

GAVILAN JOINT COMMUNITY COLLEGE DISTRICT

BOARD OF TRUSTEES

HANDBOOK

for

UNREPRESENTED EMPLOYEES
(Management, Supervisory and Confidential)

GAVILAN COLLEGE

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The unrepresented management employees handbook contains the rules and regulations governing the employment practices relating to all Gavilan College employees that are not represented by collective bargaining agreements. All designated certificated and classified personnel employed by the district on 7/1/85 are covered under the terms and conditions stated in this handbook.

1/1/86

Adopted by the Board;
Note: 10/28/99 *EMG*
Approved by the Board 2/11/86
Effective 85/86 school year

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I. DELEGATION OF AUTHORITY IN PUBLIC SCHOOLS IN CALIFORNIA

STATE OF CALIFORNIA
State Constitution - State Laws

provides for

STATE PUBLIC SCHOOL SYSTEM
(includes Community Colleges)
Education Code delegates some authority to

LOCAL DISTRICTS
(Gavilan Joint Community College District)
people elect and delegate some authority to

GOVERNING BOARDS
(Gavilan College Board of Trustees)
appoints and delegates some authority to

DISTRICT SUPERINTENDENT AND PRESIDENT
appoints and delegates some authority to

DESIGNATED MANAGEMENT EMPLOYEES

NOTES:

The Community Colleges of California are a part of the State system of education.

All authority held by agencies or agents, under the State itself, is limited to that which is specifically delegated; no additional authority may be assumed, the Education Code being a "permissive" type of code.

The Education Code provides for the authority which is delegated to the local Districts and Governing Boards. Title 5 of the State Administrative Rules and Regulations further explains authority, but cannot amplify it.

The local Board delegates authority to the Superintendent; the Board cannot delegate any authority which it does not itself have as delegated authority from the State.

The District Superintendent, in the establishment of rules and regulations and/or job descriptions, delegates authority to the Designated Management Employees.

When authority is delegated, corresponding responsibility is delegated. It should be recognized, however, that when the State, agency, or agent, delegates authority and responsibility that does not free the State, agency, or agent from the basic responsibility.

II. BOARD'S AUTHORITY FOR DELEGATION OF RESPONSIBILITY

The exercise of the express and implied legal powers, rights, duties and responsibilities by the Board, e.g., the adoption of policies, rules, regulations and practices in furtherance of these powers, and the use of judgment and discretion in connection herewith shall be limited only by the specific and express terms of this Handbook and then only to the extent that such specific and express terms are in conformance with law.

The District's powers, rights, authority, duties and responsibilities include, among others, the exclusive right (1) to manage its operation; (2) to direct, select, decrease or increase the work force, including but not limited to the decisions and procedures concerning hiring, demotion, promotion, suspension, layoff or discharge and the effects of all decisions and procedures concerning hiring, demotion, promotion, suspension or discharge; (3) to maintain discipline and efficiency of members, to prescribe the rules to that effect, to establish and change standards, to determine the qualifications of members; (4) to make all plans and decisions on matters involving its operations; (5) to determine solely the extent to which the facilities of any department thereof shall be operated, the additions thereto, the removal of equipment, the outside purchase of products or services, the scheduling of operations, the means and processes of operations, the material to be used, and the right to introduce new or improved methods and facilities, and to change or alter any existing methods and facilities; (6) to regulate quantity of services and to otherwise take any actions desired to run the entire operation efficiently; (7) to determine job titles and descriptions after consultation with appropriate employees; (8) to require an employee at District expense, as a condition of continued employment, to be examined by a physician designated by the District; and (9) to determine compensation, hours, and other working conditions.

The District retains its rights to amend, modify, or rescind policies and practices referred to in this Handbook in case of emergency, provided, however, that such rights shall be for the duration of the emergency.

III. MANAGEMENT PHILOSOPHY

(to be developed by Supt./Pres.)

STATEMENT OF ETHICS

A Definition of Ethics

Ethical behavior is often defined as "right" or "good" behavior as measured against commonly accepted rules of conduct for a society or for a profession. The ethical person is often described in absolute terms as one who is fair, honest, straightforward, trustworthy, dispassionate, unprejudiced. If, however, one is inconsistently fair or honest, one loses credibility and is perceived to be unethical. The ethical person must be conspicuously consistent in the exercise of integrity to sustain the credibility which is an expectation of office.

Importance of Ethics

The credibility of college management employees may well be in direct relation to whether or not they are perceived as honest men and women. If integrity contributes to credibility, then ethical behavior is a singular prerequisite to successful management. When the people are convinced that public institutions are administered by honest men and women, questions of credibility and demands for public accountability rarely arise.

Statements of ethical standards do not necessarily ensure ethical behavior. Yet public statements of intent surely create an expectation that public officials will indeed act with integrity in the public interest.

