

BP 7230 CLASSIFIED EMPLOYEES

References:

Education Code Sections 88003, 88004, 88009, and 88013

NOTE: This policy is legally required.

Classified employees are those who are employed in positions that are not academic positions. The employees and positions shall be known as the classified service. The Board shall fix and prescribe the duties of the members of the classified service. (See BP 7110 titled Delegation of Authority)

- ❖ **From the current CLPCCD Policy 4400 titled Basic Policy: Rules, Regulations and Conditions of Employment for Members of the Classified Service**

~~The policy of the Board of Trustees with respect to employment of persons in the classified service shall be:~~

- ~~1. All persons employed in positions not classified as academic shall be members of the classified service except those persons employed in positions specifically exempted by provisions of the Education Code.~~
- ~~2. The classified service does not include:
 - Substitute and short-term employees who are employed and paid for less than 75 percent of the fiscal year.
 - Part-time apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment.
 - Full time 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 the District.~~
- ~~3. The Board of Trustees shall adopt rules, regulations and conditions of employment for members of the classified service and shall cause such rules, regulations and conditions of employment to be printed and made available to all persons employed in the classified service.~~

4. The Board of Trustees shall classify all members of the classified service and shall adopt position descriptions for each position so classified.
5. ~~The Board of Trustees shall adopt a salary schedule for members of the classified service by classification and may employ or annually re-employ all members of the classified service in accordance with the adopted salary schedule.~~

Administration of the Rules, Regulations, and Supporting Policies

~~The Board delegates to the Chancellor and any person delegated by the Chancellor for such purpose, the authority to administer and enforce these policies.~~

~~The Chancellor may establish such administrative rules and procedures as are necessary for implementation.~~

Revisions

~~The Board of Trustees reserves the right to change, delete, alter and amend these policies at any time within the provisions of federal and state laws.~~

~~Recommendations for amending or revising policies and administrative rules and procedures may be made by any employee, authorized representative of a recognized employees' organization or a designated manager. Such recommendations are to be directed to the Chancellor through the Director of Human Resources.~~

Effect of Collective Bargaining Agreement

[See BP/AP 7140 titled Collective Bargaining](#)

~~These policies shall be applicable to bargaining unit members if these policies and rules do not conflict with any collective bargaining agreement in effect. The collective bargaining agreement will prevail.~~

❖ From the current CLPCCD Policy 4410 titled Employment

General Rule

The selection, appointment, assignment, transfer and retention of **classified** personnel are the responsibilities of management, subject to the recommendation of the Chancellor and final approval of the Board of Trustees.

It shall be the established policy of the District to recruit and employ the best qualified applicants available for any vacant position. [See BP/AP 7120 titled Recruitment and Selection](#)

❖ From the current CLPCCD Policy 4416 titled Employment Status: Classified Employee Classification

Employment Status: Classified Employee Classification

All classified employees in the District are assigned to fill one or more job descriptions and classified in one of several categories of employment status.

Conditions of employment status are affected by the length of successful service to the District and the type of work to be accomplished. The several categories are outlined as follows:

1. **Restricted Employee:** A restricted employee is one employed pursuant to Sections 88005 through 88008 of the Education Code.
2. **Probationary New Hire Employee:** All new classified personnel employed to fill a regularly established full-time position or part-time position (members of the "Classified Service") are employed on probationary status for three hundred sixty five (365) calendar days of service. Should any rating be less than satisfactory, the new classified personnel may be terminated.
 - a. **Resignation during Probationary Period** - Any person resigning during a probationary period shall begin a new period of probation upon subsequent reemployment.
 - b. **Promotions** - Permanent employees who accept a promotional appointment shall return immediately to a probationary status for a period of one hundred eighty (180) calendar days, beginning with the first day of service in the new position. The probationary period may be extended, as a result of a negative evaluation, for no more than a total of ninety (90) calendar days. Such extension may be made by action of the Chancellor whenever an additional period is considered necessary to assess the ability of an employee to perform duties satisfactorily. The classified employee shall be informed in writing of any extension of the probationary period prior to the close of the regular probationary period, and opportunity will be provided to be heard by the Chancellor or designee.
3. **Permanent Employee:** Each person who has served as a probationary employee and has been recommended for regular status shall be classified as a permanent employee or have his/her employment terminated.

