immediate needs of the District may be invested as follows:

- **County Treasurer's Investment Pool** - Investment of District funds may be delegated to the County Treasurer. In accordance with county procedures, District funds may be pooled with other local agencies and invested by the County Treasurer in accordance with the investment guidelines specified by Government Code Section 53635 and investment policies adopted by the County Board of Supervisors.
• **State's Local Agency Investment Fund** (Government Code Sections 16429.1-16429.3) - District funds not required for immediate needs of the District may be remitted to the State Local Agency Investment Fund (LAIF) for the purpose of investment (Government Code Section 16429.1). District funds deposited with the LAIF shall be invested by the State Treasurer in securities prescribed by Government Code Section 16430, or the Surplus Money Investment Fund and as determined by the Local Investment Advisory Board (Government Code Section 16429.2).

• **Other Investments** - Other investments as permitted by Government Code Sections 53600 et seq., and in particular Government Code Sections 53601, 53601.8, 53635, and 53635.8 may be made by the Vice Chancellor subject to prior approval of the Board.

*Government Code Sections 53601, 53601.8, 53605, and 53635.8 permit many very specific investments. Questions should be referred to financial advisors or counsel.*

**Cash** - Cash not needed for ongoing operations will be invested with the Santa Clara County or a Local Agency Investment Fund.

To maximize the income generated from any surplus funds available for investment and to assure that these investments are safe, Government Code Section 53601 shall control such investments.

A bank account will be established for the purposes of depositing and wire-transferring District funds for investment.

**Date Approved: March 7, 2016**
AP 6322    EMPLOYEE INDEMNITY BONDS

Reference:

Education Code Section 85266.5
Education Code Section 72507

In lieu of indemnity bonds to protect the District against loss, the District shall retain insurance against all losses caused by an employee. The insurance coverage shall provide the same or greater protection to the District that a bond would provide in indemnifying the District against any loss caused by the employee.

Date Approved:  August 7, 2019
AP 6325 PAYROLL

Reference:

Education Code Section 70902
Federal and State Law
IRS Code – 26 U.S. Code 6332(d), (e), (f)
California Code, Code of Civil Procedure, Chapter 5

Pay Periods

For full-time and part-time faculty and full-time classified employees, the pay period is the first of the month through the last day of the month. These employees are generally paid on the last day of the month unless that day falls on a weekend or holiday, in which case they are to be paid the first working day before the holiday/weekend. Faculty and classified timesheets submitted for these employees (such as overtime, substitute hours, librarian/counselors, etc.) will be processed on paper for work performed from the 16th through the 15th of the following month. Timesheet deadlines vary with each month and the deadlines are posted on the Payroll website.

Faculty Spring and Fall contracts (assignments, overload) are setup for five equal payments. The initial payment for Fall occurs on September 10th and Spring on February 10th. If the pay date falls on a weekend or holiday, then the pay date will default to the first work day before the holiday/weekend. Subsequent payments will occur at the end of each month.

For classified (non-faculty) short-term and student employees, the pay period is the first of the month through the last day of the month. These employees are generally paid on the 15th of the following month unless that day falls on a weekend or holiday, in which case they are to be paid the first working day before the holiday/weekend. The timesheets are to be entered through Web time entry online. The deadline for these timesheets is the last working day of the pay period.

Changes such as W-4s, Direct Deposit, Salary Reduction Agreements, etc. should be submitted by the timesheet deadline. These documents shall be submitted in person or through inter-office mail as they contain sensitive information that may impact individual payroll disbursement.
**Payroll Process**
The payroll process begins immediately after the timesheet deadline. All timesheets are audited for accuracy and completeness. If potential errors are discovered, payroll contacts the employee and/or supervisor to resolve discrepancy.

Pay checks are mailed on pay date after 2 PM. All direct deposits are posted to the employee’s bank account on pay day.

**Garnishments**
Garnishment orders from various agencies are received through the mail or by fax. Payroll is required to comply with the instructions on the garnishment order under state and federal laws. The District shall mail a copy of the order to the employee impacted within 10 days of receiving the order.

To stop an order, payroll must receive an official release from the issuing agency. The order will be stopped immediately, or by the date specified on the release. Payroll cannot stop an order by the request of an employee.

---

**Date Approved: August 7, 2019**
Every transaction between a buyer or seller and the District involving the transfer of property shall be by purchase order or formal contract signed by the Vice Chancellor or his/her designee. When deemed advisable to obtain the best pricing or when required by law, the District shall adhere to competitive, well-advertised and well noticed purchasing processes to ensure that the District receives advantageous pricing for proper and necessary goods and services. The Chancellor or Vice Chancellor shall establish administrative procedures for purchasing, and contract awards and management.

The purchasing practices of the District shall be such as to benefit the educational program. To accomplish this result, the decisions on purchases shall be based on:

- Specifications which stress good quality within limitations of the budget;
- The lowest cost within adherence to the specifications;
- Consideration for the quality of service and track record of the vendor/supplier; and
- Promptness of delivery.

Bi-monthly reports will be presented to the Board informing them of work to be done or materials or supplies to be furnished, sold, or leased for items that exceed $10,000.

Contracts, purchase orders, and other business agreements shall be written in a manner that protects the District. Staff will obtain legal advice as appropriate in the development of contracts. To the extent possible, District “form” contracts shall be used and modified where necessary for specific situations, rather than using vendor contracts or creating new contracts for new agreements.

To the extent possible and to avoid conflict with applicable governmental regulations, the potential for multiple contracts and purchase orders will be anticipated in order to aggregate purchases of materials, supplies, and services.
The District shall not conduct business (including purchasing from, or selling to) with any District employee or Board member. (see AP 2710 titled Conflict of Interest and AP 2712 titled Conflict of Interest Code)

**Purchase Requisitions**

All requisitions are entered by the individual department in the District’s current Enterprise Resource Planning (ERP) system. The “on-line” requisition process has been established with online approvals. Once an initiator enters the requisition, it electronically moves to the next approver. Once approved, Purchasing will process the order. Non-sufficient fund checking is turned on after the final budget has been loaded.

Incomplete requisitions will be held open for two months. Incomplete requisitions that are two months old will be deleted by the Fifth of every month.

**Purchase Orders**

All purchase orders are controlled by budget controls established within the District Enterprise Resource Planning (ERP) system. There are three types of purchase orders: Regular, Standing and a Rush order.

Regular Purchase Orders: Regular orders are used for all items that are shipped directly to the District Warehouse.

Standing Purchase Orders: Standing orders are used for services, subscriptions, open purchase orders, memberships, fee’s, due’s and any other items that do not require shipping to the District Warehouse.

Rush Orders: Rush orders are used for emergency repair services that are needed for Facilities, Maintenance and Custodial.

**Regular Purchase Orders**

- An electronic purchase requisition is issued to authorize the purchase of merchandise. Purchase requisitions with insufficient funds will not be processed until a budget transfer is completed.

- The purchase requisition is forwarded electronically from the requestor to the Budget Administrator for approval.

- The approved requisition is electronically forwarded to the Purchasing Department.

- The Purchasing Department will issue either a standing or regular purchase order depending on the purchase requisition.
• A copy of the purchase order will be emailed to the requisitioning department, Accounts Payable and to the vendor if the vendor’s email is available.

• Merchandise is sent to the warehouse to insure proper receipt of goods and related documentation.

**Standing Purchase Orders**

• Standing purchase orders follow the same requisition approval process as the regular orders.

• A copy of the purchase order will be emailed to the requisitioning department, Accounts Payable and to the vendor if the vendor’s email is available.

• Open purchase orders are managed by the requisitioner. They are responsible for placing the orders with the vendor and sending the packing slip/invoices to Accounts Payable.

• Items shipped on standing orders should identify the requisitioner/building on the packing slips. The Warehouse will receive and deliver to the requesting departments. The department is required to send the approved packing slip to Accounts Payable.

• If there is no paper evidence of receiving, Accounts Payable obtains a written confirmation from the requisitioning department regarding the receipt of goods or services.

**Rush purchase orders**

• Emergency services for facilities, maintenance and custodial only.

• Rush orders are not encumbered at the time of creation. The requesting department is required to submit a PO Change form with information to encumber and create the final purchase order. The department “Organization” code is all that is required when issuing the rush purchase order. Accounts Payable cannot pay an invoice until a Rush order is encumbered.

• Rush orders issued are for one-time use, per vendor.

• Rush orders are not authorized for work over $45,000. The Executive Director of Facilities Maintenance, Operations and Construction must obtain approval from the Vice Chancellor of Administrative Services for emergency work over $45,000.

• Work that exceeds $25,000 require Performance and Labor and Material bonds along with a certificate of insurance.

**Banner Document Management (BDM)**

All documentation that is necessary to complete a purchase order must be attached using BDM. This includes quotations, proposals, notes to Purchasing, and any product information, as well as the vendor name and address if the vendor is not currently used.
Prepayment
If prepayment is required, you must attach a memo, using BDM, notifying the Purchasing Department.

District Credit Cards for Purchasing
In order to expedite the purchase and accounting of low cost and frequently needed items, the District may authorize the use of credit cards by specified employees whenever there is sufficient benefit to the District. In all such cases, the District shall follow procedures that provide checks and balances for the procurement methods in use.

District credit cards are issued through the General Services Department.

Most card holders will have a monthly limit of $1000. A higher monthly limit may be authorized by the Vice Chancellor.

Credit cards shall not be used for: retail liquor, contracted services, marina boat services, private/air services, education, cash advances, recreation, health services, organizational memberships, wholesale services, entertainment, utilities, financial services, professional services or to purchase equipment.

Merchandise purchased on-line must be delivered to the district warehouse.

Every card holder shall hold a regularly established position at the District and shall agree to all terms and conditions established for the issuance of a District credit card.

Every card holder shall sign his/her card in the presence of a designated District issuer immediately upon taking possession of the card.

The cardholder shall be personally liable for inappropriate charges and shall be personally responsible for the settlement of any dispute on any purchase with a vendor.

The District issued credit card will be revoked for the following reasons: used for personal or unauthorized purposes; used to purchase alcoholic beverages or any substance, material, or service which violates policy, law, or regulation pertaining to the District; allows the card to be used by another individual; splits a purchase to circumvent the purchase limit assigned to the card; accepts a personal gratuity from a vendor; uses the card to purchase gratuities or gifts; fails to provide the Purchasing Office with information about any specific purchase; fails to provide documentation confirming that charges are approved within thirty days of a billing cycle; fails to provide the Finance Department with expense transfer documentation that may be necessary to record a purchase appropriately; does not adhere to any of the credit card policy and procedures. The credit card is the property of the bank and the bank may, at any time, revoke card privileges under the provisions of its policies and procedures.
The card holder is personally responsible for guaranteeing that all charges are for appropriate District expenses and are within budget limits. Neither the bank nor the District assumes responsibility for non-District purchases. The card holder shall be liable to the District and to the bank for any non-District purchases.

The cardholder shall immediately notify the Purchasing Department if the credit card is lost, stolen, or in the possession of an unauthorized person. A written follow-up, including pertinent information on the cause of the loss or use by an unauthorized person, shall be forwarded to the Purchasing Department in the month of the incident.

Every cardholder shall take reasonable precautions with the credit card. These include, but are not limited to: keeping the card in view after it is given to a clerk and re-securing it as soon as possible; avoid signing a blank receipt; drawing a line through blank spaces above the total when you sign; destroying all carbons; never putting the card number on a postcard or outside of an envelope; never giving the card number over the phone unless you are dealing with a company you are sure is legitimate.

Food purchases related to meetings/events must be pre-approved and shall be at the discretion of the Associate Vice Chancellors, the College Presidents, the Vice Chancellor of Administrative Services, or the Chancellor. If approved, the following must be submitted: documentation showing approval, a list of people attending the business lunch, dinner or college event; the reason for the meeting/event; and the restaurant’s detailed receipt. ALCOHOL EXPENSES ARE NOT ALLOWED. Failure to adhere to these procedures will result in suspension or revocation or your credit card.

If an employee is issued a District credit card, the employee should use the card to pay for all expenses related to official business travel, including event registration, lodging, transportation, and meals.

Employees should not use the District-issued credit card for meals if the conference is providing the meals. If meals are charged on a District-issued credit card, the employee must submit the detailed receipt and will be responsible for the difference of the actual charge and the per-diem limit. ALCOHOL EXPENSES ARE NOT ALLOWED.

If the credit card is used for travel and conference expenses, a Travel and Conference Form must still be submitted showing there was prior approval. You will NOT be reimbursed for expenses charged against the District credit card.

Each budget administrator is responsible for monitoring the budget to assure the cardholder does not exceed their department budget.

Payment for charges made against the credit card shall be processed as follows:

- When the statements are transmitted or otherwise received by the District, the charges against each card shall be charged to that card’s designated budget account.
- Monthly Credit card statements are mailed directly to each cardholder by the bank. It is the cardholder’s responsibility to: complete the “Monthly Credit Card Purchase
"attach his/her monthly credit card receipts and the credit card statement; and submit to his/her department manager for review and approval.

- If missing a receipt, a Missing Receipt Form must be submitted with the monthly purchase report.
- The department manager or budget administrator shall confirm each and every purchase as to amount and purpose. Confirmation shall be evidenced by the responsible manager’s signature on the monthly purchase report, and the date of approval.
- It is the responsibility of the Budget Administrator to ensure that his/her department cardholders are submitting monthly statements with receipts attached and that all receipts are accounted for. Those statements are then forwarded to Purchasing for review.
- The Budget Administrator is required to transfer expenses to the appropriate accounts every month. A copy of the signed monthly purchase report, which also acts as the expense transfer, and a copy of the credit statement must be forwarded to the appropriate Budget Office for processing.

Processing of Purchase Requisitions for Vendors
Purchase requisitions are sent to purchasing for processing. The Purchasing Department verifies that the vendor has a completed W-9 on file. If not, a W-9 is mailed to the vendor at the same time the purchase order is mailed. Each vendor is responsible for completing the paperwork and returning it to Purchasing. Without a completed W-9, vendor payment will be withheld.

Department of Industrial Relations (DIR) Regulations Regarding Public Works Projects
The Department of Industrial Relations requires the District to hire contractors and service providers who fall under any Prevailing Wage Schedule to be registered with the DIR. For every purchase order and/or request for contractor, the General Services Department will verify that these firms are registered. If these firms do not have the appropriate DIR registration number, the General Services Department will work with the contractor/vendor to obtain the appropriate registration number. If the contractor/vendor cannot obtain the appropriate registration number, the District cannot do business with this company.

Also see AP 6300 titled Fiscal Management and AP 6340 titled Bids and Contracts

Date Approved: August 7, 2019
This debt issuance and management administrative procedure provides written guidelines for the issuance of indebtedness by the West Valley-Mission Community College District (the “District”) in satisfaction of the requirements of S.B. 1029, codified as part of Government Code Section 8855.

**Purposes for Which Debt Proceeds May be Used**

**Authority and Purposes of the Issuance of Debt**
The laws of the State of California (the “State”) authorize the District to incur debt to make lease payments, contract debt, borrow money, and issue bonds for school improvement projects. The District is authorized to contract debt to acquire, construct, reconstruct, rehabilitate, replace, improve, extend, enlarge, and equip such projects; to refund existing debt; or to provide for cash flow needs.

**State Law**
Section 18 of Article XVI of the State Constitution contains the “debt limitation” formula applicable to the District.

There are a number of State laws that govern the issuance of general obligation bonds (“GO Bonds”) by community college districts. Sections 1(b)(2) (Proposition 46) and 1(b)(3) of Article XIII A (Proposition 39) of the State Constitution allow the District to issue GO Bonds. The statutory authority for issuing GO Bonds is contained in Education Code Section 15000 *et seq.* Additional provisions applicable only to Proposition 39 GO Bonds are contained in Education Code Section 15264 *et seq.* An alternative procedure for issuing GO Bonds is also available in Government Code Section 53506 *et seq.*

The statutory authority for issuing Tax and Revenue Anticipation Notes (“TRANs”) is contained in Government Code Section 53850 *et seq.* Authority for lease financings is found in Education Code Section 17455 *et seq.* and additional authority is contained in Education Code Sections 17400 *et seq.*, 17430 *et seq.* and 17450 *et seq.* The District may also issue Mello-Roos bonds pursuant to Government Code Section 53311 *et seq.*
Debt Issued to Finance Operating Costs
The District may deem it necessary to finance cash flow requirements under certain conditions. Such cash flow borrowing must be payable from taxes, income, revenue, cash receipts and other moneys attributable to the fiscal year in which the debt is issued.

General operating costs include, but are not limited to, those items normally funded in the District’s annual operating budget.

The District’s Chancellor, or Vice Chancellor of Administrative Services ("Vice Chancellor"), will review potential financing methods to determine which method is most prudent for the District. Potential financing sources include tax and revenue anticipation notes, temporary borrowing from the Santa Clara County Treasurer and Tax Collector, and internal temporary interfund borrowing.

Types of Debt That May be Issued

Types of Debt Authorized to be Issued

Short-Term: The District may issue fixed-rate and/or variable rate short-term debt, which may include TRANs, when such instruments allow the District to meet its cash flow requirements.

Long-Term: Debt issues may be used to finance essential capital facilities, projects and certain equipment where it is appropriate to spread the cost of the projects over more than one budget year. Long-term debt should not be used to fund District operations.

Long term debt in the form of GO Bonds may be issued under Article XIII A of the State Constitution, either under Proposition 46, which requires approval by at least a two-thirds (66.67%) majority of voters, or Proposition 39, which requires approval by at least 55% of voters, subject to certain accountability requirements and additional restrictions.

The District may also enter into long-term leases and/or COPs for public facilities, property, and equipment.

Lease Financing: Lease-purchase obligations are a routine and appropriate means of financing capital equipment and certain capital facilities. However, lease obligations may impact on budget flexibility.

Use of General Obligation Bonds: A significant portion of the District’s capital projects are projected to be funded by GO Bond proceeds. Projects financed by the GO Bonds will be determined by the constraints of applicable law and the project list approved by voters.
Impact on Operating Budget and District Debt Burden

In evaluating financing options for capital projects, both short and long-term debt amortization will be evaluated when considering a debt issuance, along with the potential impact of debt service, and additional costs associated with new projects on the operating budget of the District. The cost of debt issued for major capital repairs or replacements may be judged against the potential cost of delaying such repairs.

Capital Improvement Program

The Vice Chancellor of Administrative Services and the Facilities staff have responsibility for the planning and management of the District’s capital improvement program subject to review and approval by the Board of Trustees. Staff will, as appropriate, supplement and revise any applicable Facilities Master Plan in keeping with the District’s current needs for the acquisition, development and/or improvement of District’s real estate and facilities. Such plans may include a summary of the estimated cost of each project, schedules for the projects, the expected quarterly cash requirements, and annual appropriations, in order for the projects to be completed.

Refunding and Restructuring Policy

Considerations for Refunding.

District’s Best Interest. Whenever deemed to be in the best interest of the District, the District shall consider refunding or restructuring outstanding debt if it will be financially advantageous or beneficial for debt repayment and/or structuring flexibility.

Net Present Value Analysis. The Vice Chancellor shall review a net present value analysis of any proposed refunding in order to make a determination regarding the cost-effectiveness of the proposed refunding.

Maximization of Expected Net Savings. Another consideration in deciding which debt to refinance and the timing of the refinancing shall be maximization of the District’s expected net savings over the life of the bonds.

Comply with Existing Legal Requirements. The refunding of any existing debt shall comply with all applicable State and Federal laws governing such issuance.

Policy Goals Related to District’s Planning Goals and Objectives

In following this procedure, the District shall pursue the following goals:
The District shall strive to fund capital improvements from voter-approved GO Bond issues to preserve the availability of its General Fund for District operating purposes and other purposes that cannot be funded by such bond issues.

The District shall endeavor to attain the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements.

The District shall take all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues.

The District shall, with respect to GO Bonds, remain mindful of its statutory debt limit in relation to assessed value growth within the school district and the tax burden needed to meet long-term capital requirements.

The District shall consider market conditions and District cash flows when timing the issuance of debt.

The District shall determine the amortization (maturity) schedule which will fit best within the overall debt structure of the District at the time the new debt is issued.

The District shall match the term of the issue to the useful lives of assets funded by that issue whenever practicable and economic, while considering repair and replacement costs of those assets to be incurred in future.

The District shall, when planning for the issuance of new debt, consider the impact of such new debt on overlapping debt of local, state and other governments that overlap with the District.

The District shall, when issuing debt, assess financial alternatives to include new and innovative financing approaches, including whenever feasible, categorical grants, revolving loans or other State/federal aid, so as to minimize the encroachment on the District’s General Fund.

The District shall, when planning for the sizing and timing of debt issuance, consider its ability to expend the funds obtained in a timely, efficient and economical manner.

**Internal Control Procedures for Issuance of Debt to Ensure Intended Use of Proceeds**

**Structure of Debt Issues**

Maturity of Debt: The duration of a debt issue shall be consistent, to the extent possible, with the economic or useful life of the improvement or asset that the issue is financing. Accordingly, the average life of the financing shall not exceed 120% of the average life of the assets being financed. In addition, the District shall consider the overall impact of the
current and future debt burden of the financing when determining the duration of the debt issue.

Debt Structure:

GO Bonds:

*New Money Bond Issuances:* For new money bond issuances, the District shall size the bond issuance consistent with the "spend-down" requirements of the Internal Revenue Code and within any limits approved by the District’s voters. To the extent possible, the District will also consider credit issues, market factors (e.g. bank qualification) and tax law when sizing the District’s bond issuance.

*Refunding Bond Issuances:* The sizing of refunding bonds will be determined by the amount of money that will be required to cover the principal of, accrued interest (if any) on, and redemption premium for the bonds to be defeased on the call date and to cover appropriate financing costs.

*Maximum Maturity:* All bonds issued by the District shall mature within the limits set forth in applicable provisions of the Education Code or the Government Code. The final maturity of bonds will also be limited to the average useful life of the assets financed or as otherwise required by tax law.

Lease-Purchase Obligations: The final maturity of equipment or real property lease obligations will be limited to the useful life of the assets to be financed.

Debt Service Structure: The District shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, provide flexibility, and, as practical, to recapture or maximize its debt capacity for future use.

Use of Proceeds

The District shall be vigilant in using bond proceeds in accordance with the stated purposes at the time such debt was incurred. In furtherance of the policy, and in connection with the issuance of all GO Bonds:

As required by Government Code Section 53410, the District shall only use GO Bond proceeds for the purposes approved by the District’s voters; and

The Vice Chancellor shall have the responsibility, no less often than annually, to provide to the District’s Board of Trustees a written report which shall contain at least the following information:

i. The amount of the debt proceeds received and expended during the applicable reporting period; and
ii. The status of the acquisition, construction or financing of the school facility projects, as identified in any applicable bond measure, with the proceeds of the debt.

These reports may be combined with other periodic reports which include the same information, including but not limited to, periodic reports made to the California Debt and Investment Advisory Commission, or continuing disclosure reports or other reports made in connection with the debt. These requirements shall apply only until the earliest of the following: (i) all the debt is redeemed or defeased, but if the debt is refunded, such provisions shall apply until all such refunding bonds are redeemed or defeased, or (ii) all proceeds of the debt, or any investment earnings thereon, are fully expended.

The District shall post on the District website the Annual Report of the District’s Independent Bond Oversight Committee which has been given the responsibility to review the expenditure of GO Bond proceeds to assure the community that all GO Bond funds have been used for the construction, renovation, repair, furnishing and equipping of school facilities, and not used for teacher or administrator salaries or other operating expenses.

The District shall hire an independent auditor to perform an annual independent financial and performance audit of the expenditure of GO Bond proceeds, and to post such audits on the District website.

---

Approved: August 7, 2019
AP 6340 BIDS AND CONTRACTS

References:

Education Code Sections 81641 et seq.;
Public Contract Code Sections 20103.7, 20112, 20650 et seq., and 22000 et seq.;
Labor Code Sections 1770 et seq.
Government Code Section 53060

No contracts or purchase orders that exceed the Public Contracts Code bid limits will be issued without required competitive bids and notifications unless an emergency as defined in Public Contract Code Section 1102 exists.

When bids are required pursuant to Public Contracts Code Section 20651, the Board shall award each such contract to the lowest responsible bidder who meets the specifications published by the District and who shall give such security as the Board requires, or the District shall reject all bids.

The Chancellor or his/her designees are empowered to execute and file a “Notice of Completion and Acceptance of Work” on behalf of the District. Such notices shall be approved in advance by the Board.