Expectations for Ethical Behavior

Management Employees of community colleges shall be committed to the principles of honesty and equity. They shall not seek to abridge for any purpose the freedoms of faculty, staff and students. At the same time, they shall not willingly permit the rights and privileges of any members of the college community to override the best interests of the public served by the college.

As appointed managers of the college community, administrators shall exercise judgments which are dispassionate, fair, consistent and equitable. They shall exhibit openness and reliability in what they say and do as leaders. They shall confront issues and people without prejudice. They shall do everything they can to demonstrate a commitment to excellence in education and without compromise of the principles of ethical behavior.

The consistent exercise of integrity is ethical behavior.

V. RESPONSIBILITIES OF MANAGEMENT EMPLOYEES

Management Employees respond to many constituencies: to elected or appointed governing boards; to colleague administrators, faculty and staff; to their professions; and, ultimately, to the students and the community. The following statements of responsibilities are intended as guidelines:

1. With respect to students, the community college Management Employee has the responsibility:
 - A. To remain continuously informed of the characteristics, preferences and educational needs of the local community.
 - B. To provide and protect student access to the educational resources of the community college.
 - C. To protect human dignity and individual freedom, and assure that students are respected as individuals, as learners, and as independent decision-makers.
 - D. To invite students to contribute to college decisions and directions.
 - E. To protect students from disparagement, embarrassment or capricious judgment.
 - F. To keep foremost in mind at all times that the college exists to serve students.

2. With respect to colleagues and staff, the community college Management Employee has the responsibility:
 - A. To develop a climate of trust and mutual support through the governance processes characterized by the participation of people affected, a focus on objectives rather than personalities, respect for reason, freedom of expression, and the right to dissent.
 - B. To foster openness by encouraging and maintaining two-way communication.
 - C. To encourage, support and abide by written policies and procedures and to communicate clearly to new staff members the conditions of employment, work expectations and evaluation procedures.
 - D. To provide opportunities for professional growth.
 - E. To provide due process with opportunity for appeal and review of employee evaluation.

3. With respect to the governing board, the community college Management Employee has the responsibility:
 - A. To keep the board informed so that it can act in the best interests of the district or college and the public.
 - B. To act in the best interest of the district or college even when that action conflicts with an interest of the Manager or individual colleagues.
 - C. To be guided by the principles and policies established by the board.
 - D. To represent the board in official statements only when formally designated to do so.
4. With respect to the profession, the community college Management Employee has the responsibility:
 - A. To improvement performance through participation in professional activities.
 - B. To be informed about developments in education in general and in the community college in particular.
 - C. To encourage and assist new professionals toward growth and effectiveness.

VI. Management Employee

A community college manager should have the right:

1. To be considered for employment without regard to race, sex, creed, age, national origin, or physical limitation.
2. To a clear written statement of the philosophy, goals, and objectives of the institution; of the duties and responsibilities of the position; and of the conditions of employment including, but not limited to, statements on salary and fringe benefits, term of office, process of review, date of notification of action regarding renewal or continuance.
3. To work in a setting of institutional support and a climate of professional respect.
4. To be assigned authority commensurate with responsibilities and resources adequate to carry out assigned functions.

5. To act independently within the scope of authority to carry out responsibilities assigned.
6. To perform duties and carry out responsibilities without disruption or harassment.
7. To be provided with legal and financial protection from liability in carrying out duties of the position.
8. To participate in formulating and implementing institutional policy at a level appropriate for the position held.
9. To speak for the institution at the level of assigned authority.
10. To participate in associations and to support causes of his or her choice.
11. To privacy regarding personal matters.
12. To participate in and to be supported at an appropriate level in activities providing for professional growth such as career advancement and promotion, sabbatical leaves, other leaves, and conference attendance.
13. To loyal support from supervisors for the proper performance of work assigned.
14. To be evaluated in a professional manner on a regular and systematic basis, and to receive adequate notice of dissatisfaction with performance or of action to terminate in accordance with existing statutes.

VII. CERTIFICATED AND MANAGEMENT ORGANIZATION CHART

(to be developed by the Superintendent)

VIII. CLASSIFIED AND MANAGEMENT ORGANIZATION CHART

(to be developed by the Superintendent)

IX. DESIGNATED MANAGEMENT EMPLOYEES

LIST-CERTIFICATED MGR./SUPERVISORS

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RULES AND REGULATIONS HANDBOOK

I. PREFACE

This handbook has been prepared to give Unrepresented Management Employees basic information regarding personnel procedures, and provide the rules and regulations adopted by the Board of Trustees. This handbook does not confer any rights, benefits or privilege to temporary, substitute or short term employees.

The Board of Trustees selects and appoints the executive head of the District (District Superintendent/President), determines the policies which will govern the operation of the District, and functions as the legislative and policy-making body charged with the control of the District.

