

CHAPTER VIII

ARTICLE I

ADMISSIONS, GUIDANCE, AND RECORDS

ADMISSIONS

8100. ADMISSION TO A COMMUNITY COLLEGE. The Board of Trustees shall admit any person possessing a high school diploma or its equivalent to any college in the Los Angeles Community College District. The President of any Los Angeles college or his/her representative may provide that any person who is 18 years of age or older or any apprentice* shall be admitted to the college if in the judgment of the President or his/her representative the person is capable of profiting from the instruction offered.

All persons admitted who are 18 years and older without a high school diploma or its equivalent are admitted as provisional students.

All such provisional students will be admitted with a probationary status and are subject to dismissal under the terms of Board Rule 8202 (Standards for Dismissal).

*Section 3077 of Chapter 4 of Division 3 of the Labor Code of the State of California:

The term "apprentice" as used in this chapter means a person at least 16 years of age who has entered into a written agreement with an employer or his/her agent, an association of employers, or an organization of employees, or a joint committee representing both. The term of apprenticeship for each apprenticeable occupation shall be approved by the administrator (Director of the State Department of Industrial Relations), and in no case shall provide for less than 2,000 hours of reasonable continuous employment for training through employment and through education in related and supplemental subjects.

In accordance with 8 C.F.R § 214.2(b)(7), students

~~Adopted 02-03-70~~
~~Amended 10-22-97~~
~~Amended 11-20-02~~
~~Amended 01-24-07~~
~~Amended 05-26-10~~

who are admitted as, or changes status to, a B-1 or B-2 nonimmigrant on or after April 12, 2002, or who files a request to extend the period of authorized stay in B-1 or B-2 nonimmigrant status on or after such date, violates the conditions of his or her B-1 or B-2 status if the student enrolls in a course of study. Such a student may not enroll in a course of study in the Los Angeles Community College District until the United States Citizenship and Immigration Services (USCIS) has admitted the alien as an F-1 or M-1 nonimmigrant or has approved the student's application for a change of status and changed the student's status to that of an F-1 or M-1 nonimmigrant.

The Chancellor shall develop policies that may restrict the admission or enrollment of a special part-time or special full-time student during any session based on any of the following criteria: (1) Age; (2) Completion of a specified grade level; (3) Demonstrated eligibility for instruction using assessment methods and procedures established pursuant to Chapter 2 (commencing with Section 78210) of Part 48 of the California Education Code and Title 5 of the California Code of Regulations.

Authority: Education Code Sections 76000, 76002;
Labor Code Section 3077

~~Adopted 02-03-70~~
~~Amended 10-22-97~~
~~Amended 11-20-02~~
~~Amended 01-24-07~~
~~Amended 05-26-10~~

8100.01 Admission of Elementary and Secondary Students Grades K-12 As Special Part-time Students. A President (or designee) of a Los Angeles Community College may, in accordance with policies adopted by the Chancellor, admit elementary and secondary school students of grades K-12 for the purpose of enriching their educational programs. The President must (1) receive a written recommendation from the school principal; (2) receive parental consent; (3)

~~Adopted 03-26-80~~
~~Amended 05-07-86~~
~~Amended 11-04-87~~
~~Amended 10-22-97~~
~~Amended 04-03-02~~
~~Amended 03-24-04~~
~~Amended 01-24-07~~

determine that the student is capable of profiting from the instruction offered; and (4) determine that space exists in the classes in which the student seeks to enroll. Such students may not receive priority registration privileges. A parent or guardian of a pupil who is not enrolled in a public school may directly petition the President (or designee) to authorize attendance as a special part-time student on the grounds that the pupil would benefit from advanced scholastic or vocational work available at the college. Students admitted under this Board Rule continue in their attendance at their school of origin for the minimum school day. Students will receive regular college credit for any course successfully completed at the level determined appropriate by the school district and the community college governing boards.

A special part-time student may enroll in up to, and including 11 units per semester.

Education Code Sections 76001, 48800, 48800

~~Adopted 03-26-80~~
~~Amended 05-07-86~~
~~Amended 11-04-87~~
~~Amended 10-22-97~~
~~Amended 04-03-02~~
~~Amended 03-24-04~~
~~Amended 01-24-07~~

8100.02 Admission to Summer Session - Students Grades K-12. A president (or designee) of a Los Angeles Community College, in accordance with policies adopted by the Chancellor, may admit to summer session as a special student any student with parental consent, who has received a written recommendation from the principal of the school which the student

~~Adopted 05-07-86~~
~~Amended 10-22-97~~
~~Amended 04-03-02~~
~~Amended 01-24-07~~

attends indicating that the student (1) has demonstrated adequate preparation in the disciplines to be studied and (2) has availed himself or herself of all opportunities to enroll in an equivalent course at his or her school of attendance.

Education Code Section 76001

~~Adopted 05-07-86~~
~~Amended 10-22-97~~
~~Amended 04-03-02~~
~~Amended 01-24-07~~

8100.03 Fee Exemption for Special Part-Time Students Grades K-12. Students admitted to the Los Angeles Community Colleges pursuant to Education Code Section 76001 and Section 8100.01 of these Board Rules as special part-time students who are concurrently enrolled in a public school district are exempt from enrollment fees charged for all terms (including summer) pursuant to Education Code Section 76300.

Education Code Sections 48800, 48800.5, 48802, 76000, 76001, 76002, 76140, 76300

~~Adopted 05-07-86~~
~~Amended 02-12-97~~
~~Amended 12-15-99~~
~~Amended 05-09-01~~
~~Amended 02-06-02~~
~~Amended 04-03-02~~
~~Amended 10-17-07~~
~~Amended 06-11-08~~
~~Amended 08-20-08~~
~~Amended 12-17-08~~

8100.04 Admission of Elementary and Secondary Students Grades K-12 as Special Full-Time Students. A President (or designee) of a Los Angeles Community College may, in accordance with policies adopted by the Chancellor, admit elementary and secondary school students of grades K-12, provided that, in the opinion of the College President, the student would benefit from the course or class.

Verification of approval of the governing board of the school district of attendance must be submitted for admission as a special full-time student.

A parent or guardian of a pupil who is not enrolled in a public school may directly petition the President (or designee) to authorize attendance as a special full-time student on the grounds that the pupil would benefit from advanced scholastic or vocational work available at the college.

Any student who attends as a special full-time student is exempt from compulsory school attendance under Chapter 2 or Part 26 of the California Education Code.

Students admitted as special full-time students are required to undertake courses for instruction of a scope and duration sufficient to satisfy the requirements of law.

Education Code Sections 76001, 48800.5

~~Adopted 05-07-86~~
~~Amended 10-22-97~~
~~Amended 04-03-02~~
~~Amended 01-24-07~~

8100.05 Residency Classification for Children of Undocumented Immigrants.

Minor Children of undocumented immigrants will be classified as California residents for tuition purposes in the Los Angeles Community College District if the following conditions are satisfied: 1) the minor student is a U.S. citizen; and 2) the minor student has satisfied the presence and intent requirements set forth in the California Education Code and Title 5 of the California Code of Regulations.

~~Amended 05-09-01~~

~~Amended 02-06-02~~

~~Amended 04-03-02~~

8100.06 Definition of Highly Gifted and Talented Students.

For purposes of Board Rules 8100.07 and 8100.08, a highly gifted and talented pupil is defined as a gifted and talented pupil who has achieved a measured intelligence quotient of 150 or more points on an assessment of intelligence administered by qualified personnel or has demonstrated extraordinary aptitude and achievement in language arts, mathematics, science, or other academic subjects, as evaluated and confirmed by both the pupil's teacher and principal.

~~EC 52201(b)~~

~~Adopted 04-03-02~~

8100.07 Admission of Highly Gifted and Talented Students Grades K-12 as Special Part-Time Students.

A President (or designee) of a Los Angeles Community College may, at his or her discretion, admit highly gifted and talented students of grades K-12 for the purpose of enriching their educational programs. The President must (1) receive a written recommendation from the school principal; (2) receive parental consent; (3) determine that the student is capable of profiting from the instruction offered; and (4) determine that space exists in the classes in which the student seeks to enroll. Such students may not receive priority registration privileges.

A parent or guardian of a highly gifted and talented pupil who is not enrolled in a public school may directly petition the President (or designee) to authorize attendance as a special part-time student on the grounds that the pupil would benefit from advanced scholastic or vocational work available at the college. In these cases, an intelligence assessment test must be administered by qualified personnel and the highly gifted and talented pupil must achieve a measured intelligence quotient of at least 150 points.

Students admitted under this Board Rule must continue in their attendance at their school of origin for the minimum school day. Students will receive regular college credit for any course successfully completed at the level determined appropriate by the school district and the community college governing boards.

~~Adopted 04-03-02~~

A special part-time student may enroll in up to, and including 11 units per semester.

A President (or designee) may, at his or her discretion, deny a request for special part-time enrollment at a Los Angeles Community College for a pupil who is identified as highly gifted and talented. If such request is denied, the President (or designee) must issue a written denial that includes the findings and reasons for the denial to the parent or guardian of the highly gifted and talented pupil within 30 days. The Board must then take action to either confirm or reject this denial at a Board meeting which

takes place within 30 days after the denial has been issued. The parent or guardian of the highly gifted and talented pupil who is denied admission to a Los Angeles Community College will have the opportunity to appeal the denial before the Board at this Board meeting.