Limits

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- Purchase of goods or services up to the limits set out in the Public Contract Code will require documented quotes.

- Purchase of goods or services in excess of the limits set out in the Public Contract Code will require formal advertised bids.

- See AP 6345 for the California Uniform Construction Cost Accounting Act,

Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.
**Note:** The bid minimums are set by the Board of Governors as required by Public Contracts Code Section 20651(d), and are adjusted annually by January 1.

**Bid Specifications**
Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.

**Notice Calling for Formal Advertised Bids**
The District shall publish at least once a week for two weeks in a newspaper of general circulation circulated within the District, or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post on the District's Web site or through an electronic portal, a notice calling for bids or proposals, stating the materials or supplies to be furnished and the time and place when bids will be opened.

Bid and contract forms shall be prepared and maintained by the Executive Director of General Services.

All applicable statutory provisions and board policies shall be observed in preparation of the forms.

The Executive Director of General Services shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with California Labor Code Sections 1775 and 1776 governing payment of prevailing wages and California Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.

The Executive Director of General Services shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and materiel personnel may examine the specifications and drawings.

The Executive Director of Facilities Maintenance, Operations and Construction shall provide an electronic copy of the plans and specifications and other contract documents.
to a contractor plan room service at no charge upon the request from that contractor plan room.

When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

Awarding of Bids and Contracts Awards
The awarding of bids and contracts shall be subject to the following conditions:

- Any and all bids and contract proposals may be rejected by the District.
- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
- Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- Bid and contract awards shall be made to the lowest responsible bidder substantially meeting the requirements of the specifications. The District reserves the right to make its selection of materials or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.
- Contracts are not enforceable obligations until they are ratified by the board.
- For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value pursuant to policies and procedures adopted by the governing board in accordance with this section.
- “Best value” means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.

Purchase without Advertising for Bids
The Executive Director of General Services is authorized to make the following purchases without calling for bids where it appears advantageous to do so:

- Purchases or leases from other public agencies’ materials or services by authorization of contract or purchase order.
• Purchases from any public corporation or agency, including any county, city, town or district, holding contracts without calling for bids. These agencies must have “piggyback” language in their bid documents allowing other agencies to purchase from that bid;
• Purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services;
• Purchases of materials, equipment, supplies, or service under the same terms and conditions as are specified in a contract lawfully awarded by the California State University and University of California; and
• The Vice Chancellor of Administrative Services is authorized to make purchases with a value between $5,000 and $250,000 from a certified small business, microbusiness, or disabled veteran business enterprise.

Purchases made under this section that are in excess of the legal bid limit are to be reported to the Board.

Government Code 53060

Contracts and/or agreements for special services and advice, in financial, economic, accounting, engineering, legal or administrative matters will be issued without competitive bidding if the District finds that it is in the best interest of the District. Contracts and/or agreements up to $100,000.00, shall be approved by the Chancellor or his/her designee, any contracts and/or agreements that exceed $100,000, will require Board approval. The District may solicit a competitive bid process for these types of services.

Duration of Continuing Contracts for Services and Supplies
Continuing contracts for work or services furnished to the District are not to exceed five years. Contracts for materials and supplies are not to exceed three years.

Emergency Repair Contracts without Bid
When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Executive Director of General Services may initiate a contract on behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board. On February 2, 2010, the District adopted an emergency resolution and has delegated authority to the Vice Chancellor of Administrative Services to declare an emergency.

Unlawful to Split Bids
It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

Kindergarten-University Public Education Bond Act Projects
For projects funded by 2002, 2004, or 2006 Bond Funds, the Executive Director of Facilities Maintenance, Operations and Construction will initiate and enforce, or contract
with a third party to initiate and enforce, a labor compliance program for that project under Labor Code Section 1771.7. The program will include:

- Appropriate language concerning the wage requirements of Labor Code Sections 1720 et seq. in all bid invitations and public works contracts.

- A pre-job conference with the contractor and subcontractors to discuss applicable federal and state labor law requirements.

- Project contractors and subcontractors shall be required to maintain and, at designated times, furnish certified copies of weekly payroll containing a statement of compliance signed under penalty of perjury.

- The District shall review, and if appropriate audit, the payroll records of the employees of the contractor and/or subcontractor. The review and audit shall be conducted by an independent third party, but not the third party with whom the District contracts to initiate and enforce a labor compliance program under Labor Code Section 1771.7.

- If an investigation establishes that an underpayment of wages has occurred, the District shall withhold any contract payments, equal to the amount of underpayment and any applicable penalties.

- The Executive Director of General Services shall transmit a written finding that the District has initiated and enforced, or has contracted with a third party to initiate and enforce, the required labor compliance program, to the Director of the Department of Industrial Relations or any successor agency that is responsible for the oversight of employee wage and work hour laws.

Also see AP 6330 titled Purchasing

Date Approved: August 1, 2018
References:

Education Code Sections 81641 et seq.;
Labor Code Sections 1770 et seq.;
Public Contract Code Sections 20110 et seq., 20650 et seq., 22000 et seq. (Uniform Public Construction Cost Accounting Act (Act))

Informal and Formal Bidding Procedures under the Uniform Public Construction Cost Accounting Act, adopted by resolution by the Board of Trustees

Public Projects are defined in Public Contract Code (PCC) Section 22002(c) as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, or painting or repainting of or involving any publicly owned, leased, or operated facility. Public projects estimated to cost up to $175,000 shall be let to contract by procedures described in the Notice Inviting Informal Bids.

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the this Procedure requiring work to be done by contract after competitive bidding.

All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions must contain all documents necessary to assure compliance with these Labor Code sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.

*The California Uniform Construction Cost Accounting Commission (Commission) may recommend that the State Controller amend these amounts. Public Contract Code section 22032 authorizes public projects of $45,000 or less to be performed by District employees by force account, by negotiated contract, or by purchase order. Public projects up to $175,000 may be let to contract by informal procedures. Public projects in excess of $175,000, with limited exceptions, shall be let to contract by formal bidding procedure. PCC 22032.*
Public Projects funded by the Kindergarten-University Public Education Bond Acts of 2002 and 2004 and any future State Bond funds require that the District initiate and enforce a labor compliance program pursuant to Labor Code Section 1771.5.

Procedures Not Covered by this Procedure
When this procedure does not establish a process for bidding public projects, the procedures described in AP 6430 titled Bids and Contracts shall govern.

Contractors List
The Executive Director of General Service shall develop and maintain an approved contractor list. Qualification of contractors is evaluated annually in January.

Award to Low Bidder; No Bids
All contracts must be awarded to the lowest responsible bidders. If two or more bids are the same and lowest, the District may accept the one it chooses. When no bids are received, the District may perform public projects with District employees or through a negotiated contract without further complying with this procedure.

Notice Inviting Informal Bids
Per PCC Section 22034, when a public project anticipated to cost less than $175,000 is to be performed, the District shall prepare a notice of the opportunity to bid. The notice must describe the project in general terms, state the time and place for the submission of bids, and describe how to obtain more detailed information about the project. The District shall mail, fax or email the notice to all contractors for the category of work to be bid, as shown on the Contractors List, or may elect to mail, fax or email a notice inviting informal bids to all construction trade journals as specified under PCC Section 22036, or both. Other contractors and/or construction trade journals may also be notified at the discretion of the department soliciting bids. Mailing, faxing or emailing shall be completed at least ten days before bids are due.

Award of Informally - Bid Contracts
The Vice Chancellor of Administrative Services for the respective campuses, and the Executive Director of General Services for the District, are authorized to award informal contracts (defined as contracts for less than $175,000), except those contracts described in Emergency Procedures.

Bids Exceed Informal Bidding Limit
If all informal bids received exceed $175,000 and the District determines that the cost estimate was reasonable, the District may award the contract at up to $187,500 to the lowest responsible bidder. The contract must be preapproved by resolution receiving a four-fifths (4/5) vote of the Board of Trustees.

Bid Documents for Formal Bids
The Chancellor or designee, will see that plans, specifications, and working details for all public projects estimated to cost more than $175,000 are adopted.
Notice Inviting Formal Bids
Per PCC Section 22037, when a public project, which is anticipated to cost in excess of $175,000 is to be performed, the District shall publish a notice inviting formal bids in a newspaper of general circulation. The notice shall be published at least 14 calendar days before the date of bid opening. The notice shall also be sent by mail, fax, or electronic mail to all construction trade journals specified in PCC Section 22036, 15 calendar days in advance of bid opening.

When Contractors List Has Not Been Prepared: Proprietary Product or Service
Notwithstanding the above:

• If the District has not prepared a list of contractors for the particular category of work to be performed, the notice inviting bids shall be sent to each of the construction trade journals.

• If the product or service is proprietary in nature, such that it can be legally obtained only from a certain contractor(s) pursuant to Public Contract Code Section 3400, the notice inviting informal bids may be sent exclusively to such contractors.

Contracts for Maintenance Work
Contracts for maintenance work may be bid pursuant to the informal bidding procedures described above. Maintenance work is routine, recurring work done for the preservation or protection of a public facility; minor repainting; landscape maintenance including mowing, watering, trimming, pruning, planting, or replacement of plants, and servicing of irrigation systems; work performed to keep, operate, or maintain publicly owned water, power, or waste disposal systems.

Rejection of Bids; Re-solicitation; Use of District Employees
If the District intends to reject all bids, it must mail the apparent low bidder a written notice of the District’s intent to reject the bid at least two business days prior to the hearing at which the bids will be considered.

After rejecting all bids, the District may:

• abandon the project;
• re-advertise the project; or
• perform the work with District employees, after passing a resolution by a four-fifths (4/5) majority of the Board of Trustees declaring that the project can be performed more economically by District employees.

Emergency Procedures
When an emergency necessitates repair or replacement, contracts shall be awarded pursuant to the procedures described in AP 6340 titled Bids and Contracts.

Date Approved: December 6, 2017
The Executive Director of Facilities Maintenance, Operations and Construction shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities that require state approval. This includes the planning and programming of college-initiated new construction, additions to existing plants, and major alterations and repairs of buildings and grounds.

The Executive Director of Facilities Maintenance, Operations and Construction shall be responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations and improvements of buildings and grounds together with estimates of costs.

The preliminary drawings, which shall cover all proposed facilities together with construction cost estimates, shall be submitted to the Board for approval and authorization to proceed with the working drawings and specifications. Upon completion, the working drawings, specifications and revised cost estimates, if any, will be submitted for approval to the State Chancellor's Office and the State Department of General Services as required by statute in the name of the Board of Trustees.

The Executive Director of Facilities Maintenance, Operations and Construction shall develop plans and specifications for all construction projects. Approval from the Department of State Architect is obtained for fire, life and safety issues. Bids are developed per AP 6345.

The letting of contracts for construction shall comply with procedures of the District regarding contracts that exceed the statutory minimums for competitive bidding. (See AP 6340 and AP6345.)

Date Approved: November 6, 2017
AP 6360 CONTRACTS – ELECTRONIC SYSTEMS AND MATERIALS

References:

Education Code Sections 81641 et seq., and 81651;
Public Contract Code Sections 20651 et seq.

The District may contract with any vendor who has submitted one of the three lowest responsible competitive proposals or competitive bids for the purchase or maintenance of electronic data-processing systems and equipment, electronic telecommunication equipment, supporting software, and related material, goods and services.

Except as otherwise stated here, bids shall be solicited and contracts shall be awarded in accordance with AP 6340 titled Bids and Contracts.

Criteria to determine what constitutes a responsive bid shall be established by the Department of General Services, along with the following:

- Executive Director of Information Technology
- West Valley and Mission College Vice Presidents of Administrative Services

Supplemental instructional software packages may be purchased without taking estimates or advertising for bids.

Sale and leaseback of data-processing equipment or another major item of equipment is permissible if the purchaser agrees to lease the item back to the district for use by the District following the sale. The Board shall first adopt a resolution finding that the sale or leaseback is the most economical means for providing electronic data-processing equipment or other major items of equipment to the District.

Date Approved: February 27, 2017
AP 6365 CONTRACTS – ACCESSIBILITY OF INFORMATION TECHNOLOGY

References:

Section 508 of the Rehabilitation Act of 1973 (29 U.S. Code Section 794d); 36 Code of Federal Regulations Sections 1194.1 et seq.; Government Code Section 11135; Title 5 Sections 59300 et seq.

The Chancellor delegates the authority to the Vice Chancellor and/or designee to ensure that all information technology-related contracts address accessibility requirements per 29 U.S. Code, Section 794d.

Whenever the District enters into a contract for the purchase, development, procurement, maintenance, or use of any electronic or information technology, the vendor shall certify that it complies with the requirements of Section 508 of the Rehabilitation Act of 1973 and its related regulations. This requirement shall apply to software applications, operating systems, web-based intranet and internet information and applications, telecommunications products, video or multimedia products, self contained closed products such as copiers, and desktop and portable computers.

Each contract with such a vendor shall contain the following provision:

"Accessibility and Electronic and Information Technologies. Contractor hereby warrants that any goods or services, including any hardware or software products or services, to be provided under the Agreement comply with the accessibility requirements of section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d), and its implementing regulations set forth at Title 36, Code of Federal Regulations, part 1194. Contractor agrees to promptly respond to and resolve any complaint regarding accessibility of its products or services which is brought to its attention and will designate a contact person for expediting any complaints applicable to California Government Code §11135. Contractor further agrees to indemnify, defend, and hold harmless the District, the Chancellor's Office of the California Community Colleges, and any California community college using the Contractor's
products or services from any claim arising out of its failure to comply with these requirements. Failure to comply with these requirements shall constitute a breach and be grounds for termination of the Agreement. Contractor and any of their Subcontractors shall provide credible, third-party verification demonstrating compliance of product accessibility per current requirements of the revised US Section 508 Standards or Web Content Accessibility Guidelines 2.0, Level AA (WCAG 2.0, AA) upon initial deployment and with each major subsequent release prior to production use by faculty, staff, or students. Appropriate documentation detailing the testing, including evaluation results, will be current and maintained.

Date Approved: April 3, 2019
The District may enter into personal services contracts to achieve cost savings when each of the following conditions is met:

- It can be clearly demonstrated that the proposed contract will result in actual overall cost savings to the District;
- The contractor's wages are at the industry's level and do not undercut District pay rates;
- The contract does not cause the displacement of district employees;
- The savings are large enough to ensure that employees will not be eliminated by private sector and District cost fluctuations that could normally be expected during the contracting period;
- The amount of savings clearly justifies the size and duration of the contracting agreement;
- The contract is awarded through a publicized, competitive bidding process;
- The contract includes specific provisions pertaining to the qualifications of the staff that will perform the work under the contract, as well as assurance that the contractor's hiring practices meet applicable non-discrimination standards;
- The potential for future economic risk to the District from potential contractor rate increases is minimal;
- The contract is with a firm; and
• The potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by the District.

Personal service contracts are also permissible when any one of the following conditions is met:

• The contract is for new functions mandated or authorized by Legislature to be performed by independent contractors;

• The services are not available within the District or cannot be satisfactorily performed by district employees;

• The services are incidental to a purchase or lease contract;

• The policy, administrative, or legal goals and purposes of the District cannot be accomplished through the regular or ordinary hiring process;

• The work meets the criteria for emergency appointment;

• Equipment, materials, facilities, or support services could not feasibly be provided by the District; or

• The services are of an urgent, temporary, or occasional nature.

Professional Experts
Contracts for the services of persons who qualify as professional experts may be let without competitive bidding. Professional experts are persons specially qualified to provide services and advise in financial, economic, accounting, engineering, legal, or administrative matters. They must be specially trained, experienced and competent to perform the services required. Compensation for special services and advice from professional experts may be paid from available funds in the amounts deemed proper for the services rendered.

Consultant Contract
To be determined a consultant, substantial conformance with the following conditions must exist:

• The consultant controls the way in which work is performed.

• The consultant sets his or her own hours.

• The consultant is not restricted from taking jobs from other businesses at the same time that they are doing work for the District.

• No District employees have duties similar to the consultant.
• The District does not provide assistants to the consultant.

• The duration of employment is for a specific job, not for a specified period of time.

• The District does not furnish tools, training, or equipment to the consultant. Consultants should be able to perform their services without the District’s facilities (e.g., equipment, office furniture, machinery).

• The consultant’s investment in his or her trade must be real, essential, and adequate.

• The consultant has employer identification numbers with the Internal Revenue Service and the California Employment Development Department for reporting employer payroll taxes and employee wages.

• The individual is not presently employed by the District to do the same type of work.

• Consultants are hired to provide a result and usually have the right to hire others to do the actual work.

• Consultants are hired for the final result, and therefore should not be asked for progress or interim reports.

• Consultants are generally responsible for their incidental expenses.

Consultants should be able to make a profit or a loss. Five circumstances show that a profit or loss is possible:

• If the consultant hires and pays assistants;

• If the consultant has his own office, equipment, materials, or facilities;

• If the consultant has continuing and reoccurring liabilities;

• If the consultant has agreed to perform specific jobs for prices agreed upon in advance;

• If the consultant's services affect his own business reputation.

Consultants are responsible for the satisfactory completion of a job or they may be legally obligated to compensate the hiring firm for failure to complete.

• Are of an advisory nature;

• Provide a recommended course of action or personal expertise;
• Have an end product which is basically a transmittal of information either written or verbal; and

• Are obtained by awarding a procurement-type contract, a grant, or any other payment of funds for services of the above type.

The product may include anything from answers to specific questions to design of a system or plan, and includes workshops, seminars, retreats, and conferences for which paid expertise is retained by contract.

The District cannot employ consultants who have a relationship with STRS if the work is considered creditable service. PERS retirees need to be processed through payroll as the District is required to report earnings to both of these agencies.

Date Approved: July 24, 2017
AP 6380  SOLICITATION OF FUNDS & OTHER OUTSIDE VENDORS

References:

No specific references

Permitting a vendor to operate on a District campus entails the following policies and procedures:

- BP and AP 3600 titled Auxiliary Organizations
- BP and AP 3900 titled Speech: Time, Place, and Manner
- BP and AP 6300 titled Fiscal Management
- BP 6340 titled Contracts
- AP 6340 titled Bids and Contracts
- BP and AP 6500 titled Property Management
- BP and AP 6540 titled Insurance

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
AP 6400 AUDITS

References:

Education Code Sections 84040(b) and 81644

The District shall establish and maintain an efficient organization for managing and reporting financial information and providing supportive services in the following areas:

- Accounts payable and receivable
- Budget preparation
- General ledger accounting
- Human resources
- Information systems
- Insurance
- Investments
- Payroll
- Plant and facilities operations
- Police operations
- Programs funded by external sources
- Purchasing
- Revolving cash fund
- Safety
• Student financial aid accounting oversight

On or before April 1 of the fiscal year, the Board shall approve the selection of an auditor who shall be a certified public accountant licensed by the California State Board of Accountancy.

The audit shall include all funds under the control or jurisdiction of the District. The audit shall identify all expenditures by source of funds and shall contain: A statement that the audit was conducted pursuant to standards and procedures developed in accordance with the Education Code and a summary of audit exceptions and management recommendations.

The audit shall be conducted in accordance to Generally Accepted Government Auditing Standards.

An auditing firm’s contract shall be for four years. The contract can be extended in one-year increments by mutual consent of both the District and the Audit Firm.

Audit reports for the preceding fiscal year must be presented to the Board and submitted to the state Chancellor’s Office by January 31.

The results of the annual audit shall be received annually by the Board at a public meeting. A representative of the audit firm shall be present at the meeting.

The Board will receive progress reports on audit recommendations semi-annually.

District Administrative Services, under the direction of the Vice Chancellor of Administrative Services, is responsible for insuring that all related federal, state, county, and District procedures are adhered to and that the necessary accounting and audit records are monitored and maintained within approved guidelines.

Date Approved: January 18, 2012
AP 6450   WIRELESS OR CELLULAR TELEPHONE USE

References:

Vehicle Code Sections 12810.3, 23123, and 23124;
Internal Revenue Code (I.R.C.) Sections 274(d)(4) and 280F(d)(4)

The Chancellor shall determine if it is in the best interests of the District to provide a cellular or wireless telephone at District expense. Cellular telephones provided by the District for compensatory reasons are classified by the Internal Revenue Service as a fringe benefit, the value of which must be included in an employee’s gross income.

The value of a cellular telephone provided by the District primarily for non-compensatory business purposes is excludable from an employee’s income. Employees will generally not be required to keep notes of business and personal use of District-issued cellular telephones when the telephones are issued for non-compensatory business reasons.

This procedure allows the District to meet IRS regulations and meet its fiduciary responsibility to the taxpayers of the State of California by providing guidelines for the use of cell phones for business purposes.

Intent
The District recognizes that certain job functions require that an employee be accessible when away from the office or during times outside scheduled working hours. For this reason, the District will provide cellular telephones to select employees from one pre-selected vendor and one point of contact.

The selection of one vendor and one point of contact will enable the District to apply standards to the equipment and service plans, provide a system to monitor cellular usage patterns so that plans can be routinely modified to better meet the needs of the District, and to simplify and manage the District’s relation with service provider.

Only the authorized contract coordinated through District General Services shall be utilized for cellular telephone services.
**Guidelines**

The District has identified positions that must carry a cellular telephone or radio for the conduct of District business. Employees in these positions (administrators and other individuals who have been clearly identified) are required to be in contact with the campus(es) if either an emergency occurs on the campuses or an emergency is likely to occur.

The assignment of a cellular telephone or radio to a classified employee does not indicate that that employee is "on call" for contract purposes. Those classified employees who are "on call" for contract purposes will be identified separately.

Assigned telephones are provided for business purposes. The occasional use of an assigned phone for personal purposes is acknowledged as long as personal use does not interfere with the conduct of District business. In the event that the audit of the cellular telephone statement shows that an employee’s phone use exceeds 300 minutes, 100 texts, or 1GB of data in any monthly period, the employee and the respective manager will review phone use to determine the appropriate amount to be paid by the department or by the employee for personal use of the phone.

All District-provided cellular telephones are to be acquired through the Vice Chancellor’s Office. No department is authorized to acquire District cellular telephones independently without the written approval of the Vice Chancellor or his/her designee.

The college Presidents or Vice Chancellor, through the respective site consultation process, will determine which employees need a District purchased cellular telephone for business purposes. Wireless telephone service is available to employees who have an official business need. Circumstances that qualify as an official business need include: the employee travels frequently, the employee has technical/logistical support responsibilities requiring frequent movement among various locations, or the employee is a member of key personnel who are needed in the event of an emergency.

The employee must read and sign a District-Purchased Cell Phone Procedure form. The form must then be approved by the appropriate dean, vice president, or president. These signatures indicate that all parties have read and understand this cellular telephone policy.

Any telephone upgrade must be justified and approved by the appropriate dean, vice president, or president.

Failure to adhere to District policies will result in reimbursement to the District for inappropriate charges, disciplinary action, and possible termination.

The District shall monitor the wireless or cellular telephone usage of its employees to ensure their compliance with this procedure. These rules do not apply to wireless or cellular telephones owned by employees. Any reimbursements to employees for use of
their own wireless or cellular telephones may be excluded from wages if the employee accounts for the expense pursuant to the Internal Revenue Service accountable plan.

District-owned cellular equipment provided to employees remain the property of the District and must be returned to the department manager or designee whenever the equipment is no longer needed or if the employee terminates their employment with the District. It is the employee’s responsibility to pay for lost or damaged cellular equipment. **Accessories**
The District will not provide additional accessories. Individuals and departments may purchase whatever accessories they require out of their own budgets.

Motor vehicle drivers may not use wireless or cellular telephones while operating their vehicles without a hands-free listening device. Drivers may use a wireless or cellular telephone to contact a law enforcement agency or public safety entity for emergency purposes. Drivers of motor trucks or truck-tractors, farm vehicles, tow trucks, a listed or described implement of husbandry, or a commercial vehicle, used in commercial agricultural operations may use a digital two-way radio service that utilizes a wireless or cellular telephone.

There is no expectation of privacy in the use of a District-issued cellular telephone.

---

**Date Approved: July 24, 2017**
The Chancellor shall be responsible for supervising acquisitions of real property, including appraisals and valuations of real property and improvements; securing title insurance policies; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property.

Date Approved: January 18, 2012
AP 6520 SECURITY FOR DISTRICT PROPERTY

References:
ACCJC Accreditation Standard III.B.1

Allocation of Responsibilities for Maintenance
The District’s Maintenance Department has personnel to manage, control, and protect the buildings and grounds of the District. On-going maintenance service is scheduled by the Maintenance Department. If a specific problem occurs, a work order should be submitted to the Maintenance Department for dispatching a maintenance or grounds technician. Additional concerns on the District’s buildings and grounds should be directed to the Executive Director of Facilities Maintenance, Operations & Construction.

