

Last Reviewed
July 13, 2010

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

Reference:

Education Code Section 88013

The Chancellor authorizes the Vice Chancellor of Human Resources to enact procedures for the disciplinary proceedings applicable to permanent classified employees of the District if not included in respective collective bargaining agreements. Such procedures shall conform to the requirements of the Education Code.

The Board's determination of the sufficiency of the cause for disciplinary action of a classified employee shall be conclusive.

No disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent, or for any cause that arise more than two years preceding the date of the filing of any charge against the employee, unless the cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the District.

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

Abandonment of position. A position shall be deemed abandoned if an employee fails to report for work without notifying the supervisor for three (3) consecutive days.

Abuse or misuse of sick leave or any other authorized leave privileges.

Carelessness, willful misconduct, or negligence in the performance of duty, including sleeping while on duty. Conviction of a serious crime by a court of law. A serious crime includes the conviction of a felony, any crime involving moral turpitude, or any crime bringing discredit upon the District. A plea or verdict of guilty or a conviction following a plea of no lo contender to a charge or a serious crime shall be deemed to be a conviction within the meaning of this section.

Displaying discourteous, offensive, or abusive conduct or language toward supervisors, other employees, students, or the public while in the performance of District employment.

Dishonest acts including theft of District property.

Engaging in political activities during regular assigned hours of employment. Failure or refusal to perform the normal and reasonable duties of the position.

Failure to disclose or falsifying information supplied to the District including, but not limited to, information supplied on application forms, employment records, or any other District records.

Failure to meet job qualifications including, but not limited to, failure to possess or keep in effect any required licenses, certificate or other similar requirement specified in the law or

the employee's job description or otherwise necessary for the employee to perform the San Jose/Evergreen Community College District duties of the position.

For employees who drive a vehicle in the regular course of their employment: Failure to satisfy the insurability requirements of the District's insurance carrier under the District's regular insurance policies. The District's ability to obtain insurance for the employee under a high risk or any policy other than the regular insurance policies does not mitigate this failure.

Incompetence or inefficiency in the performance of duties. Insubordination (including, but not limited to, refusal to do assigned work.

Offering of anything of value or any service in exchange for special treatment in connection with employment, or accepting anything of value or any service in exchange for granting any special treatment to another employee or to any member of the District staff or the public.

Persistent violation and/or refusal to obey District safety rules and regulations.

Possession or consumption of alcoholic beverages or illegal drugs on District premises or reporting for service while under the influence of alcoholic beverages, illegal drugs or controlled substances.

Repeated and unexcused absence or tardiness.

Using the credit, time, facilities, equipment or supplies of the District for the employee's private gain or advantage or the private gain or advantage of another.

Violation of any rule or regulation of the District or provisions of the Education Code or the laws of the State of California in relationship to District employment.

Willful damage to public property, waste of public supplies or equipment, or carelessness with District property or funds including misuse of the District computer system.