Education Code Sections 76001, 48800, 48800.5(d)

~~Adopted 04-03-02~~

8100.08 Admission of Highly Gifted and Talented Students Grades K-12 as Special Full-Time Students. A President (or designee) of a Los Angeles Community College may, at his or her discretion, admit highly gifted and talented students of grades K-12, provided that, in the opinion of the College President, the student would benefit from the course or class.

Verification of approval of the governing board of the school district of attendance must be submitted for admission as a special full-time student.

~~Adopted 04-03-02~~

A parent or guardian of a highly gifted and talented pupil who is not enrolled in a public school may directly petition the President (or designee) to authorize attendance as a special full-time student on the grounds that the pupil would benefit from advanced scholastic or vocational work available at the college. In these cases, an intelligence assessment test must be administered by qualified personnel and the highly gifted and talented pupil must achieve a measured intelligence quotient of at least 150 points.

Any student who attends as a special full-time student is exempt from compulsory school attendance under Chapter 2 or Part 26 of the California Education Code.

Students admitted as special full-time students are required to undertake courses for instruction of a scope and duration sufficient to satisfy the requirements of law.

A President (or designee) may, at his or her discretion, deny a request for special full-time enrollment at a Los Angeles Community College for a pupil who is identified as highly gifted and talented. If such request is denied, the President (or designee) must issue a written denial that includes the findings and reasons for the denial to the parent or guardian of the highly gifted and talented pupil within 30 days. The Board must then take action to either confirm or reject this denial at a Board meeting which takes place within 30 days after the denial has been issued. The parent or guardian of the highly gifted and talented pupil who is

~~Adopted 04-03-02~~

denied admission to a Los Angeles Community College will have the opportunity to appeal the denial before the Board at this Board meeting.

Education Code Sections 76001, 48800.5

~~Adopted 04-03-02~~

8100.09 Admission with Credit for Advanced Placement Courses. High school graduates who enroll in the colleges of the Los Angeles Community College District may be granted college credit-at-entrance after they have successfully completed Advanced Placement Courses in high school and have attained a satisfactory score on the appropriate examination furnished by the college Entrance Examination Board.

~~Adopted 02-03-70~~

8100.10 Admission and Residence Classification of Non-Citizens. It is the intention of the Los Angeles Community College District that no one be discriminated against in the admission and residence classification process on the basis of national origin. Further, it is the intention of the Board that subjective personal characteristics, such as appearance and speech, not be the basis for assumptions about national origin or immigration status.

~~Adopted 02-03-70~~

~~Suspended 10-14-78~~

~~Amended 08-29-79~~

~~Amended 10-01-86~~

~~Amended 10-22-97~~

~~Amended 09-03-03~~

The Los Angeles Community College District shall admit all non-citizens who are able to benefit from instruction and who are not barred from enrollment under Federal and/or State law. Non-citizens shall be classified as resident or nonresident in accordance with applicable State and Federal laws, Title 5 of the California Code of Regulations, and District regulations.

The Chancellor shall develop rules and regulations for the implementation of this policy.

Education Code Section 76000

~~Adopted 02-03-70~~
~~Suspended 10-14-78~~
~~Amended 08-29-79~~
~~Amended 10-01-86~~
~~Amended 10-22-97~~
~~Amended 09-03-03~~

8100.11 Applicants for Student Visas. Citizens of a foreign country who wish to study in the United States must apply directly to a United States school for a certificate of eligibility (Form "I-20"). Students who receive the certificate may then apply to United States Citizenship and Immigration Services ("USCIS") for an F-1 study visa that allows them to study in this country.

The actual issuance of a certificate of eligibility (Form I-20) is at the discretion of the college. Colleges may consider the availability of facilities and advisement personnel in deciding whether or not to issue certificates, and may set additional requirements such as English proficiency.

~~Adopted 02-03-70~~
~~Suspended 10-14-78~~
~~Amended 08-29-79~~
~~Amended 05-18-05~~

8100.12 Residence Requirements. The Residence Requirements for Admission are shown in Chapter VI of these Board Rules.

~~Adopted 02-03-70~~

8100.13 Inadmissibility of Students Who Have Not Fulfilled Library Responsibilities. Registration privileges shall be withheld from any student or former community college student properly charged with the possession of library books or other library materials when such books or materials are not returned to the library when due.

Registration privileges shall be restored when the student either (a) returns the overdue library books or other library materials; or (b) pays the charge for the replacement of the library books or other library materials if such books or materials were lost; (c) established satisfactory arrangements for payment. In the event the payment is not satisfied, registration for the subsequent semester shall be withheld.

~~Adopted 01-19-72~~

8100.14 Withholding of Services For Students Who Are In Default On A Loan Or Loans. The District may withhold institutional services from a student or former student who has been notified in writing at the last known address of the student or former student that he or she is in default on a loan or loans under either the Guaranteed Student Loan Program or the Supplemental Loan for Students program. The services that may be withheld from the student shall include, but are not limited to the provision of grades, transcripts, and diplomas.

~~Adopted 02-08-89~~

"Default" means the failure of a borrower to make an installment payment when due, or to meet other terms of the promissory note under circumstances where the guarantee agency finds it reasonable to conclude that the borrower no longer intends to honor the obligation to repay, provided that this failure persists for 180 days for a loan repayable in monthly installments, or 240 days for a loan repayable in less frequent installments.

The District shall not withhold registration privileges of students in default of a loan or loans under either the Guaranteed Student Loan Program or the Supplemental Loan for Students program.

The District shall not withhold services during the period when the facts with respect to the default are in dispute or when the student or former student demonstrates to the governing board of the District or the Student Aid Commission, or both, that reasonable progress has been made to repay the loan or that there exists a reasonable justification for the delay as determined by the institution.

~~Adopted 02-08-89~~

8100.15 Nonresident Tuition Fee Exemption on the Basis of Demonstrated Financial Need.
Students who are citizens and residents of a foreign country, or who are legally precluded from establishing residency in California, shall be entitled to exemption from nonresident fees on the basis of individual financial need in accordance with regulations adopted by the Chancellor. Such individual exemptions shall not be granted in excess of ten percent (10%) of the District's students who are both citizens and residents of a foreign country in the applicable term.

Education Code Section 76140

~~[THIS CHANGE WILL BE EFFECTIVE BEGINNING THE SUMMER 2009 TERM]~~

~~Adopted 10 17 07~~
~~Amended 06 11 08~~
~~Amended 08 20 08~~
~~Amended 12 17 08~~
Amended 06/07/17

ARTICLE IV

CERTIFICATED ASSIGNMENTS

10403. PART-TIME MONTHLY RATE TEACHING AND OTHER CERTIFICATED ASSIGNMENTS. All part-time monthly rate teaching assignments during regular and summer sessions shall be on a fractional basis; that is, proportional to a full-time monthly rate teaching assignment of 30 hours per week, 120 hours per pay period. Part-time monthly rate non-teaching assignments shall be on a fractional basis; that is, proportional to a full-time monthly rate non-teaching assignment of either 140 or 160 hours per pay period in accordance with Board Rule 10402. Employees who are assigned to part-time monthly rate teaching and to part-time monthly rate non-teaching assignments are to serve the number of hours per pay period as the fractional assignment bears to a full-time monthly rate assignment for that type of service.

~~Adopted 11 15 72~~

~~Amended 06 28 73~~

10404. RELEASED TIME FOR ACADEMIC SENATE OFFICERS. The President of the District Academic Senate may be granted release time from his/her regular assignment for 0.4 FTE, the Vice-President of the District Academic Senate may be granted release time from his/her regular assignment for 0.2 FTE, and the Presidents of each College Academic Senate may be granted release time from their regular assignments for 0.2 FTE during their term in office.

~~Adopted 11 15 72~~

~~Amended 06 28 73~~

~~Amended 11 26 85~~

10405. AUTHORIZATION FOR CERTIFICATED EMPLOYEES TO SERVE AS REPLACEMENT INSTRUCTORS. Replacement service is teaching rendered by one employee for an instructor at the same college reported as absent on the payroll records. Such service is to be authorized only when the replacement instructor is regularly assigned on the same salary schedule as the absent instructor and is well qualified for the assignment. Employees authorized to render replacement service shall be paid additional salary for such service at the rate of their regular assignments.

An employee performing replacement services shall receive one hour's pay in addition to pay for his/her regular assignment for each class hour during which he/she teaches an absent instructor's class. The rate of pay for replacement service for an absent monthly rate instructor shall be the replacement instructor's pay period rate for this regular assignment. The rate of pay for replacement service for an absent hourly rate instructor shall be the replacement instructor's regular hourly rate.

The Chancellor shall establish the administrative procedures for the processing and control for pay for replacement service.

~~Adopted 08-20-75~~

~~Amended 11-26-85~~

10406. ASSIGNMENT AUTHORIZATION FOR NEW CERTIFICATED EMPLOYEES. Administrators shall not assign any new certificated monthly rate employee, including a substitute, without authorization of the Human Resources Division.

~~Adopted 08-20-75~~

~~Amended 11-26-85~~

10406.10 Method of Submitting Personnel Assignments for Board Action. Assignments of personnel including elections, terminations, leaves, and resignations, to positions requiring certification qualifications, other than probationary assignments to administrative positions at the level of vice president or above, shall be reported for Board action in summary form by assignment order number; provided, that all assignment orders shall be on file and available in the Division of Human Resources.