Distribution of Keys
The District’s Maintenance Department, in cooperation with the District Police Department, is responsible for issuing keys to faculty and staff as needed. A work order must be submitted requesting specific keys. All keys must be picked up at the Maintenance Department office. A "Key Control Identification Card" must be completed and signed prior to distribution of keys.

Fire Alarms
The District's Maintenance Department is responsible for maintaining the Fire Alarm System. The Fire Alarm System is remotely monitored by a private company. If a fire alarm is activated, the monitoring company will dispatch the local fire department. The Director of Facilities Maintenance of each campus is responsible for silencing any activated fire alarms.

Date Approved: March 7, 2016
AP 6530  DISTRICT VEHICLES

References:
   Title 13, California Code of Regulations, Division 1, Chapter 1
   California Vehicle Code section 1808.01, Employer Pull Notice (EPN)
   California Vehicle Code section 233, 15278
   California Public Contract Code section 10326.1

All District vehicles and drivers must comply with the California Vehicle Code and Title 13 (Motor Carrier Safety).

All drivers of District-owned or leased vehicles, both on and off campus, must have a current license appropriate for the vehicle to be driven.

All drivers of District-owned or leased vehicles that carry ten or more persons including the driver must have a current Class B license, a current medical certificate and a current First Aid Certificate.

All drivers of District owned or leased vehicles will provide their driver’s license information to the District Police, who will be responsible for requesting the employee’s driving record from the Department of Motor Vehicles. The District Police will maintain the driver information for the District until the employee separates employment from the District. The employee’s department will be responsible for notifying the District Police when the employee separates employment. In the event an employee is separated from employment from the District for more than 12 months and is rehired, the employee must notify the District Police, who will implement the Employer Pull Notice (EPN) process.

Motor Vehicle Use – Employment
All employees who use a personal vehicle during the course of employment shall be properly licensed and provide personal auto insurance.

All employees who use a District vehicle during the course of employment shall be properly licensed and cleared prior to driving a District vehicle.
**District Vehicles**
District Vehicles made available to District personnel are only for use in the course and scope of employment.

District pool vehicles are the responsibility of the college’s Vice Presidents of Administrative Services. They are responsible for controlling access to and the use of all District vehicles assigned to their campus for college use.

District Facilities vehicles are the responsibility of the Executive Director of Facilities Maintenance, Operations & Construction. The Director is responsible for controlling access to and the use of all District Facilities vehicles.

District Police vehicles are the responsibility of the District Police Chief. The Chief is responsible for controlling access to and the use of all District Police vehicles.

The colleges’ Vice Presidents of Administrative Services are responsible for controlling access to and use of all District vehicles assigned to that location.

**Special Use Vehicles**
Any vehicle that carries ten or more persons including the driver is defined in the Vehicle Code as a bus. All operators of buses must have a current Class B license, a current medical certificate, and a current First Aid Certificate.

All District facilities maintaining vehicles defined as buses must keep records of driver's hours, vehicle maintenance, and vehicle inspection records. All of these records must be made available to the California Highway Patrol (CHP). The CHP is required to inspect the records at least once every 13 months.

All District vehicles with equipment for transporting the disabled must comply with all applicable laws and regulations regarding such vehicles.

The District shall not operate or lease a 15-passenger van unless the driver holds both a valid class B driver's license, and an endorsement for operating a passenger transportation vehicle issued by the Department of Motor Vehicles.

Automobiles owned by the District and operated by District personnel may be replaced after 100,000 miles or ten (10) model years in age, whichever occurs first. Replaced vehicles shall be disposed of via the established District procedure for disposal of surplus property (AP 6550).

Regular or occasional garaging of District-owned vehicles at any location other than at the District is permitted only within the course and scope of employment. Prior written approval by the appropriate authority (or Vice Chancellor) is required whenever a vehicle
is used or kept outside of regular work hours. Home garaging shall be permitted if any one of the criteria listed below is met:

- Employees whose duties require regular or frequent reporting to locations other than their regular headquarters before or after regular working hours.
- Employees who are regularly or frequently subject to call before or after regular working hours.
- Employees with assigned vehicles who are headquartered at locations lacking secured overnight garaging facilities.

The name, home address, employee number, California driver’s license number and social security number of any employee to be authorized to drive District vehicles must be submitted to the Executive Director of Facilities Maintenance, Operations & Construction prior to final granting of authorization.

Also see BP/AP 4300 titled Field Trips and Excursions as well as BP/AP 7400 titled Travel.

Date Approved: February 6, 2019
AP 6535 USE OF DISTRICT EQUIPMENT

Reference:

Education Code Section 70902

Each member of the District staff shall be responsible for equipment under his or her control. Loss of equipment and unauthorized removal of equipment should be reported immediately to the appropriate administrator.

Equipment that is lost or stolen may be replaced upon submission of a request through the appropriate administrative office. The request must include an explanation about the loss or theft of the equipment and a justification that replacement is essential to the activity served.

District equipment shall not be loaned to persons not employed by or enrolled in the District.

District equipment shall only be used for District operation or for approved college activities. Any unauthorized use shall be the personal liability of the individual involve, including, but not limited to reimbursement for any unauthorized use.

Equipment shall only be removed from campus with proper authorization[s].

A historical inventory of property with a value of $5000 or more shall be maintained.

The historical inventory shall be verified at least biannually by a physical inventory.

All District equipment (cell phones, cars, telephones, computers, email, et cetera) shall only be used for District operation or for approved College activities. No other use, except that which is incidental and minimal, by any individual or organization is authorized. Any unauthorized use shall be the personal liability of the individual involved, including, but not limited to reimbursement for any unauthorized use.
Equipment shall only be removed from campus with proper authorization. Equipment used at off-site locations is subject to the same rules, regulations, and recordkeeping as on-site equipment.

Upon receipt of the merchandise the Warehouse Services department will inventory the equipment and place a bar code for re-inventory purposes.

The following information will be kept at the time of receipt:

- Serial Number
- Model Number
- Brand
- Purchase Order
- Date of Purchase
- Original Cost
- Department Name & Location
- College

Date Approved: January 18, 2012
AP 6540 INSURANCE

References:

Education Code Sections 70902, 72502, 72506, and 81601 et seq.

The requirement to provide for insurance coverage may be met by the District joining in a joint powers agreement pursuant to Education Code Section 81603.

Liability insurance is required for the personal liability of the members of the Board and of the officers and employees of the District for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer or employee when acting within the scope of his or her office or employment.

Types of liability coverage are:

- Fire insurance
- Real property damage
- Personal property loss or damage
- Insurance for district vehicles
- Insurance against "other perils" [Education Code Section 81601]
- Workers compensation insurance
- Actuarial evaluation of the future annual costs of health and welfare benefits

Note: Education Code Section 81602 specifically authorizes a district to contract for investigative, administrative and claims adjustment services. The contract may provide that the contracting firm may reject, settle, compromise and approve claims within limits and for amounts specified by the board, including execution and issuing of checks in payment of such claims. The contract may also provide that the contracting firm may employ counsel.

Date Approved: January 18, 2012
References:
Education Code Sections 70902(b)(6), 81360 et seq. and 81450 et seq.

The District may sell for cash any District personal property if the property is not required for District purposes, or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for use.

The cash shall be deposited into the original fund used to purchase the property or equipment. In a case where the fund involves grants that have been discontinued, the cash shall be deposited into a similar grant or program as determined by the District Finance Office. In all instances where the funding source cannot be identified, the cash shall be deposited in the general fund to be included in the fund balance. Refer to OMB Circular 200.313.2 for federal compliance pertaining to equipment purchased with federal money.

In accordance with the applicable provisions of the Education Code, the Board, by unanimous vote of those members present, shall determine if the surplus property, whether one or more items, exceeds the value of $5,000. Whenever possible, the value of surplus property shall be determined in an objective manner through the use of independent sources (such as published value guides or industry advisors). Recommendations concerning the value of the surplus property shall be done by persons who do not have a conflict of interest with any subsequent sale or other disposal of that property.

All surplus District property valued in excess of $5,000 shall be offered for sale through a public bid process or public auction only after appropriate public notice in accordance with applicable provisions of the Education Code. If no qualified bid is received for such surplus property, it may be sold at private sale without advertising.

When an employee of the District is retiring or leaving the District, and, if the department has declared the computer/laptop used by this individual is surplus, and, if there is sufficient funds in the budget to acquire new equipment, the District is authorized to sell the computer to the individual employee. The life expectancy, according to the Information Systems Technology Refresh standards are as follows:
• Desktop Computer - 4-5 years.
• Laptop Computers - 3-4 years.
• Tablet / iPADS - Limited information, but typical refresh would be 3 years in order to keep up with technology

The value of the computer/laptop will be determined by the General Services Department as described above.

If the surplus property is of insufficient value, the Chancellor or designee may donate the property to a public, charitable, civic, or non-profit organization or may otherwise dispose of the property, but it may not be given to or sold to employees.

No trustee or anyone acting on his/her behalf shall be eligible to purchase or bid on material or equipment that is declared surplus. (See AP 2710 titled Conflict of Interest and AP 2712 titled Conflict of Interest Code)

District employees or anyone acting on their behalf who are involved in determining the property to be declared as surplus, establishing the property’s value, or enhancing the property’s value through repairs or alterations, are not eligible to participate in bidding on or purchasing such property.

Prior to obtaining the services of someone who is not a District employee to assist in the disposal of property (identifying items as surplus or valuing or selling such items), an agreement must be secured from that person not to participate in bidding on or purchasing such property, either in person or through an agent.

Personal property authorized for sale as surplus may also be disposed of by means of a public auction conducted by employees of the District, or by other public agencies, or by contract with a private auction firm. The personal property shall be sold or transferred to the highest responsible bidder upon completion of the auction and after payment has been received by the District.

**Where to obtain forms:**
Forms can be downloaded and/or printed from PARIS or can be obtained from the Department of General Services.

**How forms are processed:**
After completing the form and obtaining approval by the appropriate administrator, the form is forwarded to the Executive Director of General Services. The department must request from Facilities that the identified property be removed from its original area and moved to the appropriate storage/disposal site.

The District can also exchange for value, sell for cash, or donate any personal property belonging to the District without complying with the preceding procedures if all of the following criteria are met:
• The District determines that the property is not required for District purposes, that it should be disposed of for the purpose of replacement, or that it is unsatisfactory or not suitable for school use.

• The property is exchanged with, or sold or donated to, a school district, community college district, or other public entity that has had an opportunity to examine the property proposed to be exchanged, sold, or donated.

• The receipt of the property by a school district or community college district will not be inconsistent with any applicable district wide or school site technology plan of the recipient district.

Trustees or District employees may not buy property declared to be surplus.

The District uses an authorized auction firm to sell District property.

If the Board, by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of five thousand dollars ($5,000), the property may be sold by the Chancellor or designee at private sale without advertising.

Property cannot be sold until notice has been given. Notice must be posted in at least three public places in the District for not less than two weeks; notice can also be by publication for at least once a week for a period of not less than two weeks in a newspaper published in the District and having a general circulation. If there is no such newspaper, then notice can be published in a newspaper having a general circulation in the District; or if there is no such newspaper, then in a newspaper having a general circulation in the county in which the District or any part thereof is situated.

The Executive Director of General Services shall sell the property to the highest responsible bidder or shall reject all bids.

Any item or items of property having previously been offered for sale as provided in Education Code Section 81450, but for which no qualified bid was received, may be sold by the Executive Director of General Services at private sale without advertising.

In addition, the Board may sell or lease real property belonging to the District under the following conditions:

If the District has received only one sealed proposal from a responsible bidder that conforms with the standard rate or rates for the lease of its real property established by a majority vote of the Board, the Board may by majority vote delegate to an officer or employee the power to enter into leases, for and in behalf of the district, of any real property of the District.

Generally, the funds derived from the sale or from a lease with an option to purchase shall be used for capital outlay or deferred maintenance. However, the proceeds of property sold
or leased that was first offered for park or recreational purposes where applicable and then offered for sale or lease with an option to purchase at fair market value may be deposited in the general fund of the District if, prior to the sale or lease, the Board has determined that the District has no anticipated need for additional sites or building construction for the five-year period following sale or lease.

Date Approved: March 7, 2016
AP 6600  CAPITAL CONSTRUCTION

References:

Education Code Sections 81005 and 81820; Title 5 Sections 57150 et seq.

The Chancellor will annually report to the Board and to the State Chancellor's Office a five year capital outlay program. The Program will consist of the plans of the District concerning its future academic and student service programs, and the effects of such programs on construction needs.

Specifically, the five year capital outlay program will include the following:

- Statement of educational plans
- Statement of energy plans
- Statement of disabled persons' barrier removal plan
- Location of program delivery
- Location of other owned lands
- District-wide priority lists
- District-wide capacity/load ratios
- District-wide supporting detail

Contracts
Construction contracts will be let in accordance with AP 6350 titled Contracts – Construction and will comply with applicable laws relating to public works.
Conversion of Buildings
State funds earmarked for capital outlay financing may be used to acquire an existing government-owned or privately-owned building and to pay the necessary costs of converting such a building to community college use if all of the following criteria apply:

- The building was constructed as, and continues to qualify as, a school building, as provided by Education Code Sections 81130 et seq., or the building is determined to have, or is rehabilitated to an extent that it is determined to have, a pupil safety performance standard that is equivalent to that of a building constructed pursuant to Education Code Sections 81130 et seq. The determination of the pupil safety performance standard must meet all of the requirements of Education Code Section 81149(a)(1)&(2).

- The total cost of purchasing and converting the existing building to community college use is not greater than the estimated cost of constructing an equivalent building.

- The land associated with the building will be owned by, or controlled through a long-term lease of at least 50 years by, the District.

- The District has complied with facility site review procedures and guideline recommendations of the California Postsecondary Education Commission pursuant to Education Code Section 66904.

- The funding for the purchase and conversion of an existing building does not supersede funding for facilities that have previously been prioritized by the Board of Governors and are awaiting state funding.

The Facilities Department is responsible for maintaining the design integrity and architectural image of all facilities.

- The Executive Director of Facilities Maintenance, Operations & Construction has primary responsibility for oversight of all District facilities, in collaboration with the facilities and safety advisory committee at each of the Colleges.

- Authority to instruct the project architect, engineer, and consultants resides with the Executive Director of Facilities Maintenance, Operations & Construction.

Date Approved: January 18, 2012
AP 6700 CIVIC CENTER AND OTHER FACILITIES USE

References:

Education Code Sections 82537 and 82542;
Public Resources Code Section 42648.3

General Provisions
District facilities identified as Civic Centers or as designated public forums are available for community use when such use does not conflict with District programs and operations. Facility use shall be limited to places and times identified by the Vice President of Administrative Services at each college, but shall be sufficiently frequent and available on specific dates and times, so as to allow meaningful use by outside groups. Except as provided in these procedures, no organizations shall be denied the use of District facilities because of the content of the speech to be undertaken during the use.

The Vice President of Administrative Services is responsible for the coordination and implementation of these procedures. The Vice Chancellor of Administrative Services, in coordination with the Vice Presidents of Administrative Services, District Finance and General Services, shall determine all applicable fees to be charged.

Whenever a District Services department provides staffing or equipment to a facilities use event, or will otherwise receive revenue from such an event, the Vice President of Administrative Services, or designee, shall automatically provide applicable District department managers or supervisors with timely copies of all documents necessary to allow for the timely scheduling and estimation of costs as well as accurate tracking of rental costs, impacts, or revenue associated with those events.

Any person, group, or organization not directly affiliated with the District shall be required to provide the District with a hold harmless and indemnification agreement acknowledging that they will be financially responsible for any losses, damages, or injuries incurred by any person as a result of their use of the facilities and shall also be required to provide a Certificate of Insurance with limits acceptable to the District and/or other proof of financial responsibility acceptable to the District. (ref §82548)
Civic Centers
Eligible persons, groups, or organizations may use District buildings or grounds designated as the Civic Center for public, literary, scientific, recreational, or educational meetings, or for discussion of matters of general or public interest, subject to this procedure.

The groups of the kind and nature identified in Education Code Sections 82542(a) will be permitted, "when an alternative location is not available," as described in the statutes, to use District facilities upon payment only of the following:

- The cost of opening and closing the facilities, if no District employees would otherwise be available to perform that function as a part of their normal duties;
- The cost of a District employee's presence during the organization's use of the facilities if it is determined that the supervision is needed, and if that employee would not otherwise be present as part of his/her normal duties;
- The cost of custodial services, if the services are necessary and would not have otherwise been performed as part of the custodian's normal duties; and
- Cost of public safety (police/parking) services and equipment.
- The cost of utilities and parking directly attributable to the organization's use of the facilities.

Except as provided herein, other groups shall be charged an amount not to exceed the direct costs or fair rental value of District facilities and grounds. "Direct costs" shall include the share of the costs for supplies, utilities, janitorial services, services of any District employees, and salaries (inclusive of taxes and benefits) paid to employees to operate or maintain District facilities or grounds proportional to the organization’s use of the District facilities or grounds. (ref §82542(c)) Direct costs shall also include the share of the costs for maintenance, repair, restoration, and refurbishment, proportional to the use of the college facilities or grounds by the facility renter. (ref §82542(d)(1)(B)).

The Share of the costs for maintenance, repair, restoration and refurbishment shall not apply to classroom-based programs that operate after school hours, such as after-school programs, tutoring programs, or child care programs, and shall not apply to organizations retained by the District to provide instruction or instructional activities to students during school hours. (ref §82542(d)(2)(A)(B))

By December 31, 2015, the Chancellor of the California Community Colleges shall develop, and the Board of Governors of the California Community Colleges shall adopt regulations to be used by a governing board in determining the proportionate share and the specific allowable costs that the District may include as direct costs for the use of its facilities or grounds. (ref §82542(e)).
A charge equal to fair rental value for the use of District facilities shall be charged for the following:

Use of District facilities or grounds by any church or religious organization for the conduct of religious services for temporary periods where the church or organization has no suitable meeting place for the conduct of such services upon the terms and conditions that the board deems proper. (ref §82542(g) and (h));

Entertainment or meetings where an admission fee is charged or a contribution is solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the District or for charitable purposes, for the use of District facilities, property, and grounds. (ref §82542(i)).

“Fair rental value” means the direct costs to the District, plus the amortized costs of the college facilities or grounds used for the duration of the activity authorized. (ref §82542(f).

The American Red Cross or other public agencies may request use of District facilities, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare, and the District will cooperate with these agencies in furnishing and maintaining services deemed by the Board of Trustees, or its designated delegate, to be necessary to meet the needs of the community. (ref §82542(k)

**Priority for the Use of District Facilities**
District facilities shall be made available for community use, subject to the restrictions imposed by the educational requirements of the District. Approval for the use of District facilities shall be given, in priority order, as follows:

- Educational programs of the Colleges.
- Educationally related programs of the Colleges or District, such as noncredit forums, workshops, and conferences.
- District or College-sponsored activities.
- Nonprofit groups and institutions which qualify under the terms of the Civic Center Act.
- Student clubs and organizations.
- Fundraising entertainment or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the District.
• Parent-teachers' associations.
• School-community advisory councils
• Commercial activities
• All others

No use of District facilities shall be inconsistent with the use of the buildings or grounds for College purposes, or interfere with the regular conduct of instruction. The District reserves the right to withhold the use of its facilities if such use would be detrimental to College property.

The Chancellor or College President may cancel or revoke a contract for any of the following reasons:

• If she/he declares a state of emergency;
• If there is a conflict with a College function;
• If the group fails to comply with rules and regulations established by the College or District;
• If the conduct of the group is unsatisfactory;
• If any youth group meets without satisfactory adult supervision; or
• If incorrect or misleading information has been given on the application or advertised to the public.

The Vice Presidents of Administrative Services at the Colleges are responsible for maintaining the schedule for use of District facilities. The Chancellor or College President reserves the right to reassign space or cancel a contract to use District facilities, up to 48 hours preceding the scheduled event, when a need for the facilities for educational purposes arises.

RULES FOR FACILITIES USE

Applications for Facilities Use.
Applications for use of the District's Civic Center must be submitted at least 10 days in advance of the first date of use being requested and shall be on forms provided by the District. District Staff may, if sufficient time is provided, accept Applications for Use of Classrooms submitted less than ten (10) days in advance. Any person(s) applying for use of District facilities or grounds on behalf of any group or organization shall be a member of the group or organization and must be twenty-one (21) years of age or older.
and present written authorization to represent the group or organization. Each person signing an application shall, as a condition of use, agree to be held financially responsible in the case of loss or damage to District property. No Application for Facilities Use will be considered unless and until the Application Fee of $35.00 is received by the College.

Permission to use facilities shall be granted by the College's President or Vice President of Administrative Services or designee only after that office confers with the other District departments whose services will be required to ensure that adequate staffing, parking spaces, etc., are available. The College's President or Vice President of Administrative Services or designee shall also ensure that fees for those areas are collected and deposited into the appropriate district accounts.

Short-term Use
Consistent with the Board’s general delegation of authority and state and federal law, and subject to any reporting and ratification requirements, the Chancellor and his/her designees are specifically empowered to execute appropriate documents for the short-term lease of any District buildings, grounds, or space, together with any personal property, for a period not exceeding fourteen separate or consecutive calendar days, or portions of those days, in each fiscal year.

Consecutive and/or Recurring Use.
Consistent with the Board's general delegation of authority and state law, and subject to any reporting and ratification requirements, the Chancellor and his/her designees are specifically empowered to execute appropriate documents, pursuant to the Civic Center Act, for the use of any District buildings, grounds, or space, together with any personal property, for a period not exceeding one hundred eighty days (180) separate or consecutive days, or portions of those days, in the fiscal year. Any licensed use of District Facilities pursuant to the Civic Center Act exceeding one hundred eighty (180) days in the fiscal year shall be presented to and approved by the Board at a regularly scheduled meeting of the Board prior to approval by the Chancellor and/or his/her designees. Permission to use District facilities shall not be granted for a period to exceed one fiscal year. No person or organization may be granted a monopoly on any facility.

Estimated Charges.
Persons or organizations renting District facilities will be presented an invoice of estimated charges, due and payable a minimum of three days in advance of the date of facilities use. Following the use of facilities, the District reserves the right to issue an amended Facilities Use Invoice for any additional charges incurred as a result of the use of facilities, such invoice shall be due and payable fourteen days from the date of issue. In the event the estimated charges paid exceed actual charges, a credit or refund will be issued.

Post Event Invoicing
Following the event, applicable departments shall provide the Office of the Vice President of Administrative Services with an invoice for equipment or services provided. The Office
of the Vice President of Administrative Services shall prepare and deliver the invoice for facilities use to the renter. The invoice will be broken into the following categories:

- Application fee;
- Rental cost of facility identified by daily or hourly rate;
- Charge for an employee's presence, itemized by service provided (police, facility supervision, parking officer), if that employee would not otherwise be present as part of his or her normal duties;
- Cost of parking services;
- Cost of police services;
- Cost of janitorial services;
- Cost of utilities; and
- Cost of parking permits or parking lot rental for the purpose of parking vehicles.

District account numbers identifying where the funds are to be deposited will be included on the invoice for timely processing once fees are received. Funds collected for direct costs shall be deposited into a special fund that shall only be used for purposes of this section. (ref §82542(d)(3)).

**General Rules**

No department, program, or individual employee may directly schedule or rent any college facility to any other group, organization, agency, or individual, or collect fees for such rental. Proceeds from College facility use will not be for the exclusive support of a particular department or program. Employees may not use without charge any facilities, grounds, or property of the District to generate any personal business benefit for the employee. Employees of the District who wish to use College facilities must comply with this procedure and District policies, regulations, and procedures and must submit a facilities use application.

No person who is not an authorized District employee applying for use of District property shall be issued a key to District facilities.

Future facility requests may be denied on grounds including, but not limited to, abuse or misuse of District property, failure to pay promptly for any damage to District property and/or violations of District prohibited activities.

**Youth Activities.**

Youth groups with youths under eighteen (18) years of age must be chaperoned by an adequate number of adults, aged twenty-one (21) years of age or older, based upon the nature of the activity. This includes, but is not limited to, providing sufficient adult
supervision to cover all areas being used by the PERMIT HOLDER. The District reserves
the right to determine how many chaperones is an adequate number of chaperones.