Permanent employees shall be dismissed during the employment period for cause only (see Policy 4430).

Substitute, temporary, and short-term employees, employed and paid for less than seventy-five percent (75%) of a school year, apprentices, professional specialist, program leaders, employed on a temporary basis for a specific project, full-time students employed part-time and part-time college students employed part-time in a college work-study program shall not be part of the classified service.

❖ **From the current CLPCCD Policy 4418 titled Employment Assignment**

All classified personnel are employees of the District. Assignments in the District shall be made by the Chancellor. Assignments within a particular office shall be made by the manager designated by the Chancellor.

~~Before a short-term employee is employed, the Board, at a regularly scheduled meeting, shall specify the service required to be performed and certify the ending date of the service. The Board may later act to shorten or extend the ending date, but shall not extend it beyond 75 percent of an academic year. [Does not pertain to classified employees.]~~

~~The Chancellor shall establish procedures to assure that the requirements of state law and regulations regarding the classified service are met.~~

NOTE: Due to the details contained therein, the recommendation is to delete the language from current CLPCCD Policy 4115 (below).

❖ **From the current CLPCCD Policy 4402 titled Definition of Terms**

The terms and words defined in this section shall have the following meanings in these rules and regulations and in supporting policies or resolutions which provide for the personnel management of non-academic employees in the Chabot-Las Positas Community College District. Classifying and fixing the salaries and compensation, authorizing the employment of the classified personnel in any division or office and all other employment practices are included.

1. Classified Service

All persons employed in full-time and part-time positions not certification qualifications classified as "academic" and not specifically exempted below are considered to be part of the classified service. Persons who are a part of the classified service shall be known as "regular classified employees," and shall have either probationary or permanent status, except for incumbents of positions which are classified as "restricted."

a. Restricted Employees and Positions

Persons employed in positions which are specially funded positions and are limited to persons meeting criteria which restricts the privilege of all citizens to compete for employment shall, in addition to the regular class title, be classified as "restricted." They shall be classified employees for all purposes except that they shall not be accorded employment permanency nor acquire seniority credits for the purpose of layoff for lack of work or lack of funds.

Employment will be terminated when the federal or state project funds are no longer available to the District, or upon unsatisfactory service.

b. Exemptions From the Classified Service

The following employees and positions are not a part of the classified service:

- 1) substitute and short-term employees, employed and paid for less than 75 percent of a school year;
- 2) apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment;
- 3) full-time students employed part-time, and part-time students employed part-time in any college work-study program, or in an approved work experience education program financed by state or federal funds.

Temporary Assignment

Employees who are exempt from the classified service are employed for various lengths of time in temporary assignments and positions, and according to the hourly rate in the adopted salary schedule or to a flat rate established by the Board. Exempt employees are not eligible for group and health benefits or for leaves of absence except as specifically provided in these rules and regulations.

Termination

All persons in exempt positions may be terminated by the Governing Board at any time.

2. Classified Staff

The term "classified staff" is used in these rules to include all non-academic employees of the District whether they be a part of the classified service or are exempt from the classified service unless otherwise indicated in the particular rule or regulation.

3. Academic Year

The period between the first day of a fall semester and the last day of the following spring semester.

4. Anniversary Date

The date upon which a classified employee is entitled to receive the annual salary increment after assignment to a specific class. For employees employed before January 2, 1967, and for those classified as management employees, the anniversary date is July 1. For other employees who were employed after January 2, 1967, the anniversary date is established as follows: for persons employed during the first fifteen days of the month, the first day of that month will be the anniversary date; if employment is after the fifteenth of the month, the anniversary date will be the first day of the next month. The anniversary date for an employee is changed as provided by rules governing salaries for employees being reclassified or promoted.

