

## SECTION 6

### HUMAN RESOURCES

#### A. Personnel Records

Official records regarding your employment are kept in the Office of Human Resources. You may view your personnel records by appointment, in the presence of an employee of the Office of Human Resources. Other individuals not employed in the Office of Human Resources must seek your written authorization to review your personnel record. Any paperwork regarding any medical condition is kept in a separate, secure medical file in the Office of Human Resources.

#### B. Changes to Address and Telephone Numbers

Address and telephone number changes should be submitted in writing to either the Office of Human Resources or the Payroll Office. Please see the Personal Information Change Form in the Forms Section of this handbook, which can be sent to either department.

#### C. Increased Work Days

Any employee who works a minimum of thirty (30) minutes per day in excess of his/her basic part time assignment, as directed by the immediate supervisor, for a period of forty-five (45) nonconsecutive working days in a three (3) month period, shall have his/her basic assignment changed to reflect the longer hours in order to acquire fringe benefits on a properly prorated basis. (CBA, Article VII, Section 10)

#### D. Working Out of Class

A permanent employee who is assigned the work of a higher classification for a time which exceeds five (5) working days in a fifteen (15) calendar day period shall be compensated at the first step of the higher-level position. Compensation at the higher pay rate shall be retroactive to the first day. (CBA, Article VIII, Section 5)

## **E. Reclassification**

### **1. Procedure**

Any permanent classified employee whose job duties have undergone significant change (re: level of responsibility, problem solving, authority for action, knowledge and skills, working conditions, scope of impact, etc.), and they have been performing these duties for 12 months or more, may apply for a reclassification.

Requests for reclassification must be filed with the Office of Human Resources between January 1<sup>st</sup> and April 15<sup>th</sup> of each year. Subject to your eligibility, a questionnaire will be sent to you. You must complete the questionnaire, acquire the required signatures, and return all documentation to the Office of Human Resources no later than June 30<sup>th</sup> of that same year. Questionnaires will be processed in the order they are received. Processing of reclassifications may include, but are not limited to; a desk audit, interviews, creation of new class descriptions, and salary surveys of districts mutually agreed to by CSEA.

Once the Office of Human Resources has completed their process, their recommendation will be reviewed with the unit manager, applicant's supervisor, the applicant, and at the applicant's request, a CSEA representative. The final recommendation to grant or deny the reclassification will be made to the CSEA President. If the reclassification is granted into an existing classification, the employee may be promoted into that position without further examination. If the District recommends a new classification, salary placement for that new classification will be negotiated with CSEA. If the District denies the reclassification or recommends a classification with which the employee does not agree, the employee may appeal to the Joint Employee Management Committee (JEMC). Once the individual classification study is complete, whether a reclassification was granted or denied, the affected employee must wait three (3) years from the date of the request to initiate a new study of their position. (CBA, Article XV, Sections 2-7)

## **2. Appealing a Reclassification Recommendation**

Within ten (10) working days after receiving the District's denial of a reclassification, an employee may submit a memo requesting an appeal of the District's recommendation to the Office of Human Resources. This request will be forwarded to the Chair of the JEMC immediately.

Within ten (10) days of receiving the request, the Chair of the JEMC will set an appeal date within the next ninety (90) days and notify all involved parties. The JEMC will decide if the employee is working within or outside of the existing classification and if the duties being performed by the employee are appropriate or inappropriate for the recommended classification. An employee pursuing an appeal has the right to be represented by CSEA at all steps of the appeal process. The JEMC will render a decision within five (5) days of the hearing date and will notify all parties.

If the JEMC rules in favor of the employee and the District chooses not to appeal, negotiations will begin to determine the proper classification, and the affected employee will receive compensation retroactive to the date of the District's initial denial or recommendation. If the JEMC rules in favor of the District and the employee chooses not to appeal, the process ends. However, if either party wishes to appeal the decision of the JEMC, they may appeal to the Board of Trustees by submitting a written request for a hearing to the Superintendent/President and the President of CSEA within ten (10) days of receiving the JEMC decision. At the next available board meeting, the Board of Trustees, in a closed session, will review all materials and may request to hear testimony from both parties in rendering their decision. The Board of Trustees' decisions will be communicated within forty-eight (48) hours of the closed session and are considered final. (CBA, Article XV, Section 5)

## **F. Reallocation**

Reallocation is the movement of a single incumbent position or an entire class from one salary schedule or hourly rate to another salary schedule or hourly rate on the basis of either internal or external alignment. A salary reallocation is not based on additional duties or responsibilities; the vehicle for those changes would be a reclassification. Reallocations should be requested when the job description is accurate, but the incumbents in the class feel that they are underpaid in relation to other positions within the district or in relation to others in similar positions at other community colleges.

Employees shall request salary reallocation by submitting a written request to the CSEA President between January 1<sup>st</sup> and April 15<sup>th</sup> of each year. CSEA shall select a maximum of five (5) classifications for reallocation and shall forward this list to the Office of Human Resources by June 15<sup>th</sup>. Each classification shall be limited to salary reallocation review once every three (3) years from the date of the original request.