Cancellation of PERMIT HOLDER’S Scheduled Use of Facilities.
Should the PERMIT HOLDER, for PERMIT HOLDER's own convenience, desire to cancel
schedule use of the Premises, PERMIT HOLDER will be charged for such cancellation
as follows:

1. All Facilities
   (i) If scheduling was less than 10 days in advance there will be no refund.
   (ii) Cancellation of scheduled use with less than fifteen (15) business
calendar days’ notice, including no-show, will incur fully one-hundred percent (100%) charges for facilities use.
   (iii) Cancellation of scheduled use with less than thirty (30) calendar
days’ notice will incur fifty-percent (50%) of the charges for the scheduled
facilities use.
   (iv) Cancellation of scheduled use on less than sixty (60) days’ notice
will incur twenty-five (25%) of the charges for scheduled facilities use.
   (v) Cancellation of scheduled use with greater than sixty (60) days’
notice will not be charged for the scheduled facilities use.

Prohibited Activities
No illegal intoxicants or illegal controlled substances shall be brought onto the property
of the District. Alcoholic beverages shall only be brought onto campus with prior
authorization (see BP6700 - Public Safety Review). Special Events that include alcohol
use or sales on District property require proper State of California ABC permits and
approval by the college president and District Police.

Tobacco possession on campus is permitted, however, the smoking of all forms of
tobacco, or other legal smoking medium, is prohibited within 25 feet of buildings and
outside of parking lots.

No weapons, or replica weapons, or fireworks of any type, shall be permitted on District
property without prior approval from the District Police.

Amplified sound shall not exceed the established maximum decibel levels identified by
the college or District. Sound levels shall be measured using a decibel meter, also known
as a sound level meter, positioned at the perimeter of the campus at the point closest to
the source of the amplified sound. At Mission College decibel level measurements taken
at the perimeter of campus shall not exceed 70 decibels unless special approval has been
granted by the Vice Chancellor of Administrative Services or College President. At West
Valley College decibel level measurements shall not exceed 60 decibels between 7:00am
and 7:00pm, 50 decibels between 7:00pm and 10:00pm, and 45 decibels between
10:00pm and 7:00am.
Tailgating in a parking lot, with or without alcohol, is prohibited without prior approval by the College President or designee, and the Police Chief. Tailgating shall be defined as the use of one or more tailgating related items in a parking lot, and outside of a vehicle, for the purpose of an outdoor gathering by one or more people prior to, during, or after an event. Items associated with tailgating include, tables, chairs, canopies or umbrellas, coolers, barbeques, grills, games, generators, televisions, sound systems, food or drink, and food or drink preparation or serving equipment.

Public Safety Review
The District may require public safety personnel as a condition of use whenever it is deemed to be in the District's best interests.

The college rental office shall forward facility use requests to the District Police liaison and Manager of Parking and Traffic Operations for review to determine public safety needs and staffing. The District Police Chief, or his designee, shall have the final decision to the public safety (police/parking) staffing levels for specific events.

Facilities Modifications
No structures, electrical modifications, or mechanical apparatus may be erected or installed on District property without specific written approval by the Executive Director of Facilities Maintenance, Operations & Construction.

All decorative materials, including but not limited to draperies, hangings, curtains, and drops shall be made or treated with flame-retardant processes approved by the State Fire Marshall.

Parking Permit Sales and Parking Lot Rentals
In accordance with Education Code 76360(e), all parking fees collected shall be deposited directly into the District Parking Fund. Parking fees shall be defined as all revenue generated by the sale of parking permits or the rental of parking lots for the purpose of parking vehicles. In those instances where a parking lot is rented for a purpose other than the parking of vehicles, a portion of the revenue, consistent with the current lot rental rate, shall also be considered a parking fee and deposited in the District Parking Fund. All additional revenue generated by the rental of a parking lot for a purpose other than the parking of vehicles shall be deposited in the designated college account.

Renters wishing to purchase parking accommodations for event attendees may purchase parking permits in bulk. Event organizers shall be responsible for notifying all event guests of the District's parking permit requirement, as well as for the distribution of all purchased parking permits. Bulk permit sales shall be considered a preferred parking accommodation for rental events.

In those instances where it is not possible for event organizers to distribute parking permits in advance of an event, the college shall encourage the purchase of one-day "daily" parking permits by event attendees at the parking permit machines located throughout the parking lots.
The rental of a parking lot may be accommodated on a non-exclusive use basis when all of the following conditions are met:

- When sufficient parking space is available to accommodate event attendees without significant impact to parking lot users associated with educational operations
- It is determined that the bulk purchase of parking permits by event organizers, or the use of one-day permit machines by event attendees, is not feasible
- The lot rental is not estimated to result in an overall net loss of parking revenue to the District when compared with the estimated average permit sales and enforcement revenue for the same lot during the same period

Whenever a parking lot rental or bulk permit purchase is approved, the Vice President of Administrative Services, or designee, will notify the Parking and Traffic Division of the District Police Department no less than 14 calendar days in advance of the event so that the enforcement suspension can be scheduled and published, or the permits created and disseminated.

Parking fee waivers are not normally authorized for standard external rental events. However, extraordinary external rental events may be eligible for a partial or complete parking fee waiver if:

- The event is granted college sponsorship by the college president or designee;
- The college waives indirect costs, such as building or campus use fees, at the same percentage as the parking fees;
- The public relations or recruitment benefits of waiving the parking fees are significantly greater than the negative impact on the parking fund.

Parking lots may not be rented or otherwise used for the purpose of overnight habitation.

**Additional Rules Governing Permit Holder’s Use of Facilities.**
In addition to the rules set forth herein, execution of the Non-Exclusive Facilities Use Application and Agreement by Permit Holder shall be deemed to be Permit Holder’s acknowledgement, acceptance and agreement to comply with all terms and provisions in the Facilities Use License Terms, which are incorporated herein by reference as though fully set forth herein in their entirety.

**Recycling: Large Venues and Events**
"Large venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the District per day of operation of the venue facility.
"Large event" means an event that charges an admission price or is operated by a local agency and serves an average of more than 2,000 individuals per day of operation of the event.

A District with a large venue or large event shall, on or before July 1, 2005, and on or before July 1, biennially thereafter, meet with recyclers and with the solid waste enterprise that provides solid waste handling services to the large venue or large event to determine the solid waste reduction, reuse, and recycling programs that are appropriate for the large venue or large event. In determining feasible solid waste reduction, reuse, and recycling programs, the operator may do any of the following:

- Develop solid waste reduction, reuse, and recycling rates and a solid waste reduction, reuse, and recycling plan that would achieve those solid waste reduction, reuse, and recycling rates.
- Determine a timeline for implementation of the solid waste reduction, reuse, and recycling plan and solid waste reduction, reuse, and recycling rates.

See BP/AP 6750 titled Parking

Date Approved: May 9, 2016
AP 6740   CITIZENS’ BOND OVERSIGHT COMMITTEE

References:

   Education Code Sections 15278, 15280, and 15282

The Citizens’ Bond Oversight Committee is established according to the following:

Purposes

• To inform the public about the expenditure of bond revenues;

• To review and report on the proper expenditure of taxpayers’ money for school construction; and

• To advise the public as to the District’s compliance with the Proposition 39 requirements as contained in the California Constitution.

Activities

• Receive and review copies of the annual, independent performance audit;

• Receive and review copies of the annual, independent financial audit;

• Visit school facilities and grounds to ensure that bond revenues are expended in properly;

• Receive and review project summaries, project scope and descriptions, and project schedules;

• Receive and review copies of any deferred maintenance proposals or plans developed by the District; and

• Review efforts by the District to maximize bond revenues by implementing cost-saving measures.
Members
The Committee shall consist of a minimum of seven (7) members appointed by the Board of Trustees from a list of candidates submitting written applications, and based on criteria established by Prop 39. Members will serve for a term of two (2) years and for no more than two (2) consecutive terms. Members shall serve without compensation.

The committee shall be comprised of at least:

- One member active in a business organization representing the business community located in the District.
- One member active in a senior citizens’ organization.
- One member active in a bona fide taxpayers’ organization.
- One student enrolled and active in a community college support group at either West Valley or Mission College.
- One community members active in a District/College support organization, such as a foundation.
- Two members of the community-at-large.

No employee, official, vendor, contractor, or consultant of the District shall be appointed to the committee.

To be a qualified person, he or she must be at least 18 years of age.

The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse.

Assistance
The District shall provide the committee with the necessary technical or administrative assistance to publicize its conclusions. Administrative support may include the preparation of and posting of public notices as required by the Brown Act; provision of a meeting room; preparation and copies of any documentary meeting materials, such as agendas and reports; and retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.

Public Meetings
The Committee is required to meet at least once per year but may meet more often if necessary. Meetings shall be open to the public and notice provided in accordance with the provisions of open meetings laws. All meetings shall be held within the West Valley-Mission Community College District, located in Santa Clara County and Santa Cruz County, California.
Reports
At least once a year, the committee shall issue a report on the result of its activities. Minutes from its proceedings, all documents received, and reports issued are a matter of public record and shall be made available on an internet website maintained by the District.

The Committee shall automatically terminate and disband 180 days following the date when all bond proceeds are spent.

Date Approved: January 18, 2012
It shall be the responsibility of the Chancellor, Vice Chancellor, or designee to establish such administrative procedures as are necessary for the performance of parking and traffic operations within the District. These procedures are intended to promote safe and orderly movement of traffic within District property and for the safe and orderly parking of vehicles and bicycles.

Legal
Pursuant to California Vehicle Code 21113(a), the District shall maintain the right to regulate parking and traffic on District property.

In accordance with California Vehicle Code section 21113(c), the Governing Board, or designee, shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section. Regulations, fee requirements, and parking violation penalties enacted by the Board of Trustees shall be published in the District’s Parking and Traffic Regulations brochure and a copy shall be maintained at the Office of the Board of Trustees and the District Police Department for public viewing (note: required by law).

Pursuant to California Vehicle Code 21113(c), and with the exception of any special conditions imposed or regulations enacted by the Board of Trustee’s pursuant to Vehicle Code 21113(a), all provisions of the California Vehicle Code relating to traffic upon the highways shall also be applicable to the traffic upon the driveways, paths, parking facilities, or grounds.

In accordance with Education Code 76360(e) all parking fees collected shall be deposited directly into the designated Parking Fund in accordance with the California Community Colleges Budget and Accounting Manual. Parking fees shall be defined as all revenue generated by the sale of parking permits or the rental of parking lots for the purpose of
parking vehicles. Parking fines collected shall also be deposited directly into the designated Parking Fund. All parking fees and fines collected shall be expended only for parking services. Parking services is defined as the purchase, construction, operation and maintenance of parking facilities for motor vehicles.

**Parking and Traffic Rules and Regulations**
The District Police Chief or designee will maintain, update, and distribute the District’s parking and traffic regulations to reflect current laws and district regulations as well as erect, place and maintain signs giving notice of special conditions or regulations imposed under Vehicle Code section 21113(a).

All persons who enter District property are charged with knowledge of the provisions of the Parking and Traffic Regulations and are subject to the penalties for violations of such provisions.

Parking of motor vehicles and bicycles is limited to specially designated areas. Fee permits are required for all motor vehicles with three or more wheels. Vehicles or bicycles parked in violation of the provisions of the Parking and Traffic Regulations are subject to fines, towing, or impoundment.

Overnight Parking is prohibited without prior authorization from the District Police Department. Students, staff, or faculty members attending college related functions may obtain approval to park vehicles overnight. Parking a vehicle on campus for the purpose of habitation is strictly prohibited. Unauthorized vehicles found to have been parked on campus between 12:00 am and 5:00 am may be towed at owner's expense.

**Enforcement**
It shall be the duty of the District Police Department to enforce all applicable provisions of the District Parking and Traffic Regulations, the California Vehicle Code, and the California Penal Code.

Parking permit requirements are enforced Monday through Sunday from 7am to 10pm, excluding designated District holidays. All other parking and traffic laws and regulations are enforced seven days a week, 24 hours a day, including holidays.

Pursuant to California Vehicle Code 40202 et seq., the presence of a properly issued parking citation is considered to be prima facie evidence that a violation has occurred. In accordance with California Vehicle Code, parking citations are legal documents that shall be issued and processed in strict accordance with all applicable laws and regulations. Any person, including the issuing officer and any member of the officer's department or agency, or any peace officer who alters, conceals, modifies, nullifies, or destroys, or causes to be altered, concealed, modified, nullified, or destroyed the face of the remaining original or any copy of a citation that was retained by the officer, for any reason, before it is filed with the processing agency or with a person authorized to receive the deposit of the parking penalty, is guilty of a misdemeanor. Under no circumstances shall
a personal relationship with any officer, public official, or law enforcement agency be grounds for cancellation.

Parking Citation appeals shall be collected, processed, and maintained in accordance with California Vehicle Code section 40215 et seq. Under no circumstances shall a parking citation be dismissed without the submission and review of a citation appeal form that clearly demonstrates a legal basis for the dismissal of the citation.

**Maintaining Parking Lots and Roadways**

It is the responsibility of the District Facilities Department, in cooperation with the Parking and Traffic Division of the District Police Department, to ensure that all parking lots and roadways are safe, clearly marked and in compliance with all applicable laws and regulations.

To ensure adequate and efficient parking and roadway facilities, the Parking and Traffic Division shall also research, evaluate and provide information related to the current and projected parking lot and roadway usage and requirements. When applicable, proposals to modify, upgrade, or otherwise improve parking lot and roadway conditions shall be produced.

**Use of Parking Lots and Roadways**

The District reserves the right to limit the use of parking areas to specific vehicle types, or for specific events, and to change or close, either temporarily or permanently, any campus parking area or roadway.

**Parking Fee Waivers**

Parking fee waivers may be granted for extraordinary or unusual events only when the public relations or recruitment benefits of such suspensions are significantly greater than the negative impact such suspension will have on parking fund revenue.

A parking fee waiver may be granted as either a Permit Fee Waiver or a Lot Fee Waiver.

- Permit Fee Waiver - provides free parking permits to event guests
- Lot Fee Waiver - suspends all parking permit requirements and all parking permit enforcement operations in a designated parking lot during a specified time period.

Due to the significantly higher financial impact associated with a Lot Fee Waiver, every attempt will be made to accommodate all approved parking fee waiver requests via a Permit Fee Waiver, rather than a Lot Fee Waiver. Parking fee waiver requests that cannot be accommodated via Permit Fee Waiver shall be subject to strict scrutiny prior to the approval of a Lot Fee Waiver.

Internal events such as graduations, building grand openings, fundraisers, scholarship or award ceremonies, and major recruitment, donor, or college showcase events may be approved for a parking fee waiver on a case by case basis. Fee waivers shall not be authorized for normal student events such as theater productions, music shows, fashion shows, new student orientations, testing sessions or sporting events. Nor will they be
authorized for events planned for, and primarily attended by, faculty, staff or students such as guest lectures, fairs, workshops, or staff development events.

Parking fee waivers are not normally authorized for standard external rental events. However, extraordinary external rental events may be eligible for a partial or complete parking fee waiver if:

- The event is granted college sponsorship by the college president or designee;
- The college waives indirect costs, such as building or campus use fees, at the same percentage as the parking fees;
- The public relations or recruitment benefits of waiving the parking fees are significantly greater than the negative impact on the parking fund (See BP 6700 – Civic Center and Other Facilities Use)

Pursuant to the requirements and procedures established herein, the College President, or designee, may approve Permit Fee Waivers, as well as Lot Fee Waivers requests that do not exceed two parking lots or 15 hours in duration. Lot fee waiver requests that exceed two parking lots or 15 hours in duration must be approved by both the College President, or designee, and the Vice-chancellor, or designee.

To request a parking fee waiver, an event representative shall submit a completed copy of the request form to the designated office no less than fourteen (14) calendar days in advance of the event. Failure to submit a completed request form at least fourteen (14) calendar days in advance of the event may be grounds for automatic denial. Under no circumstances shall an event representative advertise or otherwise broadcast free parking accommodations for an event prior to written approval being received for such accommodations.

The Parking and Traffic Division of the District Police Department shall have sole authority for the creation, maintenance, approval and distribution of district-wide Parking Fee Waiver Request Forms and all associated documents.

**Parking Permits**

All valid parking permits are issued solely by the authority of the District Police Department. It shall be the duty of the District Police Department to create, order, issue, and distribute all parking permits authorized for use on District property, and to facilitate the sale of such permits through various offices, machines, and third party vendors. All parking permits remain the property of the District and are not transferrable. In instances of abuse, the District Police may confiscate parking permits and make recommendations for the suspension or revocation of the permit holders parking privileges.

A staff parking permit will be provided to regular staff and faculty members, and to Professional Expert employees, at no cost. All other categories of hourly or volunteer workers/employees are not eligible for staff parking privileges. Such hourly workers or volunteers who are not District students may receive one free student parking permit per semester upon written request to the District Police by the hourly employee’s supervisor.
Visitor permits are available for official visitors or invited guests. Visitor permits can be requested through a division office or the District Police Department.

Long-term temporary permits must be requested through the District Police Department.

Valid staff permits from other community colleges in Santa Clara County are also valid for use in all staff or student parking areas.

In accordance with California Vehicle Code Section 21113a, it shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required in these procedures.

See BP/AP 5030 titled Fees
See BP/AP 6700 titled Civic Center and Other Facilities Use

Date Approved: March 17, 2016
AP 6800 SAFETY

References:

Cal/OSHA;
Labor Code Sections 6300 et seq;
Title 8 Section 3203;
Code of Civil Procedure Section 527.8;
Penal Code Sections 273.6, 626.9, 626.10, and 12021

The Vice Chancellor of Administrative Services shall maintain a written Employee Injury and Illness Prevention Program which complies with all applicable regulations and related laws governing educational and workplace safety and security.

• The program will promote safe practices among employees by emphasizing training in safety awareness, recognition of early warning signals of potential workplace violence, clear lines of employer/employee communication, use of safety devices and mechanical safeguards, implementation of timely response and investigation procedures, and regular program evaluation.

• The program will include the method for identifying, reporting, and evaluating hazards and potential and actual threats to safety, and the means for correcting unhealthy and potentially dangerous conditions and practices in a timely manner.

Definitions
Prevention activities increase awareness and minimize the potential for crisis in the workplace. Training is essential for all staff to learn how to recognize early warning signs, so that appropriate intervention can be provided for identified areas of conflict in the workplace.

Crisis or conflict constitutes any inappropriate or unreasonable disruption that interferes with the normal functioning of your work.

Acts of violence include any physical action, whether intentional or reckless, that harms or threatens the safety of self, another individual or property.
A threat of violence includes any behavior that by its very nature could be interpreted by a reasonable person as intent to cause physical harm to self, another individual or property.

Workplace includes off-campus locations as well as college-sponsored activities where faculty, staff or student employees are engaged in college business or locations where incidents occur as a result of the person's relationship to the college community.

Emergencies
Any employee shall immediately report any situation that threatens life or property and demands an immediate response of police, fire or medical personnel by first dialing 911 and then notifying law enforcement. The District Police will take appropriate action if the incident involves injuries or criminal activity.

Equipment and Sanitation
Should the duties of an employee require the use of equipment to ensure the safety of the employee, the District shall furnish such equipment. Complaints related to health safety, sanitation and working conditions shall be forwarded to the Executive Director of Facilities Maintenance, Operations & Construction for review and recommendation.

Crisis and Conflict Intervention
It is the responsibility of all employees to immediately report threats, acts of violence or any other behavior which deliberately hurts or harms another person at the college to their immediate supervisor and the District Police. Such reports will be promptly and thoroughly investigated. The District will provide Violence in the Workplace training for all employees.

Any employee experiencing a possible violence in the workplace situation should immediately contact his/her supervisor or the Associate Vice Chancellor of Human Resources. The supervisor shall immediately notify Human Resources and the District Police Department about any acts or threats of violence.

Restraining Orders/Court Orders
An employee shall notify the District Police Department of any restraining orders/court orders when named as a plaintiff. A copy of the order should be given to the District Police Department if possible. In the event the supervisor is informed by an employee of a restraining order, the supervisor will contact District police to ensure they are aware of it, and that they have a copy of the restraining order on file.

Also see BP/AP 3500 titled Campus Safety, BP/AP 3505 titled Emergency Response Plan, and BP/AP 3510 titled Workplace Violence Plan

Date Approved: January 18, 2012
AP 6850 HAZARDOUS MATERIALS

References:

Title 8 Sections 340 et seq.

The District must post at least one CAL/OSHA Notice in each location where business is conducted in a conspicuous place where notices to employees are customarily posted.

Where employers are engaged in activities that are physically dispersed such as construction or transportation, the notice required shall be posted at each location to which employees report each day.

Where employees do not usually work at, or report to, the notice or notices shall be posted at the location or locations from which the employees operate to carry out their activities.

Each employer shall take steps to insure that such notices are not altered, defaced, or covered by other material.

The notice shall inform employees that employers who use any substance listed as a hazardous substance by Cal/OSHA regulations must provide employees with information on the contents of material safety data sheets (MSDS) or equivalent information about the substance which trains employees to use the substance safely. The notice must also state that the employer is required to make available on a timely and reasonable basis a MSDS on each hazardous substance in the workplace upon request of an employee, collective bargaining representative, or an employee's physician.

The notice must also state that employees have the right to see and copy the medical record and other records of employee exposure to potentially toxic materials or harmful physical agents.

If the District is required to conduct tests or to engage in monitoring or measuring to determine employee exposure to hazards by specific standards, it shall notify the affected employee or employees or their representative, prior to commencement of the date, time and place of the testing, monitoring or measuring of employee exposure.
The District must provide the an employee or employees, or their representatives with the opportunity to observe the testing, sampling, monitoring, or measuring undertaken pursuant to such standards.

Whenever any employee has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels exceeding those prescribed by applicable standard, order, or special order, the District must promptly notify any employee so affected in writing of the fact that the employee has been exposed, and of the corrective action being taken.

MSDS are located in each college facility office and each college department that uses hazardous materials. An annual inventory of hazardous materials will be performed by the colleges and district and forwarded to the Executive Director of Facilities Maintenance, Operations & Construction.

Date Approved: January 18, 2012
AP 6900  BOOKSTORES

Reference:

Education Code Section 81676

See BP/AP 3600 titled Auxiliary Organizations and BP 6900 Bookstores.
NOTE: These procedures are legally required for those vehicles that are covered by the federal regulations. Currently, there are no District vehicles covered by this procedure.

The District must comply with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the District must comply with the regulations of the Federal Highway Administration (FHWA) and, if applicable, the Federal Transit Administration (FTA). Adoption of a policy and/or procedure is one of the District’s obligations under the regulations.

This procedure sets forth the rights and obligations of covered employees. Employees who are covered by these requirements should familiarize themselves with the provisions of this procedure. Employees shall refer any questions regarding his/her rights and obligations under this procedure to [designate position].

Employees covered by this procedure should be aware that they are still required to comply with the provisions of the District’s other policies and procedures regarding drugs and alcohol. The obligations and requirements set forth below are in addition to existing obligations and requirements set forth in the policy.

An employee may be given a written exemption from this procedure signed by the Vice Chancellor, if, although the employee’s classification is listed above, the employee does not fall within the definition of “covered employee” listed below.

Individuals who operate the following commercial motor vehicles are covered employees:

- A vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

- A vehicle with a gross vehicle weight of at least 26,001 pounds;
• A vehicle designed to transport 16 or more passengers, including the driver; or

• A vehicle used to transport those hazardous materials found in the Hazardous Materials Transportation Act.

Covered employees include regularly employed drivers, casual, intermittent, or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. A covered employee also includes all persons applying to drive a commercial motor vehicle.

The FHWA exempts those employees from mandatory drug and alcohol testing who are:

• Also covered by the FTA and required to comply with FTA alcohol and/or controlled substances testing. e.g., municipal bus drivers.

• Granted a full waiver from the requirements of the commercial driver’s license program; e.g., the State of California exempts non-civilian military personnel operating military vehicles and individuals operating farm equipment which incidentally moves over a highway from obtaining a commercial driver's license.

• Granted an optional State of California waiver from the federal commercial driver's license requirements (49 Code of Federal Regulations Part 383), e.g., fire fighters holding noncommercial driver’s licenses. The State of California issues noncommercial driver's licenses which permit a fire fighter or volunteer fire fighter to operate fire-fighting equipment, but not to transport passengers.