5. Applicant

~~A person who has filed an official application for employment with the Personnel Office.~~

6. Application

~~The official application form provided by the District for consideration of employment as a classified employee.~~

7. Appointing Authority

~~Board of Trustees of the Chabot-Las Positas Community College District.~~

8. Appointment

~~The official act of the Board of Trustees in approving the employment of a person who has been recommended by the Chancellor.~~

9. Board

~~The Board of Trustees, also known as the Governing Board, of the Chabot-Las Positas Community College District.~~

10. Cause

~~Relating to disciplinary actions against permanent members of the classified service means those grounds for discipline, or offenses enumerated in the law or in these rules and regulations.~~

11. Chancellor

~~The Chief Executive Officer of the District appointed by the Board.~~

12. Classification

~~Means that each position in the classified service shall have a designated title, a regular minimum number of assigned hours per day, days per week, and months per year, a specific statement of the duties required to be performed by the employees in each such position, and the regular monthly or annual salary range.~~

13. Classification Plan

~~The official document adopted by the District which includes a systematic arrangement of classes together with adopted procedures for maintaining the plan and the description for each class.~~

14. Compensation

~~Includes the total of salary, wage, allowances and benefits, and all other forms of valuable consideration earned by or paid to any employee by reason of service in any position but does not include any allowances authorized and incurred as incident to employment.~~

15. Confidential Employee

~~Means any employee who, in regular course of his/her duties, has access to, or possesses information relating to, his/her employer's employer-employee relations, as designated by the Governing Board.~~

16. Demotion

~~Means assignment to an inferior position or status, without the employee's written voluntary consent.~~

17. Discharge or Dismissal

~~Separation from the regular classified service for cause.~~

18. Disciplinary Action

~~Includes any action whereby an employee is deprived of any classification or any incident of any classification in which he/she has permanence, including dismissal, suspension, demotion, or any reassignment, without his/her voluntary consent, except a layoff for lack of work or lack of funds.~~

19. District

~~The Chabot-Las Positas Community College District.~~

20. Employee

~~A person legally occupying a position in the District's service.~~

21. Employment Date

~~Specific day, month and year an employee is appointed to a position in the classified service.~~

22. Employment Period

~~The number of calendar months per school year that a classified employee serves in the appointment.~~

23. Full-Time Employee

~~A classified employee who is employed for 40 hours a week. For employees whose daily work shift commences on or after 10:00 p.m., the full-time work week is 37-1/2 hours a week.~~

24. Full-Time Student

~~An enrolled student in the Chabot-Las Positas Community College District who maintains 12 or more units of credit throughout the period of employment during the academic year; or who, if employed during the Summer Session is enrolled in 6 or more units or has maintained 12 or more units in the preceding Spring semester, or is preregistered for 12 or more units for the Fall Semester.~~

25. Governing Board

~~(Refer to Board)~~

26. Hourly Employee

A classified employee who is exempt from the classified service and paid on an hourly basis.

27. Immediate Family

Means the mother, father, grandmother, grandfather, or a grandchild of the employee or of the spouse of the employee; and the spouse, son, son-in-law, daughter, daughter-in-law, brother or sister, brother-in-law or sister-in-law of the employee; any relative living in the immediate household of the employee or domestic partner.

28. Layoff for Lack of Funds or Lack of Work

Means a reduction in the work force due to a lack of work or lack of funds wherever it becomes necessary to relieve an employee of his duties; includes any reduction in hours of employment or assignment to a class or grade lower than that in which the employee has permanence, voluntarily consented to by the employee, in order to avoid interruption of employment by layoff.

29. Leave of Absence

Absence from duty for a specified period of time with required approval and for an authorized purpose.

30. Management Employee

Means any employee in a position having significant responsibilities for formulating District policies or administering District programs, as designated by the Board of Trustees.