~~Adopted 08-20-75~~

~~Amended 11-26-85~~

10406.11 Assignment of Entrance-Level Certificated Employees. Entrance-level certificated personnel including but not limited to counselors, instructors, librarians and nurses may, subject to the provisions of the certificated agreement, be assigned to perform any duties appropriate within their present classifications or be reassigned to another entrance-level classification provided that the employees hold credentials which authorize the performance of such duties.

An authorization to instruct subjects in a subject matter minor named on a community college teaching credential may be granted annually for the holder of such credential provided such authorization is approved by the Board as a personnel action reported in accordance with Board Rules. If renewal of such authorization is needed, a personnel action shall be submitted annually for Board approval.

~~Adopted 08-20-75~~

~~Amended 11-26-85~~

10407. TERMINOLOGY FOR USE IN CERTIFICATED ASSIGNMENTS. The following definitions shall apply to terms used in certificated assignments:

- A. Position. A position is a set of duties and responsibilities to be performed by one, or the equivalent of one, full-time employee.
- B. Status. The status of an employee pertains to the extent of his/her rights of employment in any class to which he/she is assigned.
- C. Class. A class is one or more positions sufficiently similar in respect to duties and responsibilities, that for a specific status:
 - (a) the same title can be applied to all positions;
 - (b) the same minimum qualifications are required of the incumbents;
 - (c) the same tests of fitness are used to choose qualified employees; and
 - (d) the same salary schedule can apply with equity for all positions.
- D. Entrance-level Class. An entrance-level class is a class in which permanent status may be acquired with the appropriate service and appropriate credential.
- E. Promotional Class. A promotional class is a class in which permanent status cannot be acquired.
- F. Eligible List. An eligible list is a list of names of persons who have qualified by the procedures established for the selection of probationary or promotional employees.

~~Adopted 08-20-75~~

~~Amended 11-26-85~~

10408. MULTIPLE ASSIGNMENT. Employees assigned full time may be employed in additional assignments within the limits provided in the Chancellor's regulations concerning multiple assignments or within the limits contained in unit contracts.

~~Adopted 08-20-75~~

~~Amended 11-26-85~~

10408.10 Authorization to Serve in Additional Assignments. All regular, full-time certificated employees, having proper qualifications, are authorized to serve as needed and directed in any assignment which is in addition to their regular full-time assignment, in accordance with applicable multiple assignment rules and regulations.

~~Adopted 08-20-75~~

~~Amended 11-26-85~~

10409. ASSIGNMENT BASES. The various bases of assignment for employees shall be as follows:

Basis Definition of Assignment Period.

- A. From July 1 to June 30, inclusive (full year positions).
- B. 10-17/20 (10.85) continuous payroll periods within the academic year which includes the period from the first day of fall semester to the last day of the spring semester the beginning date of the assignment to be determined by the Chancellor.
- C. From the first day of the fall semester to the last day of the spring semester, inclusive. Classified employees may be assigned up to twenty (20) of the days within this assignment basis immediately preceding the first day of the fall semester or immediately following the last day of the spring semester in accordance with administrative regulations established by the Chancellor or his designee.
- D. 240 days, excluding Saturdays and Sundays but including legal and school holidays occurring during the period of assigned time, as designated by the Chancellor or his authorized representative, between July 1 and June 30, inclusive, and such assigned time to include the winter and spring vacation periods.

~~Adopted 08-30-72~~

~~Amended 06-22-77~~

- E. All days when colleges are in session and in addition not to exceed six (6) days as assigned. School holidays not assigned as working days shall be unpaid days except that earned vacation shall be taken during school holiday periods. ~~Applicable to cafeteria manager positions.~~
- F. All days when colleges are in session and in addition not to exceed three (3) days as assigned. School holidays not assigned as working days shall be unpaid days except that earned vacation shall be taken during school holiday periods. ~~Applicable to cafeteria positions other than managers.~~
- G. 239 days, excluding Saturdays and Sundays but including legal and school holidays occurring during the period of assigned time, as designated by the Chancellor or his authorized representative, between July 1 and June 30, inclusive.
- J. All days when colleges are in session with the exception of the first week of the fall semester and the last week of the spring semester. School holidays not assigned as working days shall be unpaid days except the earned vacation shall be taken during school holiday periods. ~~Applicable to certain cafeteria positions.~~
- K. All days when colleges are in session with the exception of the last two weeks of the fall semester and the last two weeks of the spring semester. School holidays not assigned as working days shall be unpaid days except that earned vacation shall be taken during school holiday periods. ~~Applicable to all cafeteria positions other than managers.~~

~~Adopted 08 30 72~~

~~Amended 06 22 77~~

M. From July 1 to June 30, inclusive, or portions thereof, in accordance with the contract of employment. Employees compensated at a pay period rate shall earn vacation at the rate of .05 hour for each hour for which pay is received. All accumulated vacation must be taken during the period of the contract of the employee. Applicable only to specially funded programs in the certificated service.

~~Adopted 08-30-72~~

~~Amended 06-22-77~~

~~Amended 08-30-78~~

P. All days when colleges are in session and in addition not to exceed six (6) days as assigned by the President or Division Head. School holidays not assigned as working days shall be unpaid days except that earned vacation shall be taken during school holiday periods.

~~Adopted 08-30-72~~

~~Amended 06-22-77~~

R. 240 days, excluding Saturdays and Sundays but including legal and school holidays occurring during the period of assigned time, as designated by the Chancellor or his authorized representative, between July 1 and June 30, inclusive. This is applicable to management employees only.

~~Adopted 04-14-82~~

S. 220 days, excluding Saturdays and Sundays but including legal and school holidays occurring during the period of assigned time as designated by the Chancellor or his authorized representative, between July 1 and June 30, inclusive. This is applicable to management employees only.

~~Adopted 04-14-82~~

- X. Periods of assignment not otherwise provided including such assignments as overseas instructors, substitutes, temporary, relief and unclassified.

~~Adopted 08-30-72~~
~~Amended 06-22-77~~
~~Amended 02-03-82~~

- Z. Applicable to certificated and classified employees in other than A basis positions. Provides regular illness, holiday and vacation benefits.

- 1. Certificated employees qualify as follows:

- a. The period between the ending date of an employee's regular assignment basis in one school year and the beginning date of his regular basis for the following school year for assignments of ten (10) or more consecutive working days, or
- b. The periods of unassigned time for D basis employees.

- 2. Classified employees qualify for all periods of unassigned time.

~~Adopted 08-30-72~~
~~Amended 06-22-77~~
~~Amended 06-06-79~~

10409.10 Mandatory Unpaid Leave of Absence for Academic Administrators.

- A. Upon the affirmative vote of at least four members of the Board, the Board may place any academic administrator who is employed on the "A" Basis on mandatory unpaid leave of absence for up to 15 working days each fiscal year.

~~Adopted 02-26-03~~
~~Amended 06-24-09~~

- B. No action placing any academic administrator on mandatory unpaid leave of absence pursuant to this rule shall be taken unless notice of the proposed action has been given at a previous regular Board meeting.
- C. This rule shall apply to academic administrators whose terms and conditions of employment are set forth in a collective bargaining agreement only to the extent and in the manner prescribed in that collective bargaining agreement.

~~Adopted 02 26 03~~
~~Amended 06 24 09~~

10410. HOLIDAYS. The basis of assignment for a certificated employee shall determine the holidays for which he/she shall receive pay according to the provisions of Rules 10411 or 10412. Holidays authorized for each assignment basis are indicated in the following table:

Assignment Basis	Holidays
A, Z	Holidays listed in Rule 2304.10 and any other holidays declared by the Board to apply to these employees.
B, C, D	Holidays listed in Rule 2304.10 and any school holidays or other holidays declared by the Board which come within the assignment period.
M	Holidays in accordance with contract.
X	No holiday benefits.

~~Adopted 08 20 75~~
~~Amended 11 26 85~~

10411. PAYMENT FOR HOLIDAYS - CERTIFICATED EMPLOYEE WITH REGULAR STATUS AND SERVING IN SUCH STATUS OR AS A SUBSTITUTE IN A HIGHER CLASS. A certificated employee shall receive pay in a regular assignment or in an assignment in lieu of his/her regular assignment as a temporary consultant, acting employee, or as a substitute in a higher class than that of the regular assignment for holidays listed in Rule 2304.10 and for other holidays authorized by the Board for employees on his/her assignment code basis, which are part of the employee's regularly assigned days, subject to the following conditions and exceptions:

- A. The employee has been in paid status during any portion of the last working day of his/her assignment preceding the holiday or during any portion of the first working day of his/her assignment following the holiday provided that:
 - 1. An employee on a sabbatical leave of absence shall receive the same rate of pay for a holiday occurring during the leave as is received for other working days in such period, and
 - 2. An employee on a military leave of absence entitled to compensation under Rule 101023 shall only receive pay for the portion of the holiday period needed to meet the total time for which compensation is required by law.
- B. If the first day of his/her assignment is a holiday and the employee has been in paid status during any portion of the next following day.
- C. If the last day of his/her assignment is a holiday and the employee has been in paid status during any portion of the last working day preceding the holiday.

Adopted ~~08-20-75~~

Amended ~~11-26-85~~

10412.

PAYMENT FOR HOLIDAYS - SUBSTITUTE CERTIFICATED EMPLOYEE.