Human Resources will conduct a salary survey on the submitted positions using the agreed upon list of comparable community colleges. Positions at these other colleges will be considered comparable if a substantial amount of the duties and minimum requirements are met. In order to be considered a valid survey, there must be at least three (3) districts with comparable positions. Upon completion of the survey, the results will be reviewed with CSEA and salaries shall be negotiated.

Employees affected by the salary reallocation shall move to the same step of the recommended salary range. If an increase of over 10% is recommended, the salary increase shall be realized over the next two (2) years, for not less than 50% each year. If the results of the survey indicate a lower salary range by more than 15%, the incumbent shall be Y-rated. Y-rating means that the incumbent's salary will be frozen until the current salary matches the new salary range. (CBA, Article VIII, Section 4)

## **G. Reorganization**

Managers, Directors and Administrators who believe that the current employee classifications utilized in their department are in need of review initiate reorganizations. Appropriate placement of those employees involved in the reorganization into new class descriptions is negotiated with CSEA and reviewed by the Cabinet members.

## **H. Performance Evaluations**

Performance evaluations are intended to be a tool to evoke and validate performance, but may at times be used for disciplinary purposes. Performance evaluations are in no way meant to replace regular and continuous feedback with the employee concerning both the strong and weak points of their performance on the job. Probationary employees are to be evaluated in the second and fifth months of employment. Permanent employees are to be evaluated once each year on or near their anniversary date. However, unscheduled evaluations for a permanent employee may be submitted at any time during the year upon evidence of outstanding work, changed work habits, or work performance. All evaluations are considered confidential. The employee's immediate supervisor shall present and discuss the evaluation with the employee. The evaluation shall be signed by the employee to indicate receipt and the employee shall be given a signed copy. A permanent employee shall have the right to submit a written response to a written evaluation, which shall be attached to that evaluation. If you receive an overall rating of "unsatisfactory," you will be expected to improve your performance within sixty (60) days at which time you will be re-evaluated. Failure to make such an improvement may subject the employee to disciplinary action. You may grieve an evaluation if proper procedure, as outlined in the CBA, was not followed. (CBA, Article XVII, Sections 1-8)

## **I. Disciplinary Procedure**

### **1. Causes for Disciplinary Action**

Causes for disciplinary action against a permanent employee include but are not limited to the following:

- a. Fraud in securing or maintaining employment.
- b. Neglect of duty (i.e. failure to perform regularly assigned tasks and failure to follow approved safety precautions).
- c. Insubordination (i.e. refusal to perform an assigned task which is legal or does not constitute a safety or health hazard to the employee).
- d. Dishonesty (i.e. stealing, lying, fraud, theft, and falsifying records or reports).
- e. Use or possession of intoxicants or illegal drugs while on duty or off-duty use which impedes performance.
- f. Absence without leave.
- g. Misuse of District property (i.e. abusive operation of equipment, deliberate destruction or damage, unauthorized use and removal of approved safety devices on equipment).
- h. Violation of any of the prohibitions set forth in the Education Code or the California Administrative Code, Title V, and any violation of the policies or regulations of the District or provisions of the Collective Bargaining Agreement in effect.
- i. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.
- j. Misuse of sick leave (i.e. excessive or patterned absenteeism or tardiness.)
- k. Sexual harassment or abuse of students or employees.  
(CBA, Article XVIII, Section 3)

### **2. Disciplinary Action**

Disciplinary action that may be taken for actions listed above or an infraction of District policies, rules or regulations, includes but is not limited to:

- a. suspension without pay;
- b. demotion to a lower class in which qualified;
- c. reduction of pay step within class; and/or
- d. dismissal  
(CBA, Article XVIII, Section 1)

### **3. Right to Appeal**

#### **a. Supervisory Meeting**

The management level supervisor will meet with the employee before forwarding a written charge of disciplinary action to the Office of Human Resources. The employee will be informed of his/her right to representation before the meeting. (CBA, Article XVIII, Section 4) This meeting shall provide:

1. Evidence of the charges leading to the disciplinary action.
2. Review of previous efforts to resolve the problem leading to the disciplinary action.
3. A recommendation of the disciplinary action to be taken, (this recommendation shall be in keeping with progressive discipline procedures).
4. Every attempt should be made to resolve the problem at this meeting. Should resolution not be possible, the request for disciplinary action will be forwarded to the Office of Human Resources along with all supporting information to initiate the action.

#### **b. Appeal Rights**

Before any disciplinary action is carried out, the employee shall have the right to appeal the proposed discipline in what is called a Skelly Hearing. This does not preclude action being taken by the District as mandated by State and Federal laws. (Please see more about Skelly Hearings and further appeals in the CBA Article XVIII, Sections 4-8)

### **J. Resignation from the District**

It is customary to give at least two (2) weeks written notice when resigning from a position with the District. You will be asked to fill out an employee separation form as well as a final performance evaluation to be completed by your supervisor. All keys and parking passes will be collected from you on your last day of employment.