**FTA Agencies**

Employees who perform “safety sensitive functions” as described below are “covered employees.” *(NOTE: Regardless of the definition of “safety sensitive functions” below, volunteers are only covered if they operate vehicles designed to transport 16 or more passengers.)*

Covered employees may not be under the influence or in possession of controlled substances or alcohol during work hours. Further, certain conduct is prohibited while performing and prior to performing safety sensitive functions.

**Safety Sensitive Function**

The following are safety sensitive functions for FHWA Agencies:

• All time at a carrier or shipper, plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.

• All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
• All time spent at the driving controls of a commercial motor vehicle.

• All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).

• All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

• All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

The following are safety sensitive functions for FTA Agencies:

• Operation of a revenue service vehicle. (NOTE: A vehicle is in revenue service when the vehicle is available to the general public and there is a reasonable expectation of carrying passengers that directly pay fares, are subsidized by public policy, or provide payment through some contractual arrangement. This would include bus drivers, subway operators, drivers of van pools, etc. Drivers who operate federally funded van pools for commuting are currently covered by these regulations. Revenue service excludes school buses and charter buses which are not federally funded.)

• Operation of a non-revenue service vehicle that meets the FHWA weight standards (See the applicable section above). (NOTE: This category includes drivers of snow plows, which are employed by or under contract to the transit entity and meet the designated weight requirements to require a commercial driver's license).

• Controlling dispatch or movement of a revenue service vehicles or equipment used in revenue service. (NOTE: This includes the dispatchers for the buses, subways, vans, etc.)

• Maintaining a revenue service vehicle. (NOTE: This includes maintenance workers.)

Prohibitions
The following conduct is prohibited (NOTE: Add the following clause if the District has bargained for it with the applicable employee associations) and may result in discipline, up to and including termination:

• Reporting for duty or remaining on duty requiring the performance of safety sensitive functions while having an alcohol concentration level of 0.04 or greater;
• Performing a safety sensitive function within four hours of using alcohol;
• Being on duty or operating a vehicle described above, while possessing alcohol;
• Using alcohol while performing a safety sensitive function;
• Reporting for duty or remaining on duty requiring the performance of safety sensitive functions when the employee used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee’s ability to safely operate a vehicle;
• Reporting for duty or remaining on duty requiring the performance of safety sensitive functions if the employee tests positive for controlled substances;
• Refusing to submit to any alcohol or controlled substances test required by this procedure. A covered employee who refuses to submit to a required drug/alcohol test will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test;
• A refusal to submit to an alcohol or controlled substances test required by this procedure includes, but is not limited to:
  o A refusal to provide a urine sample for a drug test;
  o An inability to provide a urine sample without a valid medical explanation;
  o A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;
  o An inability to provide breath or to provide an adequate amount of breath without valid medical explanation;
  o Tampering with or attempting to adulterate the urine specimen or collection procedure;
  o Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested;
  o Leaving the scene of an accident without a valid reason as to why authorization from a supervisor or manager (who has the responsibility to make a determination as to whether to send the employee for a post-accident drug and/or alcohol test) was not obtained.
• Consuming alcohol during the eight hours immediately following an accident (NOTE: The following clause only applies under the FTA - unless the covered employee has been informed that his or her actions have been completely discounted as a contributing factor as a contributing factor to the accident) or until the employee undergoes a post-accident alcohol test, whichever occurs first.
In addition to the above prohibitions, employees are reminded of their obligations under the Federal Drug Free Workplace Act of 1988. All employees covered by this procedure have previously been provided with a copy of the City’s Drug Free Workplace Statement, and have signed an acknowledgment that they have read the statement and agreed to comply with it.

**NOTE:** Although the following paragraph is not specified as a prohibition, the District may want to bargain to include it as a prohibition and also to include it as conduct that is subject to discipline.

### Consequences for Employees
An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 will be removed from his/her safety sensitive position for at least (24 hours under FHWA and eight hours under FTA).

### Drug and Alcohol Testing
Drug and alcohol testing will be imposed on covered employees in the following circumstances.

#### Pre-Employment Testing
All applicants for classifications which are covered by the DOT regulations as well as all employees who transfer from classifications which are not covered to classifications which are covered will be required to submit to pre-employment/pre-duty drug testing. Applicants will not be assigned to a safety sensitive position if they do not pass the test.

#### Post-Accident Testing

**FHWA Agencies**
Post-accident drug and alcohol testing will be conducted on employees following an accident. Post-accident alcohol tests shall be administered within two hours following an accident and no test may be administered after eight hours. A post-accident drug test shall be conducted within 32 hours following the accident.

An accident occurs when as a result of an occurrence involving the vehicle an individual dies or when a state or local law enforcement authority issues a citation to the covered employee driver for a moving violation arising from the accident.

If no citation is issued, each surviving driver who was performing safety-sensitive functions with respect to the vehicle will be tested if the accident involved the loss of human life.

**FTA Agencies**
Post-accident drug and alcohol testing will be conducted on employees following an accident unless the District determines, using the best information available at the time of the decision, that the covered employee’s performance could be completely discounted...
as a contributing factor to the accident. Not only will the operator of the vehicle be tested but so will any other covered employee whose performance may have contributed to the accident, such as a maintenance person.

Post-accident alcohol tests shall be administered within two hours following an accident and no test may be administered after eight hours. A post-accident drug test shall be conducted within 32 hours following the accident.

An accident occurs in the following circumstances: a) when an individual dies as a result of an occurrence involving the vehicle; b) when an individual suffers bodily injury as a result of an occurrence involving the vehicle; or c) when a vehicle suffers disabling damage.

Disabling damage means damage to the vehicle which precludes departure from the scene in its usual manner in daylight after simple repairs.

**Random Testing**
Covered employees will be subject to random alcohol and drug testing as follows: A random alcohol test will be administered just prior to the employee performing a safety-sensitive function (e.g., driving) while the employee is performing a safety-sensitive function, or just after the employee has stopped performing a safety-sensitive function. The District will subject at least 10% of the total number of covered employees to random alcohol testing per year.

A random drug test will be administered to at least 50% of the total number of covered employees per year. Some employees may be tested more than once in a year, while others are not tested at all depending on the random selection.

On the date an employee is selected for random drug testing, his/her supervisor will ensure his/her duties are covered. The employee will receive a written notice in the morning indicating the time he/she is to report to the lab for testing.

**Reasonable Suspicion Testing**
Covered employees are also required to submit to an alcohol or drug test when a trained supervisor has reasonable suspicion to believe the employee is under the influence of alcohol or controlled substances. The observation must be based on short-term indicators, such as blurry eyes, slurring, or alcohol on the breath. The supervisor may not rely on long-term signs, such as absenteeism or tardiness, to support the need for a reasonable suspicion test.

The reasonable suspicion alcohol test will be administered within two hours of the observation. If not, the employer must provide written documentation as to why the test was not promptly conducted. No test may be administered after eight hours following the observation.
To ensure that supervisors are trained to make reasonable suspicion determinations, supervisors vested with the authority to demand a reasonable suspicion drug and alcohol test will attend at least one hour of training on alcohol misuse and at least one hour of training on controlled substances use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

Return to Duty/Follow-up Testing
A covered employee who has violated any of the prohibitions of this procedure must submit to a return to duty test before he/she may be returned to his/her position. The test result must indicate an alcohol concentration of less than 0.02 or a verified negative result on a controlled substances test. In addition, because studies have shown that the relapse rate is highest during the first year of recovery, the employee will be subject to follow-up testing which is separate from the random testing obligation. The employee will be subject to at least six unannounced drug/alcohol tests during the first year back to the safety-sensitive position following the violation.

Testing Procedures

Alcohol Testing
Alcohol testing will be conducted by using an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration. Non-EBT devices may be used for initial screening tests.

A screening test will be conducted first. If the result is an alcohol concentration level of less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test will be conducted.

The procedures that will be utilized by the lab for collection and testing of the specimen are:

Drug Testing
Drug testing will be conducted pursuant to the procedures attached to this procedure.

The urine specimen will be split into two bottles labeled as “primary” and “split” specimen. Both bottles will be sent to the lab.

If the urinalysis of the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours to request that the split specimen be analyzed by a different certified lab.

The urine sample will be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine.

If the test is positive for one or more of the drugs, a confirmation test will be performed using gas chromatography/mass spectrometry analysis.
All drug test results will be reviewed and interpreted by a physician before they are reported to the employee and then to the District.

With all positive drug tests, the physician (a.k.a. medical review officer) will first contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the physician determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the District as “negative.”

Records
Employers are obligated to maintain records of the drug and alcohol misuse prevention programs, report the results in a management information system, and control access to the recorded information.

Employers are required to maintain the following records for a period of five years:

- The results of an employee’s alcohol test which indicates an alcohol concentration level of 0.02 or higher;
- The results of an employee’s controlled substances test which are positive;
- Documentation of any employee who refused to submit to a required alcohol/drug test; Calibration documentation; and
- Employee evaluations and referrals by substance abuse professionals.

Employers must retain records documenting the collection process for the alcohol and controlled substances tests and the training of supervisors for two years.

Employers must retain the records of any negative or canceled drug test or any alcohol test result which is less than 0.02 for one year.

By March 15 of each year, all covered employers must make available to the public a report summarizing the results of the alcohol misuse and controlled substances prevention program.

Employers may not release information concerning covered employees to third parties unless specifically authorized by statute. Employees, however, may request in writing to receive copies of any records pertaining to the employee's use of drugs or alcohol contained in the employee's file.

Consequences of Failing an Alcohol and/or Drug Test
A positive result from a drug or alcohol test may result in disciplinary action, up to and including termination.
If a covered employee is not terminated, the employee:

- Must be removed from performing any safety-sensitive function;

- Must submit to an examination by a substance abuse professional. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment for his/her alcohol or drug abuse. The District is not required to pay for this treatment;

- May not be returned to his/her former safety-sensitive position until the employee submits to a return-to-duty controlled substance and/or alcohol test (depending on which test the employee failed) which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled substance test;

- Will be required to submit to unannounced follow-up testing after he/she has been returned to his/her safety-sensitive position. (See above.)

- The District has established an Employee Assistance Program to help employees who need assistance with alcohol and controlled substance abuse.

- The District provides employees with information concerning the effects of alcohol and controlled substances and available methods of intervention.

Date Approved: January 18, 2012
WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT
Administrative Procedures
Chapter 7– Human Resources

AP 7100 Commitment to Diversity
AP 7110 Delegation of Authority
AP 7120 Recruitment and Hiring
AP 7125 Verification of Eligibility for Employment
AP 7126 Applicant Background Checks
AP 7130 Compensation
AP 7145 Personnel Files
AP 7150 Evaluation
AP 7160 Professional Development
AP 7211 Faculty Service Areas, Minimum Qualifications and Equivalencies
AP 7212 Temporary Faculty
AP 7214 Part-time Faculty – Office Hours
AP 7215 Academic Employees: Probationary Contract Faculty
AP 7216 Academic Employees: Grievance Procedure for Contract Decisions
AP 7231 Seniority
AP 7232 Classification Review
AP 7233 Claims for Work Out of Classification
AP 7234 Overtime
AP 7235 Probationary Period – Classified Employees
AP 7250 Educational and Classified Administrators
AP 7270 Student Workers
AP 7310 Nepotism
AP 7330 Communicable Disease
AP 7336 Certification of Freedom from Tuberculosis
AP 7337 Fingerprinting
AP 7340 Leaves
AP 7341 Sabbaticals
AP 7343 Industrial Accident and Illness Leave
AP 7344 Notifying District of Absence/Illness
AP 7345 Catastrophic Leave
AP 7346 Employees Called to Military Duty
AP 7347 Paid Family Leave
AP 7350 Resignations
AP 7355 Employee Complaints
AP 7360 Discipline and Dismissals - Academic Employees
AP 7365 Discipline and Dismissals - Classified Employees
AP 7370 Political Activity
AP 7371 Personal Use of Public Resources
AP 7380 Retiree Health Benefits – Academic Employees
AP 7385  Salary Deductions
AP 7400  Travel
AP 7500  Volunteers
AP 7510  Domestic Partners
AP 7600  District Police Department
AP 7700  Whistleblower Protection
AP 7800  Emeritus Status
AP 7100 COMMITMENT TO DIVERSITY

References:
   Education Code Sections 87100 et seq.;
   Title 5 Sections 53001 and 53000 et seq.

The District values a diverse workforce. We will take deliberate steps to ensure our workplace reflects the community in which we live and embraces differences in an inclusive, safe environment.

The EEO Plan should be a District-wide, written plan that implements the District’s EEO Program, includes the definitions contained in Title 5 Section 53001 and addresses the following:

- Submission of plans and revisions to the State Chancellor’s Office for review and approval as required;
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that District employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
• An analysis of the number of persons from “monitored groups,” as defined by Title 5 Section 53001(i), who are employed in the District's workforce and those who have applied for employment in each of the job categories listed below;

• An analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the State Chancellor’s Office determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;

• The steps the District will take to promote diversity in its work force;

• Methods for addressing any discrimination that is detected in the District’s hiring practices; and

• Additional steps to address any significant underrepresentation of monitored groups identified in the plan.

The Plan shall be a public record.

The District shall make a continuous good faith effort to comply with the requirements of the Plan.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
AP 7110 DELEGATION OF AUTHORITY

Reference:
   Education Code Section 70902(d)

The Chief Human Resources Officer is delegated responsibility from the Chancellor to recommend employment, develop job responsibilities, and perform other personnel actions provided that all federal and state law and regulations, Board Policies, and Administrative Procedures are followed.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
The Associate Vice Chancellor of Human Resources, under the direction of the Chancellor, is responsible for developing recruitment, selection, and professional development guidelines which will result in consistent employment of persons who complement and bring to the District particular talents, expertise, and varied backgrounds. These guidelines will ensure compliance with Federal and State laws and meet District staffing needs effectively and in a timely manner.

The Human Resources Department is responsible to the Chancellor for maintaining current descriptions of job duties and responsibilities and a roster of authorized positions for all academic and classified positions.

**Classified Employees**

The selection process to be followed in the hiring of classified employees is specified in the Classified Selection Procedures and maintained by the Human Resources Department.

Appointments to full-time classified positions are made by the Board based upon the recommendation of the Chancellor. The Associate Vice Chancellor of Human Resources will make recommendations to the Chancellor for any College classified appointments.

**Recruitment Process**

Before a position can be recruited via advertisement through the recruitment and selection process and prior to hiring a designated individual for a particular assignment other than substitutes (persons hired to replace employees on leave and persons needed for vacant positions), approval must be obtained through the immediate supervisor, appropriate Vice President, President or Vice Chancellor, Associate Vice Chancellor of Human Resources and the Executive Management Team.

Approval is required for regular, interim, full-time temporary, and short-term project based assignments. Definitions are as follows:

- Regular assignments are positions in the management, confidential, faculty and classified employee groups with Board approved job descriptions.
• Interim assignments are management positions where in-house recruitment is conducted within the District to find an employee to fill the assignment for the minimum time necessary to allow for full and open recruitment. Interim assignments are for no more than one year. The State Chancellor may approve an extension for one additional year if the District demonstrates “business necessity” as defined in Title 5 Section 53001.

• Full-time temporary assignments are faculty positions needed to replace resigned/retired employees who submitted their terminations within 45 days of the end of the academic year or at the end of the semester for which there is not enough time as determined by Human Resources to conduct a full and open recruitment.

All regular, interim, and full-time assignments require the completion of the online Personnel Requisition.

Also see BP/AP 3410 titled Nondiscrimination, BP/AP 3420 titled Equal Employment Opportunity, and AP 7236 titled Substitute and Short Term Employees.

Date Approved: January 18, 2012
(Replaces current WVMCCD Policies 3.1.3, 3.2.2, 3.2.3, 3.2.4, and 3.4.2 as well as Procedures 3.1.3 and 3.7.4/3.7.5)
AP 7125  VERIFICATION OF ELIGIBILITY FOR EMPLOYMENT

Reference:
8 U.S. Code Section 1324a

The District will not hire or recruit a person for employment if it knows that the person is not a citizen of the United States and is not authorized to be employed in the United States.

Reliable documentation of eligibility is required for employment from all persons hired. “Reliable documentation” as set out in federal law includes one or more of the following:

- A United States passport or a resident alien card or alien registration card containing a photograph of the prospective employee, that indicates the person is authorized to work in the United States

  AND/OR

- A social security card or other documentation issued by the United States government showing authorization to work in the United States AND a driver’s license or similar identification document containing a photograph of the prospective employee.

The District will complete for each new employee the verification form or forms required by the United States government. For persons it does hire, 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.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
AP 7126  APPLICANT BACKGROUND CHECKS

References:
Civil Code Section 47, 1785.16, 1785.20, and 1786.16 et seq.;
Fair Credit Reporting Act (federal)

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

Where a background investigation is performed by a third party, the Human Resources Department 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 Human Resources Department 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.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
AP 7130 COMPENSATION

References:
Education Code Sections 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

Prohibition of Incentive Compensation
Senior administrators and executive level employees who are only involved in the development of policy and do not engage in individual student contact or the other covered activities will not generally be subject to the incentive compensation ban.

Although athletic coaches may be covered employees, subject to certain limitations, and, based upon the District’s determination on a case-by-case basis, coaching staff, and other athletic personnel may be exempt from the prohibition of incentive compensation.

The Chancellor shall identify any covered employees of the District and determine whether the District’s compensation arrangements comport with the prohibition on incentive compensation, and to the extent that they do not, make necessary modifications to comply. Similarly, the Chancellor shall identify any covered service providers, evaluate whether the contract pricing structure is consistent with the prohibition on incentive compensation, and if not, determine what modifications the District can make to any applicable contract.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
Personnel records are private, accurate, complete, and permanent. Individual collective bargaining agreements for represented employees include additional detail regarding contents.

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

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 employee shall not have the right to inspect personnel records at a time when the employee is actually required to render services to the District.

Nothing in this procedure shall entitle an employee to review ratings, reports, or records that:

- were obtained prior to the employment of the person involved,
- were prepared by identifiable examination committee members, or
- were obtained in connection with a promotional examination or interview.

Review of Personnel Files
An employee may review his/her personnel file by contacting the appropriate Human Resources Specialist and making an appointment. The Specialist will remain with the employee during the review process.

The employee will be required to sign a log that he/she reviewed the file on a specific date.
The Human Resources Specialist will witness by signature that the employee reviewed the file. The employee may request the Human Resources Specialist to make copies of documents in his/her file.

The employee’s immediate supervisor and/or his/her supervisors to include the Chancellor may review an employee’s personnel file by contacting the appropriate Human Resources Specialist.

The employee may authorize his/her representative to review his/her personnel file. Such authorization must be in writing to verify the signature of the employee. The representative shall contact the Human Resources Specialist to make arrangements for the review.

Contents of personnel files may be subpoenaed. The Human Resources Specialist will follow the terms and conditions of the subpoena.

More details regarding review of personnel files are contained in the collective bargaining agreements.

Date Approved: January 18, 2012
(Replaces current WVMCCD Procedure 3.19.7)
AP 7150 EVALUATION

Reference:
WASC/ACCJC Accreditation Standard III.A.1.b

Procedures for the regular evaluation of classified employees shall be maintained and distributed by the Human Resources Department.

Immediate supervisors are responsible for ensuring and/or completing performance appraisals for assigned staff in accordance with collective bargaining agreements. As a courtesy, the Human Resources Specialist will notify the immediate supervisor of employee evaluation one month prior to the due date.

The immediate supervisors shall refer to the respective collective bargaining agreement to identify the time and frequency of evaluations for new and continuing employees.

The supervisor shall meet with the employee to discuss the evaluation and obtain the employee’s signature. If the employee refuses to sign the evaluation, the supervisor shall submit the evaluation to Human Resources along with a memo explaining why the signature was not obtained. The supervisor shall copy this memo along with the evaluation to the employee so the employee is aware the document will be filed in his/her personnel file.

Any “needs improvement” or “unsatisfactory” ratings require an improvement plan. The supervisor is encouraged to meet with the employee to develop the improvement plan which shall include a date to re-evaluate the employee. There shall be adequate time between the evaluations to address the improvements needed. The improvement plan must be attached to the performance evaluation at the time of submission to Human Resources.

Original evaluations completed by the supervisor will be forwarded to the Human Resources Specialist for filing in the employee’s personnel file.

Prior to filing the documents in the employee’s personnel file, the Human Resources Specialist will copy and forward any evaluation with a “needs to improve” or “unsatisfactory” ratings to the Associate Vice Chancellor of Human Resources or designee for the purpose of ensuring Human Resources procedures and collective bargaining agreements are being followed.
Also see BP/AP 2435 titled Evaluation of the Chancellor

Date Approved: January 18, 2012
(Replaces current WVMCCD Policy 3.2.5 and Procedure 3.2.5)
AP 7160 PROFESSIONAL DEVELOPMENT

Reference:
WASC/ACCJC Accreditation Standard III.A.5

Refer to specific collective bargaining agreements for detail on professional development benefits for employees. Whenever possible, District Human Resources will offer additional professional development opportunities to all employees on a regular basis.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
AP 7211  FACULTY SERVICE AREAS, MINIMUM QUALIFICATIONS, AND EQUIVALENCIES

References:
Education Code Sections 87001, 87003, 87359, and 87743.2;
Title 5 Sections 53400 et seq.

Faculty Service Areas
Faculty service areas shall be established after negotiation and consultation as required by law with the appropriate faculty representatives.

Minimum Qualifications
Faculty shall meet minimum qualifications established by the Board of Governors, or shall possess qualifications that are at least equivalent to the minimum qualifications set out in the regulations of the Board of Governors.

Equivalencies Committee
The Equivalencies Committee is a District standing committee established jointly with the Academic Senate to fulfill the requirement of Education Code Section 87359, which states that the equivalency process "shall include reasonable procedures to ensure that the Board of Trustees relies primarily upon the advice and judgment of the Academic Senate to determine that each individual employed under the authority granted by the regulations possesses qualifications that are at least equivalent to the applicable minimum qualifications..." In order to ensure that the Board of Trustees relies primarily on the advice and judgment of the Academic Senate, the Equivalencies Committee determines if the qualifications of an instructor are equivalent to the minimum qualifications required for a discipline.

Membership
• Vice President of Instruction, or designee, from each college.

• Four Academic Senate representatives, two from each college, each serving a two-year term. Terms shall be staggered. A minimum of two faculty members must be present to validate the committee’s decisions regarding equivalency.

• Up to two (2) ad-hoc full-time faculty members, one from each college, in the discipline for which the equivalency is requested. A full-time faculty member from
a related discipline at the college requesting the equivalency may be recommended as the faculty discipline representative.

- The Equivalency Committee will be co-chaired by two of the Academic Senate representatives. Decisions will be determined by consensus.

- Human Resources personnel attend the Equivalency Committee meetings for the purpose of presenting requests, providing documentation as needed, and providing historical information and other information as needed for the Committee.

**Definition of Equivalency**

Equivalency means equal to the minimum qualifications for a particular discipline as listed in *Minimum Qualifications for Faculty and Administrators in the California Community Colleges* (the “Disciplines List”), or to any higher qualifications for a specific discipline that have been recommended by the District Academic Senate and approved by the Board of Trustees.

- In some cases, this means equal to a Master’s degree in a discipline.
- In disciplines for which a Master’s degree is not generally available or expected it means equal to either a degree or a combination of degree and experience.

The Equivalency Committee may not modify or create new disciplines for the purpose of awarding equivalency. All modifications and additions to the Disciplines List must be approved by the Academic Senate and the Board of Trustees.

**Determination of Equivalencies**

The Human Resources Department prepares for and participates in all equivalency meetings, and maintains District historical records of all faculty equivalency decisions. Equivalencies Committee meetings are coordinated by the Human Resources Department and scheduled as often as needed to meet the needs of the District.

The assigned Human Resources Specialist shall ensure that all equivalency procedures and appropriate documents are posted to the District website and appropriate equivalency forms are included in employment application materials.

The assigned Human Resources Specialist shall ensure that the most recent version of the Disciplines List is posted on the District website. A list of Board-approved local minimum qualifications will also be maintained and posted to the District website.

- All faculty position announcements will state the required qualifications as specified by the Disciplines List or, if established and approved by the Board of Trustees, the local qualifications, including the possibility of meeting the equivalent of the required degree or experience.

- District application forms for faculty positions will ask applicants to state whether they meet the minimum qualifications of the Disciplines List or whether they
believe they meet the equivalent. Those claiming equivalency will be asked to state their reasons and to present evidence, including at a minimum unofficial copies of all transcripts, both undergraduate and graduate.