The District Superintendent/President is the administrative head of the District and is responsible for the effective organization and functioning of the District. The Campus Services Manager serves as liaison with legal counsel for personnel affairs and as Affirmative Action Officer. All recommendations to the Board of Trustees are transmitted through the Superintendent/President, who acts as Secretary to the Board.

II. EMPLOYEE STATUS

Unrepresented Management Employees are those employees, certificated or classified, who have either management, supervisory, or confidential status. The term Management Employee as used in this handbook, refers to all of the above. Some sections make specific references to:

Certificated Management/Supervisory,
Classified Management/Supervisory/Confidential,
Certificated and Classified Managers,
Certificated and Classified Supervisors,
Confidential Employees, or
Classified Supervisors

The context of those paragraphs is intended to clarify specific provisions which relate to that particular classification of unrepresented Management Employee. Specific rights regarding certificated and/or classified employees relate to the appropriate Education Code sections for each type of employee, certificated or classified. Nothing in this document should be construed as pre-empting the authority of the Education Code or Title 5 of the Administrative Rules and Regulations as they relate to matters and conditions of employment.

All employees designated as Management Employees by the Board of Trustees of the Gavilan Joint Community College District shall be covered by the provisions of this handbook. Management Employees are not subject to the provisions of any collective bargaining agreement between the District and any recognized unit such as CSEA or GCFA, unless these are granted to Management Employees by the Board.

III-A. Management Responsibility

Certificated and classified managers are assigned specific functions within the organization. Under the supervision of the Superintendent/President and/or delegated authority, they are given the responsibility for managing that function on behalf of the Board. All of the District's powers, rights, authority, duties and responsibilities delegated to the Superintendent/President and through him/her to management employees, are the responsibility of the individual managers.

III-B. SUPERVISORY RESPONSIBILITY

Certificated and Classified Supervisors have major responsibilities for promoting leadership, administering District programs and policies, adjudicating grievances, and supervising and evaluating District employees.

III-C. CONFIDENTIAL RESPONSIBILITY

Classified Confidential employees are delegated the authority and responsibility of maintaining security of information with which they are entrusted while performing their assigned duties for officers of the District. Employees designated Confidential are privy to the collective bargaining information. Sensitive personnel information regarding employees and private papers of management and supervisory officers and District Board members fall within the security domain of the Confidential employee's area of responsibility.

III-D. MANAGEMENT/SUPERVISORY/CONFIDENTIAL ASSIGNMENT RESPONSIBILITY

Pursuant to the effective accomplishment of the above objectives and responsibilities, Management Employees are not constrained by the usual time and productivity measurements such as an eight-hour day or a forty-hour week; for it is recognized that these levels of participation shall be accepted as a standard of performance by all employees designated as Management. Because of the duties, flexibility of hours, salary and authority, Management Employees are exempt from overtime provision, except as stated in Section XVII. Management Employees shall not receive cash or time and one-half off for overtime, but are encouraged to take hour-for-hour time off when convenient and appropriate and are not expected to average more than 40 hours per week.

IV. - PROBATIONARY PERIOD

Certificated Managers/Supervisory employees new to the District are hired as probationary contract employees for the first two years, becoming regular status with the beginning of the third year of service.

The probationary period for Classified Managers/Supervisors/Confidentials is one (1) year for new hires and six (6) months for employees promoted to such status. In the event an employee's services are not satisfactory after promotion to the new classification, within a six month period, he/she shall be entitled to reinstatement to his/her original position, if vacant, or a position in his/her former classification.

V. PERSONNEL FILES

Such employee files as are desirable for the management of the District shall be kept by the Personnel Services Officer and/or the employee's supervisor, with the exception of payroll/benefit file information. Personnel files will be kept in confidence and shall be available for inspection, except as otherwise provided by law, only to the employee and to appropriate management employees of the District when necessary in the proper administration of the District's affairs or the supervision of the employee.

Materials in the personnel file of the employee which may serve as the basis for affecting his/her employment are to be made available to the employee(s) for inspection upon written request, providing that the request is made at a time that the employee is not required to render service to the district.

The employee shall have the right to review and comment on any derogatory materials before such material is placed in the personnel file, and to have such comments attached to the material in question.

An employee may authorize the release of information from his/her personnel file to a third party by specific written and signed authorization.

Upon request, an employee may receive copies of materials in his/her personnel file within a reasonable time. A fee may be charged for the cost of reproduction.

VI. CONDITIONS OF EMPLOYMENT

Prior to assuming their duties, management employees new to the District must submit evidence of negative chest X-ray or intradermal tuberculosis test, sign a loyalty oath and complete W-4 form and provide a Social Security Card or evidence of application for a Social Security Card. Classified employees