31. Part-Time Employee

An employee who works less than full-time.

32. Part-Time Student

An enrolled student in the Chabot-Las Positas Community College District who maintains less than 12 units of credit but at least 6 units throughout the period of employment during the academic year.

33. Permanent Employee

Includes tenure in the classification in which the employee passed the required probationary period, and includes all incidents of that classification.

34. Position

A group of duties and responsibilities established by the Board and requiring the full- or part-time employment of one person.

35. Probationary Period

A trial period of 365 calendar days immediately following the first day of service in a position class within the classified service.

36. Probationary Employee

~~Applies to an employee occupying a regular position who has not completed the 365 calendar days probationary period in a specific class with the classified service.~~

37. Promotion

~~The upward movement of an employee from a position in one class to a position in another higher class.~~

38. Reassignment to Lower Class

~~The change of an employee to a position in a class with a lower salary range as a result of a voluntary request by the employee.~~

39. Reclassification

~~Means the upgrading of a position to a higher classification as a result of the gradual increase of the duties being performed by the incumbent in such position.~~

40. Reemployment List

~~A list of names of persons who have been terminated from regular permanent positions by reason of lack of work or lack of funds and who are eligible for reemployment preference in accordance with provisions of the Education Code.~~

41. Reinstatement

~~A reappointment, after a resignation, to a regular position in the employee's former or lower related class.~~

42. Resignation

~~Action of an employee who voluntarily separates from employment with the District.~~

43. Salary Schedule

~~The official documents adopted by the Board and listing the pay ranges, steps and rates for all position classes. Three salary schedules exist which may include classified employees: (1) Classified Salary Schedule A, which includes classified staff not designated by the Board as management, confidential, supervisory or student assistants; (2) Classified Salary Schedule B, which includes classified staff designated by the Board as confidential or supervisory; and (3) Management Salary Schedule which includes both classified and academic staff designated by the Board as management.~~

44. Salary Rate

~~The specific amount of money paid for a class of positions and term of employment.~~

45. School Year

The period of time beginning July 1 in a calendar year and ending on June 30 in the succeeding calendar year.

46. Separation

Any termination of employment.

47. Service Assignment

The numbers of hours per week a classified employee serves in the appointment.

48. Step

The anniversary service increment provided in the pay range of the salary schedule.

49. Supervisory Employee (Non-Management)

Means any employee, as designated by the Board of Trustees, having authority in the interest of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct them, or to adjust their grievances, or effectively recommend such action, if, in connection with the foregoing functions, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

50. Suspension

The exclusion of a classified employee from salary for a prescribed number of days.

51. Termination

Separation of a classified employee from the service of the District.

52. Transfer

The horizontal movement of an employee from one position to another position in the same class or change from one class to another class at the same salary rate.

NOTE: Due to the details contained therein, the recommendation is to delete the language from current CLPCCD Policy 4424 (below).

- ❖ From the current CLPCCD Policy 4424 titled Supervision of the Classified Service

General supervision of the classified service shall be the responsibility of the Director of Human Resources who shall serve as the District Human Resources Officer at the direction of the Chancellor.

~~Operating supervision over classified employees shall be the responsibility of the manager who is designated by the Chancellor or President and to whom the classified employee is assigned.~~

NOTE: *Due to the details contained therein, the recommendation is to delete the language from current CLPCCD Policy 4426 (below).*

❖ **From the current CLPCCD Policy 4426 titled Safety, Protective Clothing and Equipment**

~~Each classified employee will exercise due caution in the use of tools and equipment related to the job assignment. Each employee will become familiar with and carry out all state and federal occupational, safety and health laws relating to the performance of their duties and to the health and safety of fellow employees.~~

~~Required protective clothing, devices and safety equipment will be provided by the District.~~

NOTE: *The following language is from current CLPCCD Policy 4429 titled Classification Plan is now reflected in new AP 7232 titled Classification Review.*