A certificated employee shall receive pay in a substitute assignment on his/her assignment code basis, except as provided in Rule 10411 for a substitute in a higher class, for holidays listed in Rule 2304.10, and for other holidays authorized by the Board of employees on his/her assignment code basis, subject to the following conditions:

- A. The holiday is one of the assigned days of the regular employee in whose place the substitute is serving.
- B. The employee must have status as a substitute on the holidays for which salary is received.
- C. With the exception of those holiday periods exceeding two days, the substitute employee must serve as substitute for a regular employee on any portion of the last working day of the assignment of such regular employee preceding a holiday, and on any portion of the first working day of assignment of the same regular employee following the holiday.
- D. In order to receive pay for any part of a holiday period exceeding two days, the substitute employee must be assigned on a B, C, or D basis at monthly rate, and must meet the following requirements:

For holiday pay for the winter holiday period, the substitute must have been paid for at least the number of hours corresponding to 60 days within the B, C, or D assignment basis during the current academic year up to and including the last working day of the fourth school month. For holiday pay for the spring holiday period, the substitute must have been paid for at least the number of hours corresponding to 30 days from the beginning of the sixth school month up to and including the last working day of the seventh school month.

~~Adopted — 06-09-76~~

~~Amended — 11-26-85~~

10413. CHANGE OF SERVICE ASSIGNMENT - DEFINITION. A "Change of Service Assignment" shall be defined as a change from the classified service to the certificated service by a classified employee of the District, other than one with relief, substitute, provisional or part-time status only, who is assigned with probationary status in the certificated service.

~~Adopted 06-06-79~~

~~Amended 11-26-85~~

10413.10 Change of Service Assignment - Unused Vacation Balances. A classified employee who receives a change of service assignment to a position on an A basis in the certificated service may carry over all unused vacation balances earned as a classified employee or may be paid the money value of all or part of said accumulated vacation time upon his/her request in the manner as provided in Board Rule 101004.

~~Adopted 06-06-79~~

10413.11 Change of Service Assignment to Basis not having Vacation Privileges. A classified employee who receives a change of service assignment to an assignment basis in the certificated service not having vacation privileges shall be paid the money value of said accumulated vacation time in the manner as provided in Board Rule 101001, et seq.

~~Adopted 06-06-79~~

10413.12 Change of Service Assignment - Step Advancement and Leave Privileges. Prior service as a classified employee shall be computed in determining eligibility for step advance and leave privileges in accordance with relevant rules for the certificated service, provided that, in the case of sabbatical leave, the prior service must be in the certificated service in accordance with provisions of the Education Code.

~~Adopted 06-06-79~~

~~Amended 11-26-85~~

10413.13 Change of Service Assignment - Allocation to Appropriate Salary Increment. An employee of the District who receives a change of service assignment shall be allocated to the step and, in the case of the preparation salary schedule, the column on the salary schedule of the class to which he/she is assigned on the following basis:

a. Allocation shall be made to the step of the salary schedule equal to or next above the last regular salary of the employee, plus any earned step advancement not previously allowed, but in no case shall such employee suffer a reduction in salary except where the maximum rate for the class would entail such a reduction. Allocation to the preparation salary schedule shall be made as follows:

1) Allocate to Column B, C, D or E if qualified, according to rating-in rules and the number of points allowed for previous study. Allocate to the step on the column determined above of the schedule equal to or next above the employee's last regular salary including any earned step advancement not previously allowed.

If the employee possesses an advanced degree meeting the standards provided in Board Rule 10535, the appropriate degree differential shall be added to his basic rate on the preparation salary schedule.

For the purposes of this rule, a year of service is defined as a year of service in the District which met step advancement requirements at the time the service was rendered.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

- b. An employee assigned to a class for which rating-in of new employees is provided shall receive the benefit of such rating-in provided the salary would thereby be greater than that to which entitled by virtue of prior status as a classified employee.

- c. A certificated employee who receives an assignment in the classified service and who thereafter reenters the certificated service shall receive salary not less than that to which he is entitled by other applicable Board Rules relating to rating-in or salary restoration.

~~Adopted 07 19 72~~

~~Amended 11 26 85~~

10415. RETURN TO SERVICE AFTER RESIGNATION. According to the procedures established by Board Rule 10415.10, a former permanent certificated employee who has resigned may be returned to his former class as a permanent employee if he is re-employed within 39 months from the last day of paid service or as a probationary employee if the period following the resignation is more than 39 months. Time spent in active military service or its equivalent, as defined in the Education Code, shall be excluded in computing length of time following separation.

A former probationary certificated employee who has resigned may be returned to his former class as a probationary employee according to procedures established by Board Rule 10415.10.

~~Adopted 03 15 72~~

~~Amended 09 14 77~~

10415.10 Return after Resignation - Qualification. A former permanent or probationary certificated employee who returns to the former class as either a permanent employee or as a probationary employee under the provisions of Board Rule 10415 shall qualify for such return to service according to administrative procedures established by the Chancellor for evaluating the qualifications of former permanent or probationary certificated employees desiring to return to service.

~~Adopted 03 15 72~~

~~Amended 09 14 77~~

10415.11 Employment of Certificated Employees After Retirement. Notwithstanding any Board Rule to the contrary, any person who has retired under any California State Retirement system or the Los Angeles Community College Retirement System may be employed according to administrative regulations established by the Chancellor for service not to exceed the authorizations provided by the respective retirement system.

~~Adopted 03-15-72~~

~~Amended 09-14-77~~

~~Amended 11-26-85~~

Such former employee may be re-employed for services during an academic year provided the following conditions are met:

- a. The employee is approved for service in accordance with standards and procedures prescribed by the Chancellor for such service.
- b. Any employee receiving a retirement allowance from the State Teachers' Retirement System has on file with the Los Angeles County Superintendent of Schools a certificate from a physician or surgeon showing that he/she has submitted to and passed a physical examination as provided in Section 87408.5 of the Education Code.

~~Adopted 11-26-85~~

10415.12 Employment After Retirement - Salary. Any person who is employed as provided in Rule 10415.11 shall be paid salary in accordance with appropriate salary rules.

~~Adopted 03-15-72~~

~~Amended 11-26-85~~

10416. SEPARATION FOR DISABILITY ALLOWANCE. A permanent certificated employee who has been approved for a disability allowance by the State Teachers' Retirement System shall be separated for disability allowance on the date the District is notified of such disability allowance by the State Teachers' Retirement System.

~~Adopted 04-28-76~~

~~Amended 07-11-90~~

10417. REEMPLOYMENT RIGHTS FOLLOWING DISABILITY RETIREMENT. A former permanent certificated employee who has not attained the age of 60, who has been separated for disability retirement for not more than five years, and who has been declared no longer disabled by the State Teachers' Retirement System shall be restored to active service in the classification in which he held tenure at the beginning of the following fall semester.

~~Adopted 04-28-76~~

10419. ASSIGNMENT OF TEMPORARY CERTIFICATED EMPLOYEES. If, due to an emergency situation, it is considered necessary to fill a position for which the eligible list is exhausted, or for which the persons on the eligible list are not immediately available, a temporary employee may be appointed to such position. The service in this position shall be from day to day but not in excess of 20 working days. Such service shall not be included in that required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of the District. Temporary employees so assigned shall be paid on the same schedule as for substitute employees in the class to which assigned.

~~Adopted 04-28-76~~

~~Amended 11-26-85~~

10420. EARLY RETIREMENT PLAN WITH INCREASED RETIREMENT BENEFITS. Certificated employees who meet the following conditions shall be granted the retirement benefits provided by Education Code Section 24212:

- A. The employees must have 30 years or more of credited service on the effective date of retirement excluding credit for unused sick leave.
- B. The employee must have attained the age of 55 on the effective date of retirement.
- C. The employee must retire on or after June 1, 1979, and before July 15, 1985.

~~Adopted 11-07-79~~

~~Amended 10-06-82~~

10421. EARLY RETIREMENT PLAN AT AGE 50. Certificated employees who meet the following conditions shall be granted the retirement benefits provided by Education Code Section 24007:

- A. The employee must have 25 years or more of credited service the State Teachers' Retirement System on the effective date of retirement excluding credit for unused sick leave.
- B. The employee must have attained the age of 50 on the effective date of retirement.
- C. The employee must retire before January 1, 1989.

~~Adopted 01-05-83~~

~~Amended 11-26-85~~

10422. DISMISSAL OF ENTRANCE-LEVEL SUBSTITUTE CERTIFICATED EMPLOYEES. An entrance-level substitute certificated employee may be dismissed from a substitute assignment at any time.

~~Amended 11-26-85~~

Amended 06/07/17

ARTICLE V

CERTIFICATED SALARY

10501. RECORD OF SALARY PAYMENTS OF CERTIFICATED EMPLOYEES.
A record of salary payments of all certificated employees shall be maintained by Business Services. Business Services shall compute and determine the salary step advancements for service to which employees are entitled in accordance with the regulations of the Board.

~~Adopted — 08-30-72~~

10503. MONTHLY RATE. Monthly rate as used in rules for certificated employees is the rate for a four-week pay period.

~~Adopted — 08-30-72~~

~~Amended — 11-26-85~~

10504. CHANGE IN NUMBER OF HOURS, DAYS, OR MONTHS OF ASSIGNMENTS DOES NOT CONSTITUTE A CHANGE OF CLASS.
For the purpose of these Rules the transfer of certificated employees from one assignment to another with similar duties for a different number of hours, days, or months shall not be considered a change of class.