- It will be the responsibility of the applicant to supply all evidence and documentation for the claim of equivalency at the time of application. Job announcements will include notification to applicants that they must provide conclusive evidence of equivalency and provide supporting documentation as appropriate.

- Candidates seeking equivalency will be informed by Human Resources staff. If equivalency is denied, a brief summary of the reasons for denial will be provided.

The Human Resources Department will first screen all qualified applicants, assuming that those claiming equivalency are in fact equivalent. Applicants with foreign degrees must provide an evaluation of foreign degree equivalency from a reputable evaluating organization. Before applicants have been selected for interview, those claiming equivalency will have their claims examined by the Equivalency Committee. Only applicants who are found to possess equivalent qualifications shall be selected for interview.

Equivalency is determined on the basis of the Disciplines List to include locally established minimum qualifications (see “Definition of Equivalency”, above). Equivalency is granted for an entire discipline, not for a specific class or classes.

The Equivalency Committee may not modify or create new disciplines for the purpose of awarding equivalency. All modifications and additions to the Disciplines List must be approved by the Academic Senate and the Board of Trustees.

**Equivalency Criteria**

In evaluating the qualifications of applicants, the Equivalency Committee reviews transcripts and other supporting documents.

- The committee does not review responses to supplemental questions, diversity statements, cover letters, and the like.
- Degrees and coursework must be from accredited institutions.
- Equivalency granted by another community college district does not establish equivalency in this district.

**Disciplines requiring a Master’s Degree**

Equivalency may be granted if the applicant possesses a Master’s degree but the title is not exactly the same as indicated in the minimum qualifications, as long as the degree is determined to be equivalent based on a review of the core coursework.

**Example:**
- Master’s in Politics and Public Policy instead of Master’s in Political Science
- Master’s in Library and Information Systems instead of Master’s in Library Science
Equivalency may also be granted if the applicant possesses a BA/BS degree and a minimum of 30 additional semester units of upper division/graduate level courses in the discipline from an accredited institution.

Rarely, in certain disciplines such as art, theater arts, dance, or music, a BFA (Bachelor's in Fine Arts) degree in the subject matter of the discipline may be combined with extensive, documented apprenticeship or internship programs and performance or exhibitions to provide evidence of equivalency to the Master's degree. This determination shall be made on a case-by-case basis. One full-time year of apprenticeship will typically be equivalent to one full-time semester of graduate study in the discipline. Performances and/or exhibitions following the apprenticeship may be evaluated to determine whether the skills gained from the apprenticeship constitute adequate preparation in the discipline.

**Disciplines not requiring a Master’s Degree:**

For disciplines recognized by the State of California as not requiring a Master’s degree, the minimum qualifications are any bachelor's degree and two years of professional experience, or any associate degree and six years of professional experience. The professional experience required must be directly related to the faculty member's teaching assignment.

Equivalency may be granted if the applicant possesses an AA/AS degree plus both of the following criteria:

1. 60 semester units of appropriate coursework in the discipline, as shown on transcripts from an accredited institution.
2. Two years of full-time occupational or teaching experience in a related area, showing a demonstrated level of achievement and breadth of understanding to be able to teach effectively in the discipline.

**Faculty Service Areas**

Full-time faculty are assigned to a Faculty Service Area (FSA) at the time of hire. Subsequently, a faculty member may apply to be granted a secondary FSA in accordance with article 28 of the agreement between the Association of College Educators (ACE) and the District. The purpose of securing a secondary FSA is to be placed by seniority in another position in the event of a reduction in force. The Faculty Service Area Committee makes recommendations on FSAs to the Associate Vice-Chancellor of Human Resources,

**FSA Committee Membership**

- Vice President of Instruction, or designee, from each college.
- Four Academic Senate representatives, two from each college, each serving a two-year term. Terms shall be staggered. A minimum of two faculty members must be present to validate the committee’s decisions regarding equivalency.
- The Director of Human Resources or designee.

- Two ACE representatives, one from each college, appointed by ACE.

The FSA Committee will be co-chaired by two of the Academic Senate representatives. Decisions will be determined by consensus.

Applications for FSAs are available from and will be collected by Human Resources. On a regular basis, not less than once a semester, applications will be considered by the FSA committee. All applicants for a secondary FSA must possess minimum qualifications for the discipline of the FSA, and must establish "competency" (recency) as delineated in Article 28.

Once granted, an FSA remains in effect for five years. The faculty member is responsible for applying to renew an FSA, and for supplying all necessary documentation and evidence in support of the application or renewal request each time an FSA is requested.

Applicants shall be notified of the decision of the committee in writing by Human Resources within one week. If the decision is to deny the FSA a brief summary of the reasons for denial will be provided. If an application is denied, the applicant may appeal for reconsideration if additional evidence or information is provided to support the request.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
Updated December 12, 2014, Per Department of Human Resources
AP 7212  TEMPORARY FACULTY

References:
Education Code Sections 87481, 87482, 87482.5, and 87482.8

The District may employ any qualified individual as a temporary faculty member for a complete academic year, but not less than one semester during an academic year unless the date of rendering first paid service begins during the second semester or third quarter and prior to March 15. The employment of these persons shall be based upon the need for additional faculty during a particular semester or year because a faculty member has been granted leave for a semester or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need.

The District may employ any qualified individual as a temporary faculty member for a complete academic year but not less than a complete semester during an academic year. The employment of those persons shall be based upon the need for additional faculty during a particular semester because of the higher enrollment of students during that semester or quarter as compared to the other semester in the academic year, or because a faculty member has been granted leave for a semester or year or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need. Such employment may be pursuant to contract fixing a salary for the entire semester. No person, other than a person serving as clinical nursing faculty, shall be so employed for more than two semesters within any period of three consecutive years.

A person serving as temporary clinical nursing faculty may be employed for up to four semesters within any period of three consecutive years between July 1, 2007, and June 30, 2014, as long as the hiring of that person does not result in an increase in the ratio of part-time to full-time nursing faculty in the District.

Any person who is employed to teach classes 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. However, any agreement prior to January 1, 2009, to limit temporary faculty members to 60 percent of the hours per week that are considered a full-time assignment will govern until the expiration of the agreement. Service as a substitute on a day-to-day basis shall not be used for purposes of calculating eligibility for contract or regular status.
Screening for temporary faculty shall, insofar as possible, be conducted in accordance with District practices and procedures for employment of regular faculty. In particular, there shall be consideration given to principles of selection that assure the greatest opportunity for participation by underrepresented groups as required by District policies and procedures.

**Associate Faculty**
The need for associate faculty is determined by the respective colleges. Associate faculty are members of ACE and are subject to the collective bargaining agreement between the District and ACE.

**Temporary Faculty**
The need for temporary faculty (full-time) for a semester or annual basis is determined by the College President. The President or designee shall complete the online Personnel Requisition Form and obtain the appropriate approval through the Executive Management Team prior to any discussion of employment with a prospective person.

The benefits for the temporary faculty hired on a full-time basis and paid on the full-time faculty salary schedule are:

- Lowest cost medical plan for employee and eligible dependents at the time of employment. Temporary faculty may participate in other plans at their expense;

- Dental plan for employee and dependents

These procedures are subject to annual review by the Associate Vice Chancellor of Human Resources and the Executive Management Team. The coverage is subject to change contingent on the faculty collective bargaining agreement. Temporary faculty are not part of the ACE collective bargaining agreement.

Temporary faculty are not eligible for life insurance, long-term disability or state disability insurance.

---

**Date Approved: January 18, 2012**
*(Replaces current WVMCCD Procedure 3.4.4)*
AP 7214  PART TIME FACULTY: OFFICE HOURS

References:
   Education Code Section 87880;
   Article 100.7 CBA between ACE and WVMCCD

Associate members are responsible for keeping office hours for each class taught. Office hours shall be a minimum of .5 hours for each class taught.
AP 7215  ACADEMIC EMPLOYEES: PROBATIONARY CONTRACT FACULTY

References:
Education Code Sections 87600 et seq.;
Article 26 CBA between ACE and WVMCCD

The District shall employ a faculty member for the first academic year of his/her employment by contract. Any person who, at the time an employment contract is offered to him/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/her employment."

A faculty member shall be deemed to have completed his/her first contract year if he/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.

- The Board shall receive statements of the most recent evaluations.

- The Board shall receive recommendations of the Chancellor

- The Board shall consider the statement of evaluation and the recommendations in a lawful meeting of the Board.

If a contract employee is working under his/her first contract, the Board, 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.

- Employ the contract employee as a regular employee for all subsequent academic years.
If a contract employee is working under his/her second contract, the Board, 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.
- Employ the contract employee as a regular employee for all subsequent academic years.

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

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

The Board of Trustees shall give written notice of its decision and the reasons therefore to the employee on or before March 15 of the academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with the District personnel office. Failure to give the notice as required to a contract employee under his/her first or second contract shall be deemed an extension of the existing contract without change for the following academic year.

The Board of Trustees shall give written notice of its decision under Education Code Section 87609 and the reasons therefore to the employee on or before March 15 of the last academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with the District personnel office. Failure to give the notice as required to a contract employee under his/her third consecutive contract shall be deemed a decision to employ him/her as a regular employee for all subsequent academic years.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
AP 7216 ACADEMIC EMPLOYEES: GRIEVANCE PROCEDURE FOR CONTRACT DECISIONS

References:
Education Code Section 87610.1;
Article 48 CBA between ACE and WVMCCD

Grievance procedures are outlined in Article 48 in the CBA between ACE and WVMCCD. Associate faculty member procedures are outlined in Article 111.
AP 7231  SENIORITY

References:
Education Code Sections 87743 et seq., 88017(b), 88117, and 88127;
Collective bargaining agreements between unit and WVMCCD

Seniority calculation procedures and definitions are outlined in CBA between respective units and WVMCCD.

Temporary FT Faculty who went immediately to permanent FT and who did not draw a number in the correct year (the temporary year) will have the opportunity to draw a number based on the following procedure:

1. Count the number of faculty who did draw that year, for example if there were 5, we add 1 (for the drawer) and create 6 slips of papers with numbers.

2. The 6 numbers should be 0.5, 1.5, 2.5, 3.5, 4.5, 5.5 (if we use these numbers then the person who is selecting will not draw a number that had already been drawn; he or she will be drawing a unique number that will place him or her somewhere within the group).

3. The person draws

4. The number is assigned within the group accordingly; for example, if 2.5 is drawn, then the person will be placed below the person who had drawn number "2" as a seniority number.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
Every position in the classified service in the District shall be assigned a classification. These classifications will determine the salary levels that shall be applied to these positions.

Review of class specifications shall be undertaken regularly to revise and update the duties and/or responsibilities of positions in the classified service.

Individual classification reviews will proceed as outlined below:

An administrator may request a position(s) be reclassified based on reclassification criteria listed below.

1. Departmental responsibilities require significant job duties be added to a specific position(s) or
2. Significant changes in level of responsibility be added to a specific position(s).

Any reclassification that is part of a departmental reorganization has additional steps.

Making a Request

1. The administrator shall complete the District Initiated Reclassification form and obtain approval to make the request to the Associate Vice Chancellor of Human Resources.
2. The administrator shall attach any supporting documents to the form.
3. The administrator shall bear the burden of proof in respect to presenting his/her facts and substantiating evidence that the request is justified.
4. The Associate Vice Chancellor or designee shall have 90 calendar days to complete the review which includes, but is not limited to, the following:
a. Meeting with the administrator

b. Requesting additional information or seeking information from outside the District

c. Evaluating the request to ensure the reclassification is justifiable

d. Evaluating the impact of the reclassification on other positions within the District

e. Conducting an external review if necessary

f. Discussing the reclassification with the College President or Vice Chancellor

g. Discussing the reclassification with the appropriate union or employee group representative

h. Rendering a decision

5. Once the decision is made, the Associate Vice Chancellor of Human Resources will forward the recommendation on the reclassification to the administrator and any affected employees. The administrator and any affected employees will have ten (10) working days to discuss the recommendation with the Associate Vice Chancellor.

6. Any recommendation to change the salary of the position(s) will be submitted to the Board of Trustees for final approval.

7. The effective date of any salary recommendation will be the day after Board approval, except for WVMCEA: “retroactive to date received by HR.”

Date Approved: January 18, 2012
(Replaces current WVMCCD Procedures 3.21)
AP 7233  CLAIMS FOR WORK OUT OF CLASSIFICATION

Reference:
   Education Code Section 88010

Classified employees shall not be required to perform duties that are not fixed and prescribed for the position by the Board unless the duties reasonably relate to those fixed for the position, for any period of time that exceeds five working days within a 15-calendar-day period except as authorized in these procedures.

An employee may be required to perform duties inconsistent with those assigned to the position for a period of more than five working days if his/her salary is adjusted upward for the entire period he/she is required to work out of classification and in amounts that will reasonably reflect the duties required to be performed outside his/her normal assigned duties.

Out-of-class assignments are those wherein a) an employee is on an extended leave of absence of three workweeks or more and the work must be performed and b) when there is a vacant or new position in the process of being recruited where the services are required or needed to meet department operational commitments. The use of out-of-class assignments in vacant positions is intended for short-periods of time. Administrators shall submit a written rationale to justify the need for out-of-class assignments.

The person serving in the out-of-class assignment must be performing all or a majority of the duties in the temporary assignment to receive the out-of-class pay.

As a general rule, all staff assigned to serve in out-of-class assignments should meet minimum qualifications of the position. If the position is subsequently advertised, all candidates including the person serving in the out-of-class assignment must meet the minimum qualifications as verified by the Human Resources Department to be eligible to be considered for the position.

All out-of-class assignments must have prior authorization of the immediate supervisor, the department administrator, the Associate Vice Chancellor of Human Resources or designee before the work is performed.

Other than assignments based on leaves of absence and reorganization, no out-of-class assignment may exceed sixty (60) calendar days without prior authorization of the Associate Vice Chancellor of Human Resources.
Making out-of-class assignments in vacant positions does not negate the responsibility of the administration in recruiting immediately for vacant positions. Out-of-class assignments in vacant positions will not be extended beyond the 60 calendar days unless the recruitment to fill the vacant positions falls under one of the following circumstances:

- In order to extend the same employee for a 2nd 60-day period, the 1st level interviews for the vacant position must be scheduled.

- If the original recruitment deadline was extended by Human Resources, a request may be made to extend the same employee for a 2nd 60-day period, without having to meet the 1st level interview criteria above.

An out-of-class employee may only be extended one time. If there is still a need for an out-of-class assignment, another person will need to be substituted.

Out-of-class assignments in vacant management positions shall not be made. All vacant management positions to be filled on a temporary basis must be advertised internally as interim appointments in accordance with Title 5 regulations. A vacant position is one wherein the regular employee assigned to the position has resigned or retired.

Date Approved: January 18, 2012
(Replaces current WVMCCD Un-numbered Procedure)
Overtime is described in the Education Code in several sections and is defined as: “any time required to be worked in excess of eight (8) hours in any one day; necessary to carry on the business of the District; and work required to be performed beyond the forty (40) hours.” Overtime is defined to include any time required to be worked in excess of eight hours in any one day and in excess of 40 hours in any calendar week. If the Board establishes a workday of less than eight hours but seven hours or more and a workweek of less than 40 hours but thirty-five (35) hours or more for all of its classified positions or for certain classes of classified positions, all time worked in excess of the established workday and workweek shall be deemed to be overtime.

The foregoing provisions do not apply to:

- classified positions for which a workday of fewer than seven hours and a workweek of fewer than 35 hours has been established;

- positions for which a workday of eight hours and a workweek of 40 hours has been established, but in which positions employees are temporarily assigned to work fewer than eight hours per day or 40 hours per week when such reduction in hours is necessary to avoid layoffs for lack of work or lack of funds and the consent of the majority of affected employees to such reduction in hours has been first obtained.

Staff who work less than full-time are paid their regular hourly rate until they exceed 7 ½ or 8 hours (and 37 ½ or 40 hours per week) unless specified otherwise in the respective collective bargaining agreement.

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

When compensatory time off is authorized in lieu of cash compensation, such compensatory time off shall be granted within twelve (12) calendar months following the month in which the overtime was worked and without impairing the services rendered by the District.
An employee having an average workday of less than four hours during a workweek shall, for any work required to be performed on the seventh day following the commencement of his/her workweek, be compensated for at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

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

Employees who are in the WVMCEA, POA, Confidential and Teamsters employee groups are eligible for overtime.

Overtime and/or compensatory time shall be provided based on the guidelines listed below. Overtime is not required for voluntary attendance at meetings or conferences outside of the normal workday or workweek.

1. Employee obtains prior approval in accordance with the collective bargaining agreement and District procedures.

2. Employee performs work in excess of normal workday exceeding 7 ½ or 8 hours per day.

3. Employee performs work in excess of 37 ½ or 40 hours per week.

4. Employee is required to attend a work-related seminar or conference as directed by the supervisor/administrator on a weekend. Employees attending required seminars or conferences at the supervisor’s direction will be paid for the specific time of the seminar or conference and travel time to the conference and the return when the seminar/conference occurs on a weekend. Employees will be paid for mileage and meals in accordance with collective bargaining agreements and / or District policies and procedures as appropriate.

**Example:**
The conference lasts 2 days, 6 hours on one day and 3 hours on the second day. It took 2 hours to get to the conference location. The employee would be paid 9 hours overtime for the conference and 4 hours travel time. The total overtime is 13 hours.

5. Employee may be required to participate in seminars, conferences or meetings during the workweek, which may also exceed the normal workday. The following information will assist you in determining if the employee is eligible for overtime:

   a. Travel and conference time exceeds the normal workday.

   b. Normal travel time to work may be more or less to attend conference.
c. Travel and conference time combined was less than the normal workday.

d. Conference itinerary includes required and optional activities, which you may or may not approve.

e. Conference and travel time to conference allows for the employee to return to work.

**Administrator Responsibility**

1. Ensure employees are given paid overtime or compensatory time in accordance with collective bargaining agreements and policies/procedures.

2. Ensure employees work their assigned time. Employees and supervisors may adjust the work schedules to allow for doctor’s appointments, etc.

3. Consistency in treatment of employees.
AP 7235  PROBATIONARY PERIOD: CLASSIFIED EMPLOYEES

References:
- Education Code Section 88013;
- Collective Bargaining Agreement between units and WVMCCD

Probationary periods are defined per collective bargaining agreements (CBA) between respective units and the District.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
AP 7236 SUBSTITUTE AND SHORT TERM EMPLOYEES

Reference:
Education Code Section 88003

"Substitute employee" means any person employed to replace any classified employee who is temporarily absent from duty. In addition, one or more substitute employees may be hired for not more than the period that is in the collective bargaining agreement if the District is engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position.

"Short-term employee" means any person who is employed to perform a service for the District upon the completion of which the service required or similar services will not be extended or needed on a continuing basis.
AP 7250 EDUCATIONAL AND CLASSIFIED ADMINISTRATORS

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

Administrators are expected to provide for the efficient and effective administration of District and College programs. They are expected to be supportive of decisions made, treat each other with respect and consideration, and maintain a spirit of collaboration and collegiality within the shared governance framework. They are expected to be knowledgeable about District policies and procedures and applicable collective bargaining agreements.

Administrators will be responsible to the Chancellor and/or their direct supervisor for the efficient administration of the programs of the District. They have responsibilities for providing educational leadership and support services; formulating, recommending, and implementing District policies; administering District programs; adjudicating grievances; and for supervising and evaluating the performance of District faculty and staff.

In addition to those expectations and the specific duties listed in each job description, each administrator will be required:

- To administer College or District programs;
- To implement College or District policies and procedures and make policy and procedural recommendations;
- To manage their budgets and other resources effectively;
- To be responsible and accountable for the effective, efficient, ethical, and productive utilization of available human and physical resources to accomplish the goals and objectives established for their areas of responsibility;
- To keep informed of developments relative to their areas of responsibility and maintain a creative and experimental attitude toward change;
- To make recommendations regarding the organizational structure and personnel needs for their areas of responsibility;
• To participate in the selection and evaluation of personnel and to make recommendations regarding personnel within their areas;

• To establish and maintain, within their areas of responsibility, a climate that encourages the development and retention of competent personnel and achieves College and District objectives;

• To maintain effective channels of communication;

• To promote participatory governance and administrative effort within the College and District communities by working in a cooperative manner with faculty, staff, students, and other administrators;

• To establish positive relationships with the communities served by the District and its Colleges, and other educational institutions;

• To serve on committees and councils as directed;

• To attend professional meetings;

• To perform other duties as assigned or delegated.

Also see BP/AP 7260 titled Classified Administrators

Date Approved: January 18, 2012
(Replaces current WVMCCD Policies 2.17.1, 2.17.2, and 2.17.3)
AP 7270  STUDENT WORKERS

References:
   Education Code Sections 69960(f) and 88003

In accordance with Education Code Section 88003, a student worker is defined as: Fulltime 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 a community college district and who are financed by state or federal funds. Student workers shall not be a part of the classified service. Employment of either full-time or part-time students in any college work-study program, or in a work experience education program shall not result in the displacement of classified personnel or impair existing contracts for services.

The West Valley-Mission Community College District employs student workers to provide an opportunity for them to learn job skills to be successful in the workplace while enrolled as a student in the District. Student workers may assist regular employees in the performance of their duties, but students shall not be employed to perform duties normally performed by regular employees when they are on leave of absence or who have resigned/retired.

Students cannot work as student workers and as short-term classified employees (seasonal, substitute/replacement, or project-based) because earnings are subject to different tax tables limiting payroll flexibility.

Student workers are not eligible for health and welfare benefits or unemployment insurance or any other benefits afforded regular employees.

The Associate Vice Chancellor of Human Resources shall annually review the student worker salary schedule and make appropriate recommendations, if needed, to the Board of Trustees.

All employing administrators must adhere to Board policy when employing student workers.

Eligibility
Student workers are students enrolled in the District, either at West Valley College or Mission College. Students enrolled at other institutions who wish to work at WVMCCD
are not eligible to work as student workers. They may be considered for short-term employment, subject to short-term employment procedures.

Student workers are generally at least eighteen (18) years of age. If the student is less than 18 years of age but at least sixteen (16) years of age, the student must provide a student worker permit issued by the high school of enrollment or another issuing authority.

To work during the Fall and Spring semesters, student workers must be enrolled in at least six (6) semester units at West Valley College or Mission College.

To work during the Summer sessions, student workers must be enrolled in at least three (3) units or they must have been enrolled during the preceding Spring semester for at least six (6) semester units and be eligible to enroll in the Fall semester. Enrollment in summer courses is not required; however, unless the student is enrolled in at least three (3) units during the Summer semester, FICA taxes will be withheld.

To work during the Winter session, student workers must have been enrolled during the preceding Fall semester for at least six (6) semester units and be eligible to enroll in the Spring semester.

International students must be enrolled in twelve (12) units each semester.

If the student drops his/her classes and is enrolled in less than the required units noted above, they lose their eligibility and are not able to continue working as a student worker.

This also applies to work study students unless the federally funded programs have different eligibility requirements.

Student workers are responsible for notifying the Human Resources Department of any name and/or address changes.

**Work Hours**

Student workers may work up to 18 hours per week when school is in session (Fall & Spring semesters) and up to 37.5 hours per week when school is not in session (Summer sessions and Winter session). However, student workers in the Child Development Program may work additional hours for regular employees who are absent or taking breaks and to complete the learning experience to fulfill the requirements of the Early Childhood Education Program. (IRS Rev. Procedure 98-16). In the case of students with high school worker permits, the terms of the permit must be followed.

The 18 and 37.5 hour maximums include all hours worked regardless of the number of positions held within the District. Student workers who are employed in more than one department need to communicate with all supervisors involved so that their work schedule may be coordinated accordingly, to be sure that they are not working more
than the maximum hours per week. Assigning overtime to student workers is not permissible.

Should student workers become eligible for overtime due to an error in assignment, they are not eligible for overtime until they work 8 hours per day or 40 hours per week.