❖ **From the current CLPCCD Policy 4429 titled Classification Plan**

~~The duties and responsibilities of the members of the classified service shall be fixed and prescribed in the District Classification Plan. This plan is the official classification document which shall be adopted by the Board and made a part of these rules and regulations. Each position shall be allocated to a class, following the principle that positions shall be in the same class when their duties and responsibilities are enough alike to justify the same or similar employment standards, skills, ability requirements and compensation.~~

1. Class Specification

~~A written class specification shall exist for each class approved by the Board and shall contain (1) the official class title and definition, (2) representative duties, (3) distinguishing characteristics of positions where appropriate, and (4) minimum qualifications of applicants such as knowledge, skills, education and experience. Class specifications should not be construed as declaring the specific duties and responsibilities of any one position. Copies shall be made available upon request to the Human Resources Office.~~

2. Assignment of Classes to Job Families

~~Classes of positions for non-management employees shall be assigned to one of eight service categories which are known as the job families of (1) bookstore, (2) clerical-secretarial-fiscal, (3) learning resources, (4) ITS, (5) maintenance and operations, (6) supervisory, (7) technical-paraprofessional and (8) confidential.~~

3. Allocation of Position Classes to Salary Ranges

~~Upon the recommendation of the Chancellor, classes of positions shall be assigned by the Board to designated salary ranges.~~

4. ~~Duties of Classified Employees~~

~~Duties may include, but are not limited to, those given as examples in the class specifications for the position to which the employee is assigned. An employee is required to do related duties as assigned by the assigned supervisor or manager.~~

5. ~~Revision of the District Classification Plan~~

~~Substantive revisions of the Plan shall be approved by the Board, including the establishment or abolishment of a class or classes.~~

a. ~~New Classes~~

~~Upon the recommendation of the Chancellor, the Board may create new classes as required and may abolish or combine existing classes to meet the needs of the District.~~

b. ~~New Positions~~

~~Upon the recommendation of the Chancellor, the Board may authorize a new position within any existing class.~~

c. ~~Reclassification of Positions~~

~~Upon the recommendation of the Chancellor, the Board may approve a classification change in any or all of the positions or classes of positions which are a part of the classified service.~~

~~No employee shall be demoted or dismissed as a result of reclassification of a position or class of positions except as may otherwise be permitted by law.~~

[Further information on represented classified employees can be found in the respective collective bargaining agreement.](#)

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and its legal counsel. The language in **black ink** is from current CLPCCD Policy 4400 titled Basic Policy: Rules, Regulations and Conditions of Employment for Members of the Classified Service adopted on March 19, 1996 and revised on May 21, 2002; current CLPCCD Policy 4402 titled Definition of Terms adopted on March 19, 1996 and revised on May 21, 2002; current CLPCCD Policy 4410 titled Employment adopted on March 19, 1996; current CLPCCD Policy 4416 titled Employment Status: Classified Employee Classification adopted on March 19, 1996 and revised on May 21, 2002; current CLPCCD Policy 4416 titled Employment Status: Classified Employee Classification adopted on March 19, 1996 and revised on May 21, 2002; current CLPCCD Policy 4418 titled Employment Assignment adopted on March 19, 1996; current CLPCCD Policy 4424 titled Supervision of the Classified Service adopted on March 19, 1996 and revised on May 21, 2002; current CLPCCD Policy 4426 titled Safety, Protective Clothing and Equipment adopted on March 19, 1996; and current CLPCCD Policy 4429 titled Classification Plan adopted on March 19, 1996 and revised on May 21, 2002. The language in **blue ink** is included for consideration. The changes in **royal blue ink** were made by David on May 29, 2015.