~~Adopted — 08-30-72~~

10505. SALARIES OF FRACTIONAL-TIME CERTIFICATED EMPLOYEES. Each certificated employee with less than a full-time assignment shall receive the same fraction of full salary for his position which his fraction of assignment bears to full-time assignment.

~~Adopted — 08-30-72~~

10507. ALLOCATION TO SALARY SCHEDULE OF CERTIFICATED EMPLOYEES
CARRIED OVER FROM THE PRECEDING SCHOOL YEAR.

A. Certificated employees carried over from the preceding school year in the same class or who are assigned to another class on the same salary schedule at the same time that they are allocated to the salary schedules for the ensuing school year shall be allocated to the salary schedule for the ensuing school year in accordance with the following procedures.

1. Allow a one column advancement for employees assigned on the preparation salary schedule where such employees are entitled to said column advancement within the limits of the schedule and in accordance with existing Board Rules.
2. Based on the salary schedule of the preceding school year, allow a one-step advancement for employees who are entitled to said step advancement in accordance with existing Board Rules governing step advancement within the limits of the schedule.
3. Place each employee on the salary schedule for the ensuing school year for his/her class on the numbered step and, in the case of preparation salary schedule, on the lettered column and numbered step that corresponds to his/her column letter and step number as determined in "1" and "2" above.

~~Adopted 08-02-72~~

~~Amended 08-30-72~~

- B. Certificated employees carried over from the preceding school year who are assigned to a higher class at the same time that they are allocated to the salary schedule for the ensuing school year shall first have their salary determined on the appropriate salary schedule for the ensuing school year on the basis of the position from which assigned in accordance with "A" above, then allocated to the monthly rate on the salary schedule for the higher class which is next above the monthly salary rate to which entitled in their former class. If an employee may be considered to be carried over from the preceding school year from either of two classes and the resulting rates would be different, he shall have the benefit of the higher rating.

- C. Certificated employees carried over from the preceding school year who are assigned to a lower class at the same time that they are allocated to the salary schedule for the ensuing school year shall first have their salary determined on the salary schedule for the ensuing school year on the basis of the position from which assigned in accordance with "A" above, then allocated to the same rate if it appears on the schedule, or, if the rate does not appear, the nearest rate above on the schedule for the lower class as in the former class, but not in excess of the maximum of the lower class.

- D. If step advancement, reallocation, or reclassification of a class, and promotion or demotion from such class become effective at the same time, salary adjustments for the incumbents affected shall be made according to the following priority.
 - 1. Allow any earned step advancement and, if on the preparation salary schedule, any earned columnar advancement on last salary rate received.

~~Adopted 08-02-72~~
~~Amended 08-30-72~~

2. Allow for increase or decrease due to reallocation or reclassification of the class according to "B" or "C".
3. Allow for increase or decrease due to promotion or demotion according to "B" or "C".

~~Adopted — 08-02-72~~

~~Amended — 08-30-72~~

10507.10 Allocations to be within Range of Salary Schedule. All allocations to the salary schedules shall be at a rate not less than the minimum nor more than the maximum of the salary schedule of the class to which the employee is assigned, unless otherwise specifically authorized in these Rules.

~~Adopted — 08-30-72~~

10508. DEFINITION OF PROMOTION. An assignment to a class on a higher schedule number or having a higher maximum salary rate than that of the former class, or than the flat rate of the former class, other than a reclassification or reallocation or assignment from a certificated faculty position to a certificated management position, shall be a promotion. For the purpose of this Rule, a transfer between assignment bases shall not be considered a promotion.

~~Adopted — 08-30-72~~

~~Amended — 12-19-79~~

10509. ALLOCATION OF ACADEMIC ADMINISTRATORS TO A SALARY SCHEDULE. A new employee hired to an academic class or a current employee promoted, reclassified, or reallocated to a higher class which is academic shall be placed on the salary schedule for that class at a pay period rate which, including applicable differentials and increments, is closest to five percent above the salary rate to which the employee was entitled in his/her former class or position (including status on the schedule, career increments, degree, certificate and responsibility differentials); subject to the following provisions:

~~Adopted — 08-30-72~~
~~Amended — 12-19-79~~
~~Amended — 04-25-84~~
~~Amended — 07-11-90~~
~~Amended — 12-06-00~~

- A. If the employee is returning to a higher class to which he/she had been assigned earlier in the same school year, the salary in the higher class shall not be greater than it would have been had he/she remained in this class during the entire school year.

~~Adopted — 08-30-72~~

- B. If an employee is promoted to a position on an assignment basis which begins before the assignment basis of his/her former position after the close of a school year and prior to the opening of school in the following school year he/she shall be allocated to the salary schedule for the higher class according to the step and columnar placement to which he/she would be entitled had he/she remained in the position he/she held at the close of school and on the basis of study completed and point applications and verifying documents on file by the effective date of assignment to the higher class.

~~Adopted — 08-30-72~~

10509.13 Salary Rate for an Employee Assigned, Other than by Reclassification or Reallocation, to a Class on the Master Salary Schedule Having a Lower Schedule Number. A certificated employee assigned, other than by reclassification or reallocation, to a class having a lower schedule number on the master salary schedule than that of the class from which assigned shall be allocated to the same pay period rate if it appears on the lower schedule number, or, if the rate does not appear, the rate closest to the former rate.

~~Adopted 12-06-00~~

10510. STEP AND COLUMNAR STATUS MAINTAINED WHEN SALARY RANGE FOR A CLASS IS REVISED. Whenever the salary range for an entire class is revised, the salary of each continuing incumbent in a position to which the revised range applies shall be adjusted to the numbered step and, in the case of the preparation schedule, to the numbered step and lettered column in the new range, as designated the equivalent to his/her step number and column letter in the previous range. This change in salary shall not affect his/her eligibility for step or columnar advancement.

~~Adopted 07-19-72~~

10511. MAXIMUM STEP OR MINIMUM COLUMN DEEMED MAXIMUM OF PREPARATION SCHEDULES IN DEFINING A HIGHER OR LOWER SALARY RATE. When transferring from a preparation salary schedule to the master salary schedule, as provided elsewhere in these Rules, the maximum step of the minimum column of the preparation salary schedule shall be deemed to be the maximum of such schedule in defining a higher or lower maximum salary rate, and "salary differentials" shall not be considered.

~~Adopted 08-30-72~~

10512. SALARY RATES FOR EMPLOYEES ASSIGNED TO POSITIONS HAVING RESPONSIBILITY DIFFERENTIALS.

- A. Certificated employees other than training or supplemental instructors who have received a responsibility and/or degree or certificate differential during their regular assignment basis in addition to the monthly rate to which entitled on the preparation salary schedule shall receive the salary rate in the higher class which is next above the combined preparation salary entitlement including any degree or certificate differential and the responsibility differential.
- B. When the additional responsibility for which a salary differential has been received is discontinued, employees receiving such differential shall be continued on the preparation salary schedule at their regular rate including any degree or certificate differential, but excluding the responsibility differential.

~~Adopted — 08-30-72~~

10512.10 Salary Differential for Certain Assignments Not Considered in Case of Promotion. Training or supplemental instructors promoted to a higher class shall receive the salary rate in the higher class which is next above the salary rate to which entitled in their regular positions in the lower class, including the degree differential, but excluding the "salary differential" received for such assignments.

~~Adopted — 08-30-72~~

10513. SALARY RATES WHICH ARE DEEMED EQUIVALENT FOR THE PURPOSE OF THE SALARY ALLOCATION RULES. Salary rates are deemed equivalent if the schedule number is the same, whether or not the assignment basis is the same.

~~Adopted — 08-30-72~~

10513.10 Salary Rates for Substitute Certificated Personnel with Regular Status. In the case of certificated personnel with regular status who serve in substitute status in another class, the employee's salary shall be determined as follows:

- a. When a certificated employee serves as a substitute in a class having a higher maximum salary rate than that of the class to which he/she is regularly assigned, he/she shall receive the salary in the higher class which is next above the salary rate to which entitled in his/her regular class, or the salary on the basis of a promotion according to the provisions of Board Rule 10509, whichever is higher.
- b. When a certificated employee serves as a substitute in a class on an equivalent salary schedule or in a class having a maximum salary rate equal to or less than that of the class to which he/she is regularly assigned, he/she shall receive his/her regular salary if it appears on the schedule, or, if the rate does not appear, the nearest rate above on the schedule for the second class, except that in the case of equivalent schedules, he/she shall receive the rate on the schedule for the substitute position which corresponds to his/her regular rate. In no case shall the employee receive a rate which is in excess of the maximum of the schedule of the class to which he/she is assigned as a substitute.

~~Adopted 08-30-72~~

~~Amended 11-26-85~~

- c. The salary rates provided for substitutes under the conditions of "A" and "B" above shall be paid for such substitute service during any pay period in which the employee substitutes for five or more days. In other cases when the substitute service is for less than five days, the salary of the employee in his/her regular position shall be paid, provided this is not in excess of the maximum rate of the class to which he/she is assigned as a substitute, in which case the maximum rate of the substitute class shall be paid.

- d. When a certificated employee paid at an hourly rate is assigned as a substitute in a class paid at a monthly rate, he/she shall receive the rate of the new salary schedule as a new substitute employee in the class to which assigned unless entitled to a higher rate under salary restoration rules.