**Mission College Child Development Work Hours:**
Student workers in the Mission College Child Development Program are students in the program who must have a specific number of semester units in child development courses to be eligible to work. To meet state requirements for adult and child ratios, students may work more than 18 hours per week depending on the student worker level of responsibility but not more than 35 hours per week. The maximum number of hours worked and the required semester units are:

- **CDC I** – on call, substitute (up to 35 hours p/wk) (Requires completion of 6 ECE semester units)
- **CDC II** – (up to 18 hours p/wk) (Requires completion of 6 ECE semester units)
- **CDC III** – (up to 21 hours p/wk) (Requires completion of 9 ECE semester units)
- **CDC IV** – Intern (up to 25 hours p/wk) (requires completion of Section CHD 008; concurrent enrollment in Section CHD 009)

**Employment**
Each employing administrator is responsible for:

- knowledge of the procedures for the employment of student workers,
- following the procedures,
- ensuring that the student is enrolled in the appropriate units,
- reviewing the number of classes enrolled at the end of the drop period,
- processing the appropriate student worker documents,
- notifying the Payroll Department when the student worker is not enrolled in the required units and is no longer eligible for employment, and
- notifying the student worker of their ineligibility and no longer allowing them to work until they re-establish their eligibility.

The Human Resources Department will provide employment packets for student workers which will include a cover letter of instructions and additional information on pay
dates and how to receive paychecks. The packets will contain a copy of the appropriate forms, salary schedule, and pertinent Board policies.

**Salary Schedule**

Student workers are paid on the Student Worker Salary Schedule approved by the Board of Trustees. All student workers must be paid on this schedule.

The skill level and step placement are determined by the immediate supervisor or administrator.

---

*Date Approved: January 18, 2012*

*(Replaces current WVMCCD Procedure 3.2.1)*
AP 7310  NEPOTISM

References:
   Government Code Sections 1090 et seq.; and 12940 et seq.

In the event employees decide to live in the same household, the District shall make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security, or morale. The District may affect a transfer or take other appropriate action to avoid these problems.

No District employee or Board member shall serve on a committee for the purpose of selecting or evaluating an employment candidate if he/she is in the immediate family, living in the same household, or romantically involved with any candidate being considered.

Date Approved: January 18, 2012
(Replaces current WVMCCD Policies 2.13.2 and 2.13.3)
AP 7330 COMMUNICABLE DISEASE

References:
Education Code Sections 87408, 87408.6, and 88021

For all current employees:

- A medical certificate is required showing that the new hire is free from any communicable disease, including, but not limited to, active tuberculosis, unfitting the applicant to instruct or associate with students.

- The medical certificate shall be submitted by a physician as authorized by code.

- The medical examination is conducted not more than six months before the submission of the certificate and is at the expense of the applicant.

- A contract of employment may be offered to an applicant subject to the submission of the required medical certificate.

- The medical certificate becomes a part of the personnel record of the employee and is open to the employee or his/her designee.

“Communicable disease” also includes (but is not limited) to hepatitis.

Also see AP 7336 titled Certification of Freedom from Tuberculosis

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
AP 7336  CERTIFICATION OF FREEDOM FROM TUBERCULOSIS

References:
   Education Code Section 87408.6;
   Health and Safety Code Section 121525

Except as provided herein, no person shall be initially employed by the District in an academic or classified position unless the person has submitted to an examination within the past sixty (60) days to determine that he/she is free of active tuberculosis, by a physician and surgeon licensed under the California Business and Professions Code. This examination shall consist of an X-ray of the lungs, or an approved intra-dermal tuberculin test, that, if positive, shall be followed by an X-ray of the lungs. This examination is a condition of initial employment and the expense shall be borne by the applicant.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under the Business and Professions Code.

The Associate Vice Chancellor for Human Resources may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intra-dermal tuberculin test be followed by an X-ray of the lungs.

Thereafter, employees who are skin test negative are required to undergo the foregoing examination regularly upon recommendation of the local health officer for so long as the employee remains skin test negative. Once an employee has a documented positive skin test that has been followed by an X-ray, the foregoing examinations shall no longer be required and referral shall be made within 30 days of completion of the examination to the local health officer to determine the need for follow up care.

After the examination, each employee shall cause to be on file with the District a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis.

This procedure shall not apply to any employee of the District who files an affidavit stating that he/she adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his/her knowledge and belief he/she is free from active tuberculosis. If at any time
there should be probable cause to believe that the applicant is afflicted with active tuberculosis, he/she may be excluded from service until the Associate Vice Chancellor for Human Resources is satisfied that he/she is not so afflicted.

A person who transfers his/her employment from another school or community college District shall be deemed to meet the requirements of this procedure if the person can produce a certificate that shows that he/she was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the college previously employing him/her that it has a certificate on file that contains that showing.

A person who transfers his/her employment from a private or parochial elementary school, secondary school, or nursery school to the District shall be deemed to meet the requirements of this procedure if the person can produce a certificate as provided for in Health and Safety Code Section 121525 that shows that he/she was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him/her that it has the certificate on file.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
AP 7337  FINGERPRINTING / LIVE SCAN / BACKGROUND

References:
Education Code Sections 87013, 87400 - 87488 and 88024;
Penal Code Sections 11102.2 and 11077.1

The Human Resources (HR) department authorizes the District Police Department to initiate a combined California Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) Background Check concurrent with the personnel action (hiring, transfer, promotion, reclassification, or reassignment of job duties) of an individual, but no later than five days prior to a new employee’s start date.

When the individual is already an employee in the District, an additional criminal background check must be initiated and completed before the individual can begin working in a sensitive position such as the District Police.

The combined DOJ and FBI background checks use fingerprints to look for criminal convictions through the Live Scan System. The Live Scan System transmits fingerprints electronically to DOJ databases in Sacramento, California for State of California conviction results, and to the FBI for a national criminal conviction check.

Upon hire, all new employees shall be required to obtain a Live Scan application from District Police and complete the Live Scan process. The District Police, will then work with Human Resources, in the event that a criminal history is discovered. Live Scan application receipts shall be kept in the Human Resources Department.

Live Scan procedure guidelines are maintained in the Human Resources and District Police Departments.
Various types of leave of absence are noted in collective bargaining agreements. The following is the process to be followed when requesting a leave of absence.

- Complete the Request for Leave of Absence form.

- To ensure timeliness of submission and the approval process, please refer to the instructions before completing the Request for Leave of Absence form.

- When requesting a leave which requires use of sick leave for more than day-to-day sick leave, submit a completed Request for Leave of Absence form with the Physicians Verification or Medical Certification Statement to the immediate supervisor.

- The supervisor shall forward the Request for Leave of Absence complete with the Physicians Verification or Medical Certification Statement to the appropriate Human Resources Specialist.

- Leaves requiring Board of Trustees approval will be placed on a Board agenda by Human Resources.

- Human Resources will notify employees of approvals and/or denials of all leave requests.

Also see BP 7340 titled Leaves, AP 7341 titled Sabbaticals, AP 7342 titled Holidays, AP 7343 titled Industrial Accident and Illness Leave, AP 7344 titled Notifying District of Absence/Illness, BP/AP 7345 titled Catastrophic Leave, AP 7346 titled Employees Called to Military Duty, and AP 7347 titled Paid Family Leave.

Date Approved: January 18, 2012
(Replaces current WVMCCD Procedure 3.16.1)
AP 7341  SABBATICALS

References:
   Education Code Sections 87767 et seq.

The District may grant a leave of absence for study and travel (sabbatical) under to any academic employee who has rendered service to the District for at least six (6) consecutive years preceding the granting of the leave, but not more than one such leave of absence shall be granted in each six-year period.

No absence from the service of the District under a leave of absence, other than another sabbatical leave, shall be deemed a break in the continuity of service required by this section, and the period of the absence shall not be included as service in computing the six consecutive years of service required by this section.

Service under a national recognized fellowship or foundation approved by the Board of Governors, for a period of not more than one year, for research, teaching or lecturing shall not be deemed a break in continuity of service, and the period of the absence shall be included in computing the six consecutive years of service required by this section.

Every employee, as a condition to being granted a leave of absence pursuant to this procedure, shall agree in writing to render a period of service to the District following his/her return from the leave of absence that is equal to twice the period of the leave.

A written compliance report shall be filed with the Sabbatical Leave Committee by the fifth Friday of the semester of a member’s return to duty. The compliance report shall consist of the end products indicated in the proposal and documentation demonstrating that the member has completed all tasks delineated within the proposal.

The Committee shall review the report for compliance with the member’s proposal. Unsatisfactory reports shall be returned to the member for revision. Revised reports must be received by the committee within thirty (30) days of their return to the member. Extensions to those deadlines may be granted by the committee. Such extensions can only be granted in writing upon receipt of a written request from the members.

Date Approved: January 18, 2012

This is a new procedure recommended by the Policy and Procedure Service)
AP 7343  INDUSTRIAL ACCIDENT AND ILLNESS LEAVE

References:
Education Code Sections 87787 and 88192

Academic Employees
Academic employees shall be entitled to not less than sixty (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/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.

Any employee receiving benefits as a result of this section, during periods of injury or illness, shall remain within the State of California unless the Chancellor authorizes travel outside the state.

**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.

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

The Board of Trustees may require that an employee serve, or have served continuously, a specified period of time before the benefits provided by this section are made available to the person. All service of an employee prior to the effective date of any such requirement shall be credited in determining compliance with the requirement.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the Chancellor authorizes travel outside the state.

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

Date Approved: January 18, 2012

This is a new procedure recommended by the Policy and Procedure Service)
AP 7344 NOTIFYING DISTRICT OF ABSENCE/ILLNESS

References:
Collective Bargaining Agreements between units and WVMCCD

Procedures are outlined in respective Collective Bargaining Agreements (CBAs) between units and WVMCCD.

Individual departments are responsible for establishing protocols for absence notification.

Employees must follow department call-in procedures to notify the department of the reason for lateness and expected arrival time.

Unless the collective bargaining agreement provides otherwise, employees are required to complete absence forms upon return from absence as follows:

- Submit completed absence report forms to the Human Resources Specialist (hereafter referred to as Specialist).
- Incomplete or incorrect absence reports will be returned to the employee’s supervisor for correction.
- Full-time classified employee:
  - Use Classified Employee Absence Report form – obtain from Supervisor.
- Full-time academic faculty:
  - For Absence from regular class load: Use Academic Absence form – obtain from department Senior Office Coordinator (SOC).
  - For Absence from overload class: Use the Hourly / Overload Absence form.
- Part-time associate faculty or full-time academic – overload:
  - Use the Hourly / Overload Absence form.
o Complete Hourly/Overload Absence form and retain a copy for employee records.
The District has established a catastrophic leave program to permit employees of the District to donate eligible leave credits to an employee when that employee or a member of his/her family suffers from a catastrophic illness or injury. Permanent and contract employees have the option to donate accrued sick leave to be used by another employee who has, due to a catastrophic illness or injury, exhausted all paid leave.

Definitions

a. “Catastrophic illness or injury” is defined as an illness or injury that has incapacitated and is expected to completely incapacitate an employee for an extended period of time, and requires the employee to be absent from work full time.

b. Examples of catastrophic illness or injury include, but are not limited to: cancer, heart attacks or strokes, severe respiratory conditions, spinal injuries, emphysema, severe arthritis, severe nervous disorders, and Alzheimer’s.

c. “Eligible leave credits” means sick leave accrued to the donating employee.

Eligible leave credits may be donated to an employee for a catastrophic illness or injury if all of the following requirements are met:

- The employee who is, or whose family member is, suffering from a catastrophic illness or injury requests that eligible leave credits be donated and provides verification of catastrophic injury or illness.

- The Associate Vice Chancellor of Human Resources or designee determines that the employee is unable to work due to the employee’s or his/her family member's catastrophic illness or injury.

- The employee has exhausted all accrued paid leave credits. If the transfer of eligible leave credits is approved, any employee may, upon written notice, donate eligible leave credits at a minimum of eight hours and in hour increments thereafter.
The maximum amount of time for which donated leave credits may be used shall not exceed use for a maximum period of twelve (12) consecutive months.

Verification of catastrophic injury or illness shall be required.

All transfers of eligible leave credit shall be irrevocable.

An employee who receives paid leave pursuant to this procedure shall use any leave credits that he/she continues to accrue on a monthly basis prior to receiving such leave.

Donation of Sick Leave

a. Employees who donate sick leave must retain the equivalent of at least thirty (30) days of accrued sick leave before becoming eligible to donate sick leave to cover catastrophic leave.

b. Employees may donate leave in a minimum increment of eight (8) hours.

c. All donations of leave credit are irrevocable.

d. Employees must fill out a form, to be supplied by Human Resources, in order to donate sick leave to cover catastrophic leave.

Requests for Catastrophic Leave

a. Requests for catastrophic leave must be in writing.

b. The District shall determine whether an employee is eligible to receive donated leave credit.

c. Employees on catastrophic leave shall continue to use any leave credit they accrue on a monthly basis, prior to receiving catastrophic leave.

d. The maximum amount of time that donated leave credits may be used shall not exceed 12 consecutive months.

Date Approved: January 18, 2012
(Replaces current WVMCCD Policy 3.15)
AP 7346 EMPLOYEES CALLED TO MILITARY DUTY

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

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

   a. The difference between the amount of his/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.

   b. 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.
1) Employees returning from military leave shall have their salary adjusted to reflect changes to the salary schedule. No adjustment will be made for merit increases.

Health Benefits

1. An employee on military leave for less than thirty-one (31) calendar days shall continue to receive health insurance benefits.

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

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

Vacation and Sick Leave

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

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

3. Any employee on temporary military leave for training who has worked for the District for at least one (1) year shall continue to accrue vacation, sick leave, and holiday privileges up to a maximum period of 180 days.

   a. Reinstatement
      An employee on active military leave shall be entitled to return to the position held by him/her at the time of his/her entrance into the service within six (6) months after the employee honorably leaves the service or is placed on inactive duty.

1) In the case of a contract academic employee, absence on military leave shall not count as part of the service required for the acquisition of tenure, but the absence shall not be construed as a break in the continuity of service. If the employee was employed by the District for more than one (1) year, but had not yet become a regular academic employee of the District, he or she is entitled to return to the position for the period of time his/her contract of employment had to run at the time he or she entered military service.
2) In the case of an academic employee, absence on military leave shall not be construed as a break in the continuity of service.

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

Date Approved: January 18, 2012
(Replaces current WVMCCD Procedure 3.19.8)
References:
Unemployment Insurance Code Sections 3300 – 3303

Effective July 1, 2004, employees who contribute to the state’s unemployment compensation disability insurance (SDI) program shall be eligible for up to six weeks of Family Temporary Disability Leave (FTDL). This leave is funded entirely through employee contributions and payments are equal to those the employee would receive for other SDI leave.

The employee may take the leave to care for:

- His/her own non-work-related serious health condition (including pregnancy-related disability);
- a child, spouse, parent, or domestic partner with a serious health condition; or
- to bond with a new child.

“Serious health condition” is defined exactly the same as in the Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

An employee requesting FTDL leave:

- is eligible for the leave once in a 12-month period;
- is subject to a seven day waiting period;
- may be required to use up to two weeks of accrued but unused vacation leave before beginning FTDL (including the seven day waiting period); and
- may have his/her time run concurrently with FMLA/CFRA leave.

An employee is not eligible for this leave if:

- he/she is receiving unemployment benefits;
- he/she is entitled to receive workers’ compensation benefits;
• he/she is eligible for SDI or disability benefits from another state;

• another family member is “able and available” to provide care.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
Employees who resign or retire from the District are expected to provide written advance notice. Advance notice of two (2) weeks is appreciated. One (1) month’s notice is preferred in the event of a retirement. When notice is given, it should be directed to the employee’s department and to Human Resources.

Individuals who leave employment with the District are expected to return District property, and satisfy outstanding financial or other obligations before the last workday. Administrators are responsible for ensuring that all District property is obtained from all terminating employees and that financial obligations are satisfied.

Upon termination of employment, the supervisor must make appropriate arrangements to discontinue an employee’s password and/or access to all District information systems. This may include, but is not limited to, financial, employee, departmental, local area network, and student information systems and e-mail accounts. It also includes building and petty cash security system codes and combinations to which the employee may have had access.

All employees whether they are resigning or retiring must submit a letter of resignation or complete an Employee Separation Form (available on the District website) and submit a copy to his/her department supervisor and send the original to the Human Resources Department.

The date the resignation will become effective as determined by the Human Resources Department which shall not be later than the last paid day of paid service in the employee’s regular assignment. For employees who retire from the District, the resignation date must be prior to the retirement date. The retirement date should be discussed with a PERS/STRS representative.

All voluntary letters of resignation in lieu of the Employee Separation Form are subject to the approval of the Associate Vice Chancellor of Human Resources. Letters may not include “intention” to resign or retire and may not include “any special conditions of resignation or retirement” outside those already provided in the employee handbooks and/or collective bargaining agreements. Unacceptable letters or resignation forms not complying with policy or these administrative procedures will be returned to the employee with an explanation.
The District retains the right to negotiate employee resignations when it is determined to be in the best interest of the District and/or the employee. The employee may have a union representative present at these negotiations.

Once the Human Resources Specialist receives the resignation document, he/she will date stamp the document as received and prepare an agenda item for subsequent Board of Trustees acceptance. The resignation becomes official when it is accepted by the Board.

Once the resignation is received by Human Resources, it cannot be rescinded unless approved by the Chancellor. Such approval must be in writing on the resignation document and forwarded to Human Resources for action.

The Human Resources Specialist will forward a confirmation email or letter to the employee after Board of Trustees action to confirm resignation acceptance and the effective date. The Human Resources Specialist will include in this letter information on completing the Exit Interview Checklist, submission of all absence report forms, and the Voluntary Exit Interview Questionnaire. The checklist and questionnaire forms are available on the District website.

The Human Resources Specialist is responsible for providing appropriate documents to the Payroll Office for terminating employees and providing information to the Benefits Specialist for retiring employees.

**Retiring Employees**
Retiring employees must submit a letter or separation form to document resignation for the purpose of retiring. If submitting a personal letter, the details must include the specific date of resignation. Your retirement date may be noted in the letter but is not required.

The retirement date is between the employee and the retirement system. The following information is provided for retiring employees.

**CalPERS**

- Employee must contact CalPERS at 1-888-CalPERS or 1-888-225-7377 to obtain a Service Retirement Election Application and schedule an appointment with a CalPERS counselor.
- Before submitting completed application to CalPERS the employee must contact the Specialist at least thirty (30) days prior to retirement regarding sick leave hours.
- For additional information you may visit the CalPERS website at www.calpers.ca.gov
CalSTRS

- Employee must contact CalSTRS at 1-800-228-5453 to obtain a retirement packet.
- Employee must contact Specialist to obtain an Express Benefits Report to submit with a completed retirement packet to CalSTRS no sooner than the quarter prior to retirement.
- Retirement workshops for academic employees are conducted by STRS.
- For additional information you may visit the CalSTRS website at www.calstrs.com
AP 7355  EMPLOYEE COMPLAINTS

References:
   No specific references

Informal Level
The involved parties, complainant and employee, are encouraged to make every attempt to satisfactorily resolve the complaint on an informal basis. If the matter is resolved to the satisfaction of both parties, no further action will be taken, and there will be no record made or retained of the complaint.

Formal Level

Level I
If for any reason the complainant does not want to meet with the employee, or if he/she is not satisfied with the results of the informal meeting, he/she shall make a written statement of complaint stating as specifically as possible times, actions, places, and desired results within ten (10) working days of the alleged occurrence. If at this point the complainant does not make a written statement or files the complaint in an untimely manner, the matter shall be dropped.

The complainant shall send the written complaint to the immediate supervisor who will provide a copy to the employee. A conference between the employee, immediate supervisor, and the complainant shall be called by the immediate supervisor within five (5) working days after receipt of the written complaint in an effort to reach an agreement on what actions, if any, should be taken with regard to the complaint. The discussion should stay within the framework of the written complaint. A letter recording the conclusions reached at the meeting shall be written by the immediate supervisor and sent to the complainant, employee and the next level administrator (administrator to whom the immediate supervisor reports) within ten (10) working days of the meeting. Only those complaints judged to be valid by the immediate supervisor shall be placed in the employee’s personnel file in accordance with the protections cited in Section 87031 of the Education Code. Any filing of documents to an employee’s personnel file requires approval of the Associate Vice Chancellor of Human Resources. Records of complaints judged to be invalid by the immediate supervisor shall be destroyed. If the complaint is ruled to be invalid, the employee may choose to have the record kept in his/her personnel file. If the parties cannot come to resolution, the complainant may appeal to the next level administrator (administrator to whom the immediate supervisor reports).
Level II
If a solution agreeable to all parties is not achieved at the first level, the complainant and/or the employee may request in writing within ten (10) working days of receiving the resolution or results of the Level I meeting for a conference with the next level administrator (administrator to whom the immediate supervisor reports). The next level administrator shall schedule a meeting with the individual filing the complaint to the second level. The next level administrator shall hear the complaint and make a determination. The employee’s immediate supervisor shall also be present at this meeting. Any of these three persons may request the complainant to be present.

Level III
If a solution agreeable to all parties is not achieved at the second level, the complainant and/or the employee may request in writing within ten (10) working days of receiving the resolution or results of the Level II meeting for a conference with the College President or Vice Chancellor as appropriate. The College President or Vice Chancellor shall schedule a meeting with the individual filing the complaint to the third level. The College President or Vice Chancellor shall hear the complaint and make a determination. The employee’s immediate supervisor shall also be present at this meeting. Any of these three persons may request the complainant to be present.

Level IV
If the matter is still not resolved to the satisfaction of all parties at the third level, the following procedure may be exercised by any of the parties within ten (10) working days of the conference held at Level III.

1. A written appeal to the Chancellor. The Chancellor will provide a written administrative determination to the parties within ten (10) working days of receiving the appeal. If any of the parties are still not satisfied with the Chancellor’s determination, he/she may file a written appeal within ten (10) working days to the Board of Trustees for final disposition.

2. A written appeal to the Board of Trustees for final disposition by any dissatisfied party. The Board of Trustees will issue a final District decision in the matter within forty-five (45) days after receiving the appeal. Alternatively, the Board of Trustees may elect to take no action within forty-five (45) days, in which case the Chancellor’s decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the Board of Trustees will be forwarded to the parties of the complaint.

Date Approved: January 18, 2012
(Replaces current WVMCCD Procedure 3.10.2)
AP 7360 DISCIPLINE AND DISMISSEALS – ACADEMIC EMPLOYEES

References:
Education Code Sections 87669 and 87732

Causes for Discipline
A regular employee or academic employee may be dismissed or penalized for one or more of the following causes:

- Immoral or unprofessional conduct.
- Dishonesty.
- Unsatisfactory performance.
- Evident unfitness for service.
- Physical or mental condition that makes him/her unfit to instruct or associate with students.
- Persistent violation of, or refusal to obey, the school laws of the state or reasonable regulations prescribed for the government of the community colleges by the Board of Governors or by the Board of Trustees of the District.
- Conviction of a felony or of any crime involving moral turpitude.
- Conduct specified in Government Code Section 1028. (i.e., knowing membership in the Communist Party or of any organization which advocates the overthrow of the government of the United States by force or violence.)

Background Checks
Background checks may be conducted as part of disciplinary or harassment investigations. (Civil Code Sections 1786 et seq. Fair Credit Reporting Act)

Advanced notice of discipline/harassment investigations shall be provided to those under investigation. If the investigation results in action that adversely affects the employee, the employee shall receive oral, written, or electronic notice of:

- the adverse action;
• the name, address, and telephone number of the third party agency that furnished the report;

• the employee’s right to obtain a free copy of the report; and

• the employee’s right to dispute the accuracy or completeness of any of the information in the report.

Notice and Appeal
The District shall not act upon any charges of unprofessional conduct or unsatisfactory performance unless during the preceding term or half college year prior to the date of the filing of the charge, and at least ninety (90) days prior to the date of the filing, the employee against whom the charge is filed has been given written notice of the unprofessional conduct or unsatisfactory performance, specifying the nature of the conduct with specific instances of behavior and with particularity to permit the employee an opportunity to correct his or her faults and overcome the grounds for the charge. The written notice shall include the most recent evaluation of the employee.

If the Board decides it intends to dismiss or penalize a contract or regular employee, a written statement, signed and verified, shall be delivered to the employee setting forth the complete and precise decision of the Board and the reasons for the decision.

The written statement shall be delivered by serving it personally on the employee or by mailing it by United States registered mail to the employee at his/her address last known to the District.

If the employee objects to the decision on any ground, the employee shall give written notice of the objection to the Board, the Chancellor and the president of the college at which the employee serves of his/her objection within thirty (30) days of the date of the service of the notice.

Within 30 days of receipt of the employee’s demand for a hearing, the employee and the Associate Vice Chancellor of Human Resources shall attempt to agree upon an arbitrator to hear the matter. When there is agreement as to the arbitrator, the Associate Vice Chancellor shall enter into the records of the Board of Trustees written confirmation of the agreement signed by the employee and an authorized representative of the district. Upon entry of such confirmation, the arbitrator shall assume complete and sole jurisdiction over the matter.