Date Adopted:

*(This policy replaces current CLPCCD
Policies 4400, 4402, 4410, 4416, 4418, 4424,
4426, and 4429)*

Legal Citations for BP 7230

Education Code Sections 88003, 88004, 88009, and 88013

88003. The governing board of any community college district shall employ persons for positions that are not academic positions. The governing board, except where Article 3 (commencing with Section 88060) or Section 88137 applies, shall classify all those employees and positions. The employees and positions shall be known as the classified service. Substitute and short-term employees, employed and paid for less than 75 percent of a college year, shall not be a part of the classified service. Part-time playground positions, apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment, shall not be a part of the classified service. Full-time 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 which is financed by state or federal funds, shall not be a part of the classified service. Unless otherwise permitted, a person whose position does not require certification qualifications shall not be employed by a governing board, except as authorized by this section.

"Substitute employee," as used in this section, means any person employed to replace any classified employee who is temporarily absent from duty. In addition, if the district is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the board may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.

"Short-term employee," as used in this section, 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. Before employing a short-term employee, the governing board, at a regularly scheduled board meeting, shall specify the service required to be performed by the employee pursuant to the definition of "classification" in subdivision (a) of Section 88001, and shall certify the ending date of the service. The ending date may be shortened or extended by the governing board, but shall not extend beyond 75 percent of a school year.

"Seventy-five percent of a college year" means 195 working days, including holidays, sick leave, vacation and other leaves of absences, irrespective of number of hours worked per day.

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.

This section shall apply only to districts not incorporating the merit system as outlined in Article 3 (commencing with Section 88060).

88004. Every position not defined by the regulations of the board of governors as an academic position and not specifically exempted from the classified service according to the provisions of Section **88003** or 88076 shall be classified as required by those sections and shall be a part of the classified service. These positions may not be designated as academic by the governing board of a district nor shall the assignment of a title to any such a position remove the position from the classified service.

Nothing in this section shall be construed to prohibit anyone from being employed in a classification because he or she possesses the minimum

qualifications required of faculty members or academic administrators, nor shall the possession of those qualifications be grounds for the elimination of an individual from consideration for employment in a classified position.

This section shall apply to districts which have adopted the merit system in the same manner and with the same effect as though it were a part of Article 3 (commencing with Section 88060) of this chapter.

88009. Governing boards shall fix and prescribe the duties to be performed by all persons in the classified service and other nonacademic positions of the community college district, except those persons employed as a part of a personnel commission staff as provided in Article 3 (commencing with Section 88060) of this chapter.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

88013. (a) The governing board of a community college district shall prescribe written rules and regulations, governing the personnel management of the classified service, which shall be printed and made available to employees in the classified service, the public, and those concerned with the administration of this section, whereby these employees are, except as provided in Section 72411, designated as permanent employees of the district after serving a prescribed period of probation which shall not exceed one year. A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional classification, shall be employed in the position from which he or she was promoted.

(b) Any employee designated as a permanent employee shall be subject to disciplinary action only for cause as prescribed by rule or regulation of the governing board, but the governing board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

(c) The governing board shall adopt rules of procedure for disciplinary proceedings which shall contain a provision for informing the employee by written notice of the specific charges against him or her, a statement of the employee's right to a hearing on those charges, and the time within which the hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card or paper, the signing and filing of which shall constitute a demand for hearing, and a denial of all charges. The burden of proof shall remain with the governing board, and any rule or regulation to the contrary shall be void.

(d) No disciplinary action shall be taken for any cause that arose prior to the employee's becoming permanent, or for any cause that arose more than two years preceding the date of the filing of the notice of cause, 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 employing district.

(e) Nothing in this section shall be construed to prohibit the governing board, pursuant to the terms of an agreement with an employee organization under Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government **Code**, from delegating its authority to determine whether sufficient cause exists for disciplinary action against classified employees, excluding peace officers as defined in Section 830.32 of the Penal **Code**, to an impartial third party hearing officer. However, the governing board shall retain authority to review the determination under the standards set forth in Section 1286.2 of the **Code** of Civil Procedure.

(f) This section shall apply only to districts not incorporating the merit system as outlined in Article 3 (commencing with Section 88060).