~~Adopted 08-30-72~~

~~Amended 11-26-85~~

10513.11 Salary Rate for an Employee Assigned to a Third Class While Serving in a Second Class. The salary rate of an employee who is assigned to a third class while on leave of absence from a first class to serve in a second class shall be determined on the basis of the salary rate to which the employee is entitled in the first class, except that when service in the second class has been for one school year or more the salary rate of either the first or the second class, whichever is greater, shall be used as the basis for determining the salary rate in the third class.

~~Adopted 08-30-72~~

10513.12 Salary Rate for an Employee Assigned to a Third Class While on Leave of Absence from a Second Class. The salary rate of an employee who is assigned to a third class while on leave of absence from a position in which he has had no prior service in order to continue in his former regular class shall be determined on the basis of his salary rate in such former regular class.

~~Adopted 08-30-72~~

10513.13 Salary Rate for an Employee Assigned, Other than by Reclassification or Reallocation, to a Class on the Master Salary Schedule Having a Lower Schedule Number. A certificated employee assigned, other than by reclassification or reallocation, to a class having a lower schedule number on the master salary schedule than that of the class from which assigned shall be allocated to the same pay period rate if it appears on the lower schedule number, or, if the rate does not appear, the next rate above the former rate or the maximum rate of the lower schedule number, whichever is lower.

~~Adopted 08-30-72~~

10513.15 Change of Employee's Assignment Basis Between July 1 and Beginning of Fall Semester. A certificated employee whose position is changed to another assignment basis effective during the period from July 1 to the beginning of the fall semester, inclusive, shall be given the salary rate in the new assignment based on the step to which he would have been entitled on the first day of the fall semester in the former assignment.

~~Adopted 08-30-72~~

10513.16 Salary Determination When Employee is Transferred to Preparation Salary Schedule.
In the case of assignment from a class on the master salary schedule to a class on any preparation salary schedule the employee's salary shall be determined as follows:

- a. Allow point credit for approved preparation and place on the appropriate column of the applicable preparation salary schedule.
- b. Allocate to step on column determined by "A" above, by rating-in verified applicable experience credit earned before appointment as a probationary employee of the District.
- c. Allow one additional step on the same column determined by "A" above for each year step advance has been earned as a certificated employee, not to exceed the maximum of such column.

~~Adopted — 08 30 72~~

10514. SALARY RATES FOR DAY-TO-DAY SUBSTITUTE SERVICE.
Certificated employees assigned on a day-to-day basis to replace an employee paid on the preparation salary schedule shall be paid on a flat rate as indicated below:

Full-day rate. Assignments that include three or more clock hours from the starting time to the completion time.

Half-day rate. Assignments that include fewer than three clock hours from the starting time to the completion time.

~~Adopted — 08 21 74~~
~~Amended — 11 26 85~~

10516. APPROVED EXPERIENCE-NEW EMPLOYEES. New employees in positions requiring certification qualifications assigned to positions paid on the preparation salary schedule shall be allowed credit for the types of paid experience which are listed below, for the purpose of allocation to the salary schedule; provided, that proof of such experience has been submitted according to the provisions of Board Rule 10517 and the Chancellor or his designated representative has approved such experience; and provided further, that no more than one year of credit may be granted for experience acquired during any one calendar year.

Experience as an evening instructor or teacher in special day and evening classes for adults shall be computed on the basis of three hours of classroom teaching as the equivalent of one day. No such credit shall be given for evening experience on any date for which full-time day experience is granted.

- A. Experience as a certificated employee in a public school.
- B. Experience after receipt of bachelor's degree as a teacher, librarian, registrar, counselor, supervisor, or administrator in an approved private elementary or secondary school.
- C. Experience as an instructor, librarian, registrar, counselor, supervisor, or administrator in an approved public or private college or university.
- D. Experience after receipt of bachelor's degree as a professional librarian in an approved public or private library.
- E. Experience after receipt of bachelor's degree as a professional psychologist or social worker in an approved public or private agency.
- F. Experience after receipt of bachelor's degree as a public health nurse in an approved public or private agency.

~~Adopted 08 30 72~~
~~Amended 08 21 74~~
~~Amended 11 26 85~~
~~Amended 02 08 06~~

- G. Experience in a capacity which relates directly to the assigned duties in disciplines designated in the agreement with the faculty exclusive representative.
- H. Active military service from December 8, 1941 through December 31, 1946 and after June 27, 1950. Credit for such service shall be given on the basis of one calendar year of military duty or major fraction thereof being equal to one year credit. Official verification of dates of active military service an Honorable Discharge or verification of satisfactory service shall be presented.

~~Adopted 08 30 72~~
~~Amended 08 21 74~~
~~Amended 11 26 85~~

10517. CREDIT FOR APPROVED TRAINING AND EXPERIENCE. Credit for approved training and experience for new certificated employees in positions which are paid on the preparation salary schedule shall be authorized in accordance with the following provisions:

- A. New employees elected to a position on the preparation salary schedule shall be elected to the minimum step and column applicable to the class in which the employee is to serve pending approval for advance step and/or column placement.
- B. Allocation above the minimum placement for such new employees shall only be permitted in accordance with the following conditions:
 - 1. An application for credit for previous training, advanced degree, and experience must be filed on the proper forms with verifying documents attached.

~~Adopted 08 30 72~~
~~Amended 08 21 74~~
~~Amended 11 26 85~~

2. The date that the application is filed is the date that it is received in the Human Resources Division or if sent by United States Mail, the date of the postmark. The effective date of an advance step and/or column placement depends upon the filing date of the salary application and verifying documents according to the following table but in no case earlier than the effective date of assignment.

Date of Filing	Effective Date
Within 2 calendar months from date of assignment order or 2 calendar months from effective date of election, whichever is later.	Effective date of election.
After above two-month period	Beginning of following regular pay period.

- C. If an employee files a protest of the evaluation of his/her salary application in accordance with these Rules and related administrative regulations and additional credit is allowed, any salary adjustment shall be retroactive to the effective date of an allowance based on the original claims.
- D. If a substitute employee who is assigned to probationary status in a position paid on the preparation salary schedule has previously filed an application for allocation on the schedule, the placement on the preparation salary schedule shall be based upon records on file in the Human Resources Division. Supplemental applications may be filed according to the provisions of "E".

~~Adopted 08-30-72~~
~~Amended 08-21-74~~
~~Amended 11-26-85~~

- E. A new probationary employee who has filed an application may file additional supplemental applications. Allocation to a higher step and/or column or allowance of a degree differential on the basis of a properly filed supplemental claim shall be effective on the same basis as provided in Item "B-2" of this Board Rule.

- F. Previous training and experience is defined as training and experience completed before the effective date of election. In order to receive credit for an advanced degree, the degree must have been granted or there must be satisfactory evidence that all requirements for the degree were completed and of eligibility to receive the degree prior to the effective date of election.

~~Adopted 08 30 72~~
~~Amended 08 21 74~~
~~Amended 11 26 85~~

10519.10 Allocation to Hourly Rate Salary Schedule.

- a. Permanent certificated employees
 - 1) With basic assignment on Preparation Schedule

<u>Preparation Schedule</u>		<u>Semester Schedule</u>	
<u>Step</u>	<u>Column</u>	<u>Step</u>	<u>Column</u>
2	A	3	K
3 or higher	A	4	K
2 or higher	B	3	L
2 or higher	C or higher	3	M

~~Adopted 07 19 72~~
~~Amended 08 20 75~~

- 2) With basic assignment on Master Schedule

Allocate to the Preparation Salary Schedule in accordance with these Rules, then place on Hourly Rate Schedule with the same benefits as "1" above.

- b. Non-permanent certificated employees of the District

- 1) A former hourly rate employee who returns to service as an hourly rate employee shall be rated-in in accordance with Board Rule 10524.
- 2) All other employees shall be placed on Step 1, Column K.

~~Adopted 07-19-72~~

~~Amended 08-20-75~~

10520. SUPPLEMENTAL INSTRUCTORS-ASSIGNMENT AND PAYMENT OF SALARY. The assignment of instructors, including substitutes, as supplemental instructors shall be in accordance with the following provisions:

~~Adopted 08-30-72~~

~~Amended 11-26-85~~

- A. Instructors, including department chairpersons may be given supplemental assignments in after school activity in the fields of drama, instrumental music, choral music, stagecraft, journalism, year book and speech, and in other suitable activity areas not included within the full-time assignment or organized classroom or other recognized college activities when approved by the Chancellor or a designated representative.

~~Adopted 08-30-72~~

~~Amended 11-26-85~~

- B. Period of Assignment. The number of supplemental assignments an employee may receive in any one semester and the period for which supplemental instructors are assigned shall be established by the Chancellor.
- C. Additional to Regular Assignment. Supplemental assignments shall be assignments in addition to the regular full-time assignment of organized classroom teaching or other recognized college activities and the usual additional pertinent duties.
- D. Supplemental instructors shall be paid only for time actually served at the rate established in the current salary schedules.

If assignment is for 40 hours or less per semester, payment will be made at the end of the semester, if for more than 40 hours per semester payment will be made at the end of each pay period.

The Chancellor shall establish the necessary administrative procedures for the processing of such assignments and the review and checking of all time reports incident thereto.