If within 30 days of the receipt of the employee’s demand for hearing, no written agreement has been reached between the employee and the district regarding appointment of an arbitrator, the District will certify the matter to the California State Office of Administrative Hearings and request the appointment of an administrative law judge.
Upon appointment, the arbitrator or the Administrative Law Judge shall conduct the proceedings in accordance with the California Administrative Procedures Act, except that the right of discovery shall not be limited to those matters set forth in Government Code Section 11507.6 but shall include the rights and duties of any party in a civil action brought in a superior court. In all cases, discovery shall be completed prior to one week before the date set for hearing.

The arbitrator or Administrative Law Judge shall determine whether there is cause to dismiss or penalize the employee. If the arbitrator finds cause, the arbitrator shall determine whether the employee shall be dismissed, the precise penalty to be imposed, and whether the decision should be imposed immediately or be postponed.

No witness shall be permitted to testify at the hearing except upon oath or affirmation. No testimony shall be given or evidence introduced relating to matters that occurred more than four years prior to the date of the filing of the notice. Evidence of records regularly kept by the District concerning the employee may be introduced, but no decision relating to the dismissal or suspension of any employee shall be made based on charges or evidence of any nature relating to matters occurring more than four years prior to the filing of the notice.

The decision of the arbitrator or Administrative Law Judge will be made in writing and provided to all parties.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
AP 7365  DISCIPLINE AND DISMISSALS – CLASSIFIED EMPLOYEES

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

Grounds for Discipline
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:

- 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 for a significant period of time.
- Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his position.
- Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision or to conform to duly established orders or directions of persons in a supervisory position or insulting or demeaning the authority of an administrator.
- Dishonesty involving employment.
- Being under the influence of alcohol or illegal drugs or narcotics while on duty, being impaired by alcohol or illegal drugs in your biological system while on duty which could impact your ability to do your job.
- Excessive absenteeism.
- Inexcusable absence without leave.
- Abuse of sick leave, i.e., taking sick leave without a doctor's certificate when one is required, or misuse of sick leave.
• 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. The Office of Human Resources may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline, or the determination if such conviction is an offense involving moral turpitude. 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.

• Discourteous treatment of the public or other employees.

• Improper or unauthorized use of District property.

• Refusal to subscribe to any oath or affirmation that is required by law in connection with District employment.

• 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.

• Inattention to duty, tardiness, indolence, carelessness, or negligence in the care and handling of District property.

• Violation of the rules and regulations published in any department.

• Mental or physical impairment that render 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.

• 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 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.

• Willful violation of any of the provisions of the ordinances, resolutions or any rules, regulations or policies, which may be prescribed by the District.

• Improper political activity. Example: Those campaigning for or espousing the election or non-election of any candidate in national, state, county or municipal
elections while on duty and/or during working hours or the dissemination of political material of any kind while on duty and/or during working hours.

- Working overtime without authorization.

**Background Checks**
Background checks may be conducted as part of disciplinary or harassment investigations. (Civil Code Sections 1786 et seq. Fair Credit Reporting Act)

Advanced notice of discipline/harassment investigations shall be provided to those under investigation. If the investigation results in action that adversely affects the employee, the employee shall receive oral, written, or electronic notice of:

- the adverse action;
- the name, address, and telephone number of the third party agency that furnished the report;
- the employee’s right to obtain a free copy of the report; and
- the employee’s right to dispute the accuracy or completeness of any of the information in the report.

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

**Reduction in pay or demotion** – The District may reduce the pay or demote an employee whose performance of the required duties falls below standard, or for misconduct.

**Suspension** – An employee may be suspended for disciplinary purposes without 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 of Intent – Whenever the District intends to suspend an employee, demote the employee, or dismiss the employee, the employee shall be given a written notice of discipline which sets forth the following:

- The disciplinary action intended;
- The specific charges upon which the action is based;
- A factual summary of the grounds upon which the charges are based;
- A copy of all written materials, reports, or documents upon which the discipline is based;
- Notice of the employee’s right to respond to the charges either orally or in writing to the appropriate administrator;
- The date, time and person before whom the employee may respond in no less than five working days;
- Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

Response by Employee – The employee shall have the right to respond to the appropriate administrator orally or in writing. The employee shall have a right to be represented at any meeting set to hear the employee’s response. In cases of suspensions, demotions, or dismissal, the employee’s response will be considered before final action is taken.

Final Notice – After the response or the expiration of the employee’s time to respond to the notice of intent, the appropriate authority shall:

- dismiss the notice of intent and take no disciplinary action against the employee; or
- modify the intended disciplinary action; or
- prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:
  - The disciplinary action taken;
  - The effective date of the disciplinary action taken;
  - Specific charges upon which the action is based;
  - A factual summary of the facts upon which the charges are based;
The written materials reports and documents upon which the disciplinary action is based;

The employee’s right to appeal.

**Appeal and Request for Hearing** – If a classified employee, having been issued the final notice of disciplinary action, wants to appeal the action, he/she shall within ten calendar days from the date of receipt of the notice, appeal to the Board of Trustees by filing a written answer to the charges and a request for hearing with the Associate Vice Chancellor of Human Resources.

**Time for Hearing** – The Board of Trustees shall, within a reasonable time from the filing of the appeal, commence the hearing. The Board may conduct the hearing itself, or it may secure the services of an experienced hearing officer or Administrative Law Judge, mutually selected by the District and the employee, to conduct a hearing and render a proposed decision for consideration by the Board. However, in every case, the decision of the Board itself shall be final. The Board of Trustees may affirm, modify or revoke the discipline. Any employee, having filed an appeal with the Board and having been notified of the time and place of the hearing, who fails to make an appearance before the Board, may be deemed to have abandoned his or her appeal. In this event, the Board may dismiss the appeal.

**Record of Proceedings and Costs** – All disciplinary appeal hearings may, at the discretion of either party or the Board of Trustees, be recorded by a court reporter. Any hearing which does not utilize a court reporter shall be recorded by audio tapes. If a court reporter is requested by either party, that party shall pay the cost of the court reporter.

**Conduct of the Hearing**
The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses but hearings shall be conducted in a manner most conducive to determination of the truth.

Any relevant evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.

Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence that shall not be sufficient in itself to support a finding unless it would admissible over objection in civil actions.

The rules dealing with privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.

Irrelevant and unduly repetitious evidence may be excluded.
The Board shall determine relevancy, weight, and credibility of testimony and evidence. Decisions made by the Board shall not be invalidated by any informality in the proceedings.

During examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.

**Burden of Proof** – In a disciplinary appeal the District has the burden of proof by preponderance of the evidence.

**Proceed with Hearing or Request for Continuance** – Each side should be asked if it is ready to proceed. If either side is not ready and wishes a continuance, good cause must be stated.

**Testimony under Oath** – All witnesses shall be sworn in for the record prior to offering testimony at the hearing. The chairperson will request the witnesses to raise their right hand and respond to the following:

“Do you swear that the testimony you are about to give at this hearing is the truth, the whole truth and nothing but the truth?”

**Presentation of the Case** – The hearing shall proceed in the following order unless the Board of Trustees, for special reason, directs otherwise:

- The party imposing discipline (District) shall be permitted to make an opening statement.
- The appealing party (employee) shall be permitted to make an opening statement.
- The District shall produce its evidence.
- The party appealing from such disciplinary action (employee) may then offer their evidence.
- The District followed by the appealing party (employee) may offer rebutting evidence.
- Closing arguments shall be permitted at the discretion of the Board of Trustees. The party with the burden of proof shall have the right to go first and to close the hearing by making the last argument. The Board may place a time limit on closing arguments. The Board or the parties may request the submission of written briefs. After the request for submittal of written briefs, the Board will determine whether to allow the parties to submit written briefs and determine the number of pages of briefs.
Procedure for the Parties – The District representative and the employee representative will address their remarks, including objections, to the President of the Board. Objections may be ruled upon summarily or argument may be permitted. The Board reserves the right to terminate argument at any time and issue a ruling regarding an objection or any other matter, and thereafter the representative shall continue with the presentation of their case.

Right to Control Proceedings – While the parties are generally free to present their case in the order that they prefer, the Board reserves the right to control the proceedings, including, but not limited to, altering the order of witnesses, limiting redundant or irrelevant testimony, or by the direct questioning of witnesses.

Hearing Demeanor and Behavior – All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity or personal behavior of their adversaries or members of the Board of Trustees.

Deliberation Upon the Case – The Board of Trustees should consider all oral and documentary evidence, the credibility of witnesses, and other appropriate factors in reaching their decision. The Board may deliberate at the close of the hearing or at a later fixed date and time. In those cases where the Board has received a proposed decision from a hearing officer or Administrative Law Judge, the proposed decision, the record of the hearing and all documentary evidence shall be available for review by the Board when it deliberates.

Written Findings, Conclusion, and Decision – The Board shall render its findings, conclusions and decision as soon after the conclusion of the hearing as possible. A finding must be made by the Board on each material issue. The Board may sustain or reject any or all of the charges filed against the employee. The Board may sustain, reject, or modify the disciplinary action invoked against the employee. In those cases where the Board has received a proposed decision from a hearing officer or Administrative Law Judge, the Board may adopt the proposed decision, modify the proposed decision or render a new decision. If the Board recommends reinstatement of the terminated employee, the employee is only entitled to back pay minus the sum the employee has earned during the period of absence.

Decision of the Board to be Final – The decision of the Board of Trustees in all cases shall be final.

Emergency Suspension – If an employee’s conduct presents an immediate threat to the health and safety of the employee or others, the employee may be suspended without compliance with the provisions this procedure. However, as soon as possible after suspension, the employee shall be given notice as set forth herein.
Record Filed – When final action is taken, the documents shall be placed in the employee’s personnel file.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
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.

District employees may exercise all rights of citizenship, including campaigning for or against a candidate or ballot measure, on their own time, provided the following conditions are met:

- Campaign activities may be undertaken only at times when the employee is not required to perform duties for the District. Distributing campaign materials while on duty as an employee of the District is prohibited;

- District resources shall not be used to campaign for or against a candidate or ballot measure. District resources include computers, copying equipment, telephones, mailboxes, e-mail, phone mail, faxes, staff time, etc.;

- Reasonable steps must be taken to clarify that the District employee is acting in an individual capacity and does not represent the District;

- All other restrictions imposed by the Political Reform Act of 1976 and other provisions of law are followed;

- All College and/or District regulations are respected; and

- A careful accounting of the time used in campaigning should be maintained so that there is no question of impropriety.

Candidates for office may be invited to address a class or forum provided the following conditions are met:

- All candidates for a particular office are offered the same opportunity to address the class or forum, although not necessarily at the same time; and

- The discussion or debate of candidates is directly related to the course matter being taught.
District employees, employee organizations, or student organizations are encouraged to invite declared candidates for office to address groups on campus provided the following conditions are met:

- The presentation does not interfere with the educational programs or processes of the Colleges and/or District;
- All candidates for a particular office are offered the same opportunity to address groups on campus, although not necessarily at the same time; and
- All candidates for a particular office are offered the same opportunity to address students in an in-classroom forum, although not necessarily at the same time.

Declared candidates for office and proponents or opponents of political issues and candidates who wish to speak or distribute materials on campus may do so provided all District and College regulations related to time, place, and manner of speech are respected. Candidates or proponents or opponents of specific issues may not use District resources to prepare or distribute materials on campus.

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.

An officer or employee of the District may solicit or receive political funds or contributions to promote the support or defeat of a ballot measure that would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of the District. Such activities are prohibited during working hours, and entry into buildings and grounds of the District during working hours is prohibited. Such activities are permitted during nonworking time. “Nonworking time” means time outside an employees’ working hours, whether before or after the work day or during the employees’ lunch period or other breaks during the day.
Also see BP/AP 3900 titled Speech: Time, Place, and Manner as well as BP/AP 7340 titled Leaves.

Date Approved: January 18, 2012
(Replaces current WVMCCD Policies 2.16.1, 2.16.2, 2.16.3, 2.16.4 and Procedure 2.16)
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, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
AP 7380 RETIREE HEALTH BENEFITS – ACADEMIC EMPLOYEES

References:
- Education Code Sections 7000 et seq.;
- BP 7380 titled Retiree Health Benefits – Academic Employees;
- Article 14, Collective Bargaining Agreement between ACE and WVMCCD

In addition to BP 7380 titled Retiree Health Benefits – Academic Employees, which contains the minimum necessary to meet statutory requirements, the procedure is outlined in Article 14 of the CBA between ACE and WVMCCD.

Date Approved: January 18, 2012
(This is a new procedure recommended by the Policy and Procedure Service)
AP 7385  SALARY DEDUCTIONS

References:
Education Code Sections 87040, 87833, 87834, and 88167;
Government Code Sections 3540 et seq.

Regular and contract faculty, members of the classified service, and administrative staff may, for the purpose of deferring taxation on compensation, enter into amendments to their contracts of employment for the purpose of effecting a reduction in the salary paid them by contacting the Human Resources Department.

The Fiscal Services and/or Human Resources Department as appropriate shall deposit the deferred compensation with Public Employees Retirement System, State Teachers Retirement System, any commercial insurance company, or other investment company chosen by the individual employee and which meets the criteria of Section 403(b) of the Internal Revenue Code and the requirements of the District.

Date Approved: January 18, 2012
(Replaces current WVMCCD Procedure 3.12)
AP 7400 TRAVEL

Reference:
Education Code Section 87032

Prior to the conference, the employee must complete the “Request and Estimated Cost” sections of the form and submit it to their supervisor/budget administrator for approval.

Prepayment of some expenses may be made by Finance once the request and estimated costs have been approved. If requested, the Finance Department will process expenses such as registration, hotel and travel (airfare) for prepayment. In order to obtain prepayment, the requestor must be an employee. Independent contractors must request payment of expenses through their existing purchase order for services.

Employees shall make their own travel arrangements. If prepayment of expenses is requested, the employee shall submit a purchase requisition or a check request for each vendor to receive a check for prepayment. A copy of the approved and signed conference attendance form and back-up documentation for the prepayment expenses must accompany the check request. Checks for prepayments will be made payable to the vendor only. Checks for prepayments will not be made payable to employees.

Following the conference, complete the “reimbursement” section of the original form (including all prepaid expenses), attach all applicable receipts, secure appropriate approval signatures, and submit the form to Accounts Payable. The form and documentation will be reviewed by Accounts Payable who will then issue a reimbursement check.

Mileage for the use of your personal car will be reimbursed at the current IRS-approved rate. Reimbursement will be based upon the general mileage distance guide, if one has been established for the location of the conference. If not, record and submit the distance from the District/College (not home) to the conference destination. Mileage for personal excursions while at the conference will not be reimbursed.

If you are required to attend a District-related activity on the weekend, and Saturday and/or Sunday are not a regular workday, you may claim the mileage distance from your residence to the off-site location.

When traveling between campuses, mileage may be claimed for roundtrip travel if the employee is returning to his/her primary work location to continue the workday. If the employee travels to the sister college and ends his/her work day at that location,
mileage may only be claimed one way. If an employee starts and/or ends his/her workday at a location other than the primary work location, mileage may be claimed from the primary work location to the off-site work location (not including District sites).

Mileage claims may be submitted as frequently as needed, but not less than once a quarter.

All expenses, other than meals and mileage, must have original receipts before reimbursement will be made. Claims should not be submitted for meals included as part of the conference registration fee. Meals will be reimbursed based on an area rate pre-determined by the District. Unless specifically authorized by the Chancellor, Vice Chancellor, or College Presidents, meal amounts exceeding the per-diem limit will not be reimbursed. If meals are charged on a District-issued credit card, the employee will be responsible for the difference of the actual charge and the per-diem limit.

Expense items for the following will not be reimbursed: expenses for spouse or children, personal use items, hotel laundry, in-house movies, alcoholic beverages, telephone calls (other than for Conference/District business).

The use of personal vehicles by employees on District business is at the employee’s own risk. An employee’s personal vehicle insurance is considered primary coverage.

Also see BP/AP 2735 titled Board Member Travel, BP/AP 4300 titled Field Trips and Excursions, and AP 6530 titled District Vehicles

Date Approved: January 18, 2012
(Replaces current WVMCCD Policy 6.18.6 and Procedure 6.9)
AP 7500 VOLUNTEERS

References:
No specific references

Each volunteer is subject to the screening process set forth in these procedures with the following exception: individuals serving as volunteers in Associated Student Organization (ASO) officer positions at the colleges. ASO officers are not entitled to defense and indemnity by the District.

The Associate Vice Chancellor of Human Resources may authorize suspension of the screening process when he/she believes that this process is not necessary for the volunteers serving in the particular event.

General
1. The District may enter into agreements with outside organizations to provide volunteers to the District to work at college locations. Such agreements will contain appropriate defense and indemnification language to protect the District from liability in connection with the volunteer services.

2. Volunteers serve the District in an "at will" capacity. The District may terminate a volunteer's services for any reason or no reason at all.

3. Pursuant to Government Code section 3119.5, no person aged sixty (60) years or older may be excluded from volunteer service if the person is physically, mentally and professionally capable of performing the services involved. A person shall be deemed "professionally capable" if he/she can demonstrate reasonable proficiency or relevant certification and performs his/her professional duties in accordance with laws, regulations or the technical standards that govern his/her area of volunteer responsibility.

4. Volunteers may not be used in lieu of classified employees. The District may not refuse to employ a person in a vacant classified position and use volunteers instead, nor may it abolish any classified positions and use volunteers instead. Volunteers may assist employees in the performance of their duties.

5. Volunteer services in a department cannot exceed more than eighteen (18) hours per week with the exception of special events, athletics, and management assignments.
6. The following are titles of services volunteers may perform:
   
a. Instructional assistant
b. Coaching assistant
c. Clerical
d. Tutor
e. Note taker
f. Managerial
g. Special events

Screening
1. The District may use a written application form that requires, at a minimum, the volunteer's name, address, phone number and history of convictions.

2. A volunteer's service record shall be maintained by the Human Resources Department.

3. Subject to the limitations of this policy, employees assigned to other positions within the District may serve as volunteers during off-hours.

4. Fingerprints shall be required.

5. A tuberculosis clearance shall be required.

6. No person may serve as a volunteer in the District if:
   
a. He/she has been convicted of or if he/she has charges pending which pertains to any sex offense (as defined in Education Code Section 87010), or controlled substance offense (as defined in Education Code Section 87011).

b. He/she has been convicted of a crime and the Associate Vice Chancellor of Human Resources determines that: the nature of the crime is too serious to serve as a volunteer; the crime was too recent; and/or the crime is inconsistent with obligations in performing assigned duties as a volunteer.

c. He/she has a health condition that would preclude him/her from satisfactorily performing essential duties of the position.

d. He/she makes a false statement or omits a statement as to any material fact on the application form.

Incidental Expenses
Persons serving without pay as volunteers may receive reimbursement for incidental expenses with prior approval of the Vice Chancellor of Administrative Services.
Benefits
Volunteers are employees of the District only for the purpose of worker's compensation benefits for injuries sustained while engaged in the performance of any service under the direction and control of the District. With the exception of worker's compensation (Education Code Section 72401), volunteers shall serve without any type of compensation or any other benefits granted to District employees. Volunteers shall not be entitled to defense and indemnity from the District.

Date Approved: January 18, 2012
(Replaces current WVMCCD Procedure 3.22)
AP 7510  DOMESTIC PARTNERS

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

The District has established a Domestic Partner health insurance policy. This policy extends benefits to the domestic partner of a regular employee if they meet the eligibility requirements as outlined in the "Affidavit of Domestic Partnership."

Employees requesting this additional benefit must provide written documentation that they have been residing together for at least six (6) months prior to the time of application for benefits, complete the Affidavit of Domestic Partnership form, and provide two documents to verify financial interdependence. Examples of acceptable documentation may include: rental receipts, mortgage agreements, bank statements or utility bills, all of which must be in the name of the employee and the domestic partner. Please refer to the “Affidavit of Domestic Partnership" for the specific requirements.

If the domestic partnership ceases, the employee has thirty (30) calendar days to notify the Human Resources Specialist – Benefits or designee verbally or in writing of the termination of the relationship and to file an "Affidavit of Termination of Domestic Partnership" with the District.

There may be tax or legal consequences to the employee resulting from the domestic partnership benefits. The employee should contact a tax advisor or an attorney if s/he has any questions regarding the tax/legal implications of signing the Affidavit of Domestic Partnership.

The eligible period to add a domestic partner is six months from the effective date of the domestic partnership or open enrollment, whichever occurs later.

Date Adopted: January 18, 2012
(Replaces current WVMCCD Procedure 3.15)
References:
Education Code Section 72330-72332;
Government Code Sections 3300 et seq.;
Penal Code Section 830.32(a);
Penal Code Section 830.6;
Peace Officer Standards and Training Regulations

The Vice Chancellor is delegated the responsibility to establish minimum qualifications of employment for the District Chief of Police including but not limited to the conditions contained in District Policy and the California Commission on Peace Officer Standards and Training (POST) requirements.

Every member of the police department first employed by the District before July 1, 1999, must, in order to retain his or her employment, meet the requirements of Education Code Section 72330.2. All sworn personnel must meet the minimum qualifications set forth in the following Codes and Regulations: Penal Code 830.32, Education Code 72330 and California Peace Officer Standards and Training Regulations.

Badges and departmental identification shall be issued for sworn personnel in compliance with Education Code 72331.

Salaries for college police shall be established after appropriate negotiations with their exclusive representative. If no such unit is established, salaries shall be recommended by the Associate Vice Chancellor of Human Resources.

The Chief of Police shall issue such other regulations as may be necessary for the administration of the District Police, including, but not limited to:

- Schedules and shifts
- Call back procedures
- Use of Force/Weapons practices
- Use of vehicles
- Pursuit practices
- Discipline procedures
- Complaints against Peace Officers
- Training
The District Police shall cooperate with local law enforcement 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;
- Mutual aid procedures.

The Administrative responsibility for District Police services shall rest with the District Police Chief under the Vice Chancellor.

Per state law, an operations manual consisting of departmental policies and procedures shall be developed by the Chief of Police and maintained for departmental personnel and available for review by the public upon request.

A Reserve Officer program may be established to meet the needs of the department. The Reserve Officer program shall not supplant full-time police officers.

Date Approved: January 18, 2012
AP 7700  WHISTLEBLOWER PROTECTION

References:
  Education Code Sections 87160-87164;
  Government Code Section 53296;
  Labor Code Section 1102.5;
  Private Attorney General Act of 2004 (Labor Code Section 2698)

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, reported 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 titled Whistleblower Protection, 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 activities involve a College President, the report should be made directly to the Chancellor. When the alleged unlawful activity involves the Chancellor, 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 Chancellor 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/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/she must immediately forward to the College President where the alleged activity has occurred or to the Chancellor if the activity involves the District office or is Districtwide. 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:

- 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
- advised that if he/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.

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

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

**Whistleblower Contact Information**
Employees who have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees should contact the State Chancellor’s Office or the District’s Board of Trustees. Employees can contact the State Personnel Board with complaints of retaliation resulting from whistleblower activities. The State Personnel Board hotline is (916) 653-1403.

**Other Remedies and Appropriate Agencies**
In addition to the internal complaint process set forth above, any employee who has information concerning allegedly unlawful conduct may contact the appropriate government agency.

---

**Date Approved: January 18, 2012**

*This is a new procedure recommended by the Policy and Procedure Service*
This procedure addresses the granting of emeritus status to retired or retiring administrative and classified staff in recognition of exceptional service rendered and significant contributions made over time.

Emeritus status for academic employees is governed by the negotiated agreement with the academic employees' exclusive representative.

Emeritus status cannot be awarded without Board approval.

Nominations for emeritus status may be submitted by any employee. The nominee must be retired or retiring from the District to be eligible for nomination.

Completed nominations must be submitted to the Chancellor, Vice-Chancellor, Associate Vice Chancellor or College President (the executive administrators).

The executive administrator will approve or deny the nomination, and return a copy to the individual who submitted the nomination. If approved, the executive administrator will submit a Board agenda item and a copy of the approved nomination form to the Board Secretary for inclusion on the next available Board Agenda.

Nominations must be submitted to the executive administrator at least six weeks prior to the date of the Board meeting at which the Board agenda item should appear. The completed Board agenda item must be submitted by the executive administrator to the Board Secretary in accordance with the published schedule of Board Due Dates.

Date Approved: January 18, 2012
(Replaces current WVMCCD Procedure 2.19)