~~Adopted—08-30-72~~

~~Amended—11-26-85~~

10521. TRAINING INSTRUCTORS-ASSIGNMENT AND PAYMENT OF SALARY. Employees who are assigned as training instructors for the purpose of the direct supervision and instruction of the classroom teaching of student instructors shall receive for such service a responsibility differential, as established in the current salary schedule, in addition to the monthly rate to which entitled on the salary schedule.

~~Adopted—08-21-74—~~

A semester unit of directed teaching equals one semester of approximately 18 weeks of direct supervision and instruction per student instructor for 20 minutes per day, three days per week, or the equivalent of approximately 18 hours per semester. A semester unit during the summer session equals approximately six weeks of direct supervision and instruction per student instructor for 60 minutes per day, three days a week.

In cases where the training instructor has more than one student instructor assigned to him/her at any one time, the amount received by the training instructor shall be increased proportionately. In no case shall the compensation paid for the service of training instructors exceed the established salary rate per semester unit.

For the purpose of prorating the salary of employees who render service as training instructors during a part of a semester or a part of a summer session, where one regular training instructor replaces another training instructor, the instructor having the longer assignment shall be paid. The payment of salary shall be prorated according to the following table:

Number of weeks of service as a training instructor	Fractional part of training instructor's salary to be paid
Nine or less per semester	one-half
More than nine per semester	one
Three or less per summer semester	one-half
More than three per summer semester	one

The Chancellor shall establish the necessary administrative procedures for the processing of such assignments and the review and checking of all time sheets incident thereto.

~~Adopted 08-21-74~~

10524. RETURN TO SERVICE-ALLOCATION TO SALARY SCHEDULE.

A former certificated employee who reenters service in the same or equivalent class in the District shall be allocated as follows:

- A. Allow any step advancement earned in last assignment for which salary was received.

~~Adopted — 08-21-74~~

- B. Make any adjustment in the schedule, step, and column due to changes in salary schedules during the period of absence from service.
- C. Place on the step determined by "A" and "B" above except that for an employee who returns after an absence of more than 39 months, but not more than 10 years and four months, after the last day for which he/she received salary, including service as a substitute in the same or equivalent class, the placement shall not be higher than the maximum step a new employee can be allocated on the preparation salary schedule, Step 3 on the master salary schedule, or Step 2 of Column K of the hourly rate salary schedule. If more than 10 years and four months elapsed since the last day for which salary was received, the step placement shall be based on applicable salary allocation rules.

~~Adopted — 08-21-74~~

~~Amended — 08-20-75~~

- D. If assigned to a position on the preparation salary schedule, allocate to the column of the schedule to which assigned on the effective date of his/her termination, provided that, if the employee has met the qualifications for columnar advancement which are in effect at the time of his/her reinstatement, he/she shall be allocated to the first column higher than that upon which he/she was placed on the effective date of his/her termination.

~~Adopted — 08-21-74~~

- E. Place on the current salary schedule according to the step and/or column determined above or on the basis of allocation as a new employee, whichever is higher, provided that for neither placement may the allocation be to a higher step or higher column than the employee could have received had he/she remained in service.
- F. The returning employee shall be given salary restoration effective on the date of return to service on the basis of material currently in the files at the time of his/her return. If evidence of an advanced degree or additional training and experience is filed in the Division of Human Resources within two calendar months from the date of the assignment order returning him/her to service or two calendar months from the effective date or return to service, whichever is later, the higher columnar placement or the placement based on allocation as a new employee shall be effective on the date of return to service. The allocation as a new employee is possible only during the academic year in which the employee returns to service.

Absence from a position while in active military service or its equivalent, as defined in the Education Code, shall not be included in computing the period of time after the last day for which he/she received salary.

(For the purpose of this rule, if employees are assigned to positions while the regular employees are in classes having the same maximum salary rate, the classes are equivalent).

~~Adopted 08-21-74~~

10526. STEP ADVANCEMENT-BOARD MAY GRANT OR WITHHOLD. The Board may grant or withhold step advancement on an annual basis. This Board Rule shall be called to the attention of the Board not later than June 15 of each year.

~~Adopted 08-30-72~~

10528. SALARY SCHEDULE-DEFINITION OF. For the purpose of Board Rules 10529 through 10534, inclusive, "salary schedule" is defined as a step schedule excluding salaries limited to the lowest applicable step and flat rates.

~~Adopted 08 30 72~~

10529. STEP ADVANCEMENT. A certificated employee shall receive a step advancement in his/her assignment within the limitations of the salary schedule of his/her class either at the beginning of the first pay period within his/her assignment basis which commences on or after July 1 or at the beginning of his/her first pay period which commences on or after the beginning of the spring semester in accordance with the following provisions:

- A. Pay Period Rate Employee. The employee must have had an assignment to active service in a certificated position compensated on a pay period rate salary schedule or flat rate for substitutes for at least the number of hours that correspond to 130 days within the limits of his/her A, B, C, D, or M assignment code basis or combination thereof and 12 payroll periods have passed since the last step advance was granted. An assignment to active service on such pay period rate salary schedule as a temporary consultant, active employee, or as a substitute shall count toward the required number of hours of service in the regular assignment. No credit for step advancement shall be allowed for service which provided the equivalent of step advancement for salary determination of an assignment effective on or after the beginning of the current academic year.

~~Adopted 08 21 74~~

~~Amended 07 21 76~~

For the purposes of this Board Rule, in computing the number of hours that correspond to 130 days, the number of hours that constitute a day is found by dividing the number of hours assigned per month (4 weeks) by 20. If there is a change in the number of assigned hours then the average number of hours per day shall be computed in proportion to the assignments and their respective periods.

~~Adopted 08 21 74~~

~~Amended 07 21 76~~

For the purposes of this Board Rule, in computing time served as a flat-rate substitute that corresponds to 130 days, pay for two days at a half-day rate or one day at a full-day rate equals one day.

~~Adopted 08 21 74~~

~~Amended 07 21 76~~

- B. Hourly Rate Employee. The employee must have had an assignment to active service in a certificated position compensated on Column K of the hourly rate salary schedule for at least 70 hours within the C assignment code basis and in addition the period of service must have occurred in at least seven pay periods since the last step advance was granted. An assignment to active service as a substitute shall count toward the 70 hours in the regular position.

~~Adopted 08 21 74~~

~~Amended 08 20 75~~

~~Amended 07 21 76~~

- C. "Assignment to active service" in the construction of this Board Rule means all of the time for which pay is received, except that excluded in sections "A" and "D". In addition, credit for paid or unpaid time shall be included for leaves of absence listed in Board Rule 10533.

~~Adopted 08 21 74~~

~~Amended 07 21 76~~

- D. Extra assignments outside the A, B, C, or D code basis, such as summer session assignments, shall not be counted toward satisfying the step advancement requirement.

~~Adopted 08 21 74~~

~~Amended 07 21 76~~

10533. STEP ADVANCEMENT-CREDIT FOR CERTAIN EXPERIENCE-REGULAR EMPLOYEES. Credit for the following experience shall be granted to any employee, other than a substitute employee, on the same basis as if such experience were an assignment to active service in the District:

~~Adopted 08 21 74~~

- A. Service in an exchange position.
- B. Sabbatical leave of absence, including time during which the sabbatical leave program was interrupted because of accident or illness.
- C. Service as an officer of a certificated employee organization while on leave of absence to serve as such officer.
- D. Service as a member of a local, state, or national legislative body while on leave of absence to serve as such member.
- E. Active military service of the United States of America or of the State of California while on military leave of absence.
- F. Full-time paid service of the American Red Cross during any period of national emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, provided the employee is on leave of absence for such service.

~~Adopted 08 21 74~~

- G. Service of the United States Merchant Marine during any period of national emergency declared by the President of the United States of America or during any war in which the United States of America is engaged, provided the employee is on leave for such service.
- H. Federal grant leave of absence.
- I. Satisfactory service as a member of the Peace Corps while on leave of absence to serve as such a member. Acceptable verification of satisfactory service during the period of leave must be received prior to the granting of step advancement.
- J. Work experience leave of absence.

~~Adopted 08 21 74~~

- K. Part-time service leave as authorized by these Rules.

~~Adopted 09 10 75~~

- L. Exchange leave of absence.

~~Adopted 11 26 85~~

10534. STEP ADVANCE-CREDIT FOR CERTAIN EXPERIENCE-SUBSTITUTE EMPLOYEES. Service in any of the following fields, during the period indicated, shall be considered equivalent to certificated service toward step advancement at the beginning of the first pay period of a regular assignment basis which commences on or after July 1 for those substitute certificated employees who have received salary for at least the number of hours that correspond to 130 days in the District, during any year preceding their entry into the service indicated in sections "A" to "C" below and subsequent to any break in service as an employee of the District.

- A. Active military service of the United States of America or of California while on military leave of absence.

~~Adopted 08 21 74~~

- B. Full-time paid service of the American Red Cross during any period of national emergency declared by the President of the United States of America or during any war in which the United States of America is engaged.
- C. Service of the United States Merchant Marine during any period of national emergency declared by the President of the United States of America or during any war in which the United States of America is engaged.

~~Adopted 08-21-74~~

10535. ELIGIBILITY FOR A DEGREE OR CERTIFICATE DIFFERENTIAL. An employee on a preparation salary schedule is eligible for a degree or certificate differential under the following conditions:

~~Adopted 04-13-71~~

~~Amended 08-21-74~~

10535.10 Degrees and Equivalents. All degrees must be earned degrees granted by an accredited institution of higher learning, or earned degree of at least equivalent standard granted by a foreign university. The equivalency of such foreign degree shall be determined by the Chancellor.

~~Adopted 04-13-71~~

~~Amended 08-21-74~~

10535.11 Doctor of Philosophy Degree or Equivalent. Possession of an earned degree of doctor of philosophy or other earned degree of equivalent standard, the granting and equivalence according to the provisions of Subsection 10535.10 above.

~~Adopted 04-13-71~~

~~Amended 08-21-74~~

10535.12 Professional Doctor's Degree or Equivalent. Possession of an earned professional doctor's degree or other degree of equivalent standard, granted by an accredited institution of higher learning, provided that:

- a. The requirements for the above degree include the completion of a three-year full-time doctoral or equivalent program in the professional field in which the degree is obtained.
- b. The employee has a baccalaureate or other earned degree of at least equivalent standard granted by an accredited institution of higher learning in addition to the professional degree specified in paragraph "a" above.

~~Adopted 04-13-71~~

~~Amended 08-21-74~~

10535.13 Verification. Satisfactory evidence that the degree has been granted or that all requirements have been met and that the employee is eligible to receive the degree must be filed according to the time limits and other point regulations.

~~Adopted 04-13-71~~

~~Amended 08-21-74~~

10535.14 Certificate Differential. An employee paid on a preparation salary schedule shall be eligible for a certificate differential equal to the degree differential for an earned doctor's degree in lieu of any degree differential, provided that all of the following conditions are met:

~~Adopted 04-13-71~~

~~Amended 08-21-74~~

~~Amended 01-12-05~~

- a. The employee is a member of the State Bar of California or has a certificate issued by the appropriate authorizing entity in one of the fields agreed to by the District and the faculty union.

~~Adopted 04-13-71~~

~~Amended 08-21-74~~

~~Amended 01-12-05~~

- b. The employee has a baccalaureate or higher degree from an accredited institution plus 70 semester units of upper division or graduate college work above minimum requirements.

Any employee who does not meet this unit requirement may request an exemption based upon eminence and outstanding accomplishment in his professional field.

- c. The employee has the proper credential and is assigned in a field covered by his professional certificate or membership or is available for such assignment.
- d. The requirements for filing application for a certificate differential and the effective date shall be the same as for degree differentials.

~~Adopted 04-13-71~~

~~Amended 08-21-74~~

10535.15 Appeals Committee. In consultation with the faculty union, the Chancellor or his designee shall form an appeals committee as needed to address faculty appeals regarding the awarding of degree and certificate differentials.

~~Adopted 04-13-71~~

~~Amended 08-21-74~~

~~Amended 11-26-85~~

~~Amended 01-12-05~~

10536. ELIGIBILITY FOR CAREER INCREMENTS.

A. An employee being paid on the maximum step and column of the preparation salary schedule is eligible for career increments under the conditions stated below. A year of service is defined as a year during which the employee has served sufficient time to be eligible for step advancement in accordance with Board Rules governing step advance.

1. First Increment. Has rendered five years of service in the District while allocated to Step 10 or higher of Column E of the preparation salary schedule or a higher rate while not paid on the preparation salary schedule.

2. Second Increment. Has rendered eight years of service in the District while allocated to Step 10 or higher of Column E of the preparation salary schedule or a higher rate while not paid on the preparation salary schedule.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

- B. For the purposes of this Board Rule, service rendered previous to a break in service that was greater than 39 months shall not be considered.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10537. PAYMENT LIMITED TO TIME ACTUALLY SERVED-EXCEPT AS PROVIDED HEREIN. Salary payments under the provisions of these Rules shall be made only for time actually served, and for benefits to which entitled under other Board Rules.

~~Adopted 08-30-72~~

Amended 06/07/17

ARTICLE VI

COLUMNAR ADVANCEMENT

10601. UNIT OF MEASUREMENT-POINT-DEFINITION. For purposes of allocation to and advancement on the preparation salary schedule, a point shall be (a) a semester unit as defined by the University of California or (b) a unit of measurement established by the Board which is deemed equivalent to a semester unit as defined by the University of California.

~~Adopted 07 19 72~~
~~Amended 11 26 85~~

10602. MINIMUM REQUIREMENTS. The ways in which minimum requirements shall be met and the bases for point allowance are as follows:

A. Minimum Requirements

B. Bases for Point Allowance

1. 120 semester units of credit in an accredited college or university
2. Completion of a four-year learning period which consists of colleges or university and/or occupational experience. Whenever the total semester units of credit in an accredited institution tuition is less than 120 semester units, the balance is to be composed of occupational experience equated at 2 1/2 semester units per month of paid work experience.

1. Approved study in excess of the 120 semester units
2. Approved study completed on or after effective date of election

~~Adopted 07 19 72~~
~~Amended 11 26 85~~

10603. NO CREDIT FOR STUDY USED TO MEET MINIMUM REQUIREMENTS.
Except as otherwise provided, point credit for advancement on the salary schedule will not be granted for study which has been used to meet minimum preparation requirements. No credit will be granted for study completed within three years of study for which point credit has previously been given.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10603.10 No Credit for Study During Hours of Assignment.
Point credit will not be granted for preparation or study undertaken during classroom, conference or office hours of assignment without the written approval of the college president or vice chancellor.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10604. COLUMNAR ADVANCE. To qualify for a columnar advance on the preparation salary schedule, the employee must possess the requisite total number of points according to the following schedule:

Column	Points in Excess of Minimum Requirements
B	30 or MA
C	50 or MA plus 20
D	70 or MA plus 40
E	90 or MA plus 60 or Doctorate

~~Adopted 07-19-72~~

~~Amended 09-23-92~~

10604.10 Filing of Applications for Point Credit, and Evidence of Degree; Effective Date of Columnar Advance and Degree Differential.

- a. Columnar Advancement. For employees carried over on the preparation salary schedule from the preceding academic year, columnar advancement will be granted provided:
- 1) The study on which the advancement is based has been satisfactorily completed; and
 - 2) The total point credit meet requirements for columnar advancement; and
 - 3) Point applications, with accompanying verifications of study, have been properly filed in accordance with established regulations and procedures.
- b. Effective Date of Columnar Advancement. The date that a point application is filed is the date that it is received in the Division of Human Resources or, if sent by United States mail, the date of the postmark. The effective date of a columnar advancement shall be the beginning of the pay period following the filing date of the point application and accompanying verification of study.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

c. Degree Differential. The same requirements for completion of study, filing of proper application form, and effective date of differential shall apply to the degree differential as for columnar advancement in the preceding paragraphs. In order to receive a degree differential, the degree must have been granted, or there must be satisfactory evidence that all requirements for the degree have been completed and of eligibility to receive the degree.

~~Adopted 07 19 72~~

~~Amended 11 26 85~~

10605. MAXIMUM RATE OF COLUMNAR ADVANCE. A maximum of one column of advancement will be allowed during any given twelve-month period. An employee who returns from military leave of absence may be granted, at the time of termination of military leave, more than one column of advancement providing the advancement is not more than could have been granted if the employee had been rendering active service for the Board during the period of military leave. When more than one column advancement is allowed for an employee returning from military leave of absence, the point application upon which the advancement is based must be filed during the academic year in which he/she returns to service and the points become effective in accordance with the provisions of Rule 10604.10.

~~Adopted 07 19 72~~

~~Amended 11 26 85~~

10607. POINT CREDIT FOR STUDY IN RECOGNIZED INSTITUTIONS OF HIGHER LEARNING. One point shall be allowed for each semester unit which has been granted by a recognized institution of higher learning.

~~Adopted 07 19 72~~

~~Amended 11 26 85~~

10607.10 Recognized Institutions of Higher Learning--Definition. A recognized institution of higher learning shall be defined for purposes of point allowance as a college or university which is accredited by an accrediting agency listed in the United States Office of Education publication, "Accredited Higher Institutions."

~~Adopted 07 19 72~~

~~Amended 11 26 85~~

10608. CREDIT FOR MASTER'S THESIS OR DOCTOR'S DISSERTATION.
Four points shall be allowed for a master's thesis or doctor's dissertation accepted by a recognized institution of higher learning but for which no unit credit was granted.

~~Adopted 07 19 72~~

~~Amended 11 26 85~~

10609. CREDIT FOR DOCTOR OF PHILOSOPHY OR OTHER DOCTORATE.
Possession of an earned Doctorate of Philosophy or other doctorate of equivalent standard granted by a recognized institution of higher learning shall constitute evidence of the completion of not less than 90 semester hours of standard graduate college preparation and shall be accepted up to this amount in any case in which an employee would otherwise have less than 90 points for study completed prior to the granting of the degree. The allowance of 90 points to this holder of the doctorate shall constitute the total allowance for points which may have been earned prior to the granting of the degree.

~~Adopted 07 19 72~~

~~Amended 11 26 85~~

~~Amended 09 23 92~~

10610. CREDIT FOR STUDY IN SCHOOLS OF ADVANCED STANDING OTHER THAN ACCREDITED COLLEGES AND IN SPECIALLY FUNDED PROGRAMS. Point credit may be granted for study in schools of advanced standing other than accredited colleges and in specially funded programs, provided that such study (1) shall have been undertaken subsequent to high school graduation or equivalent; (2) is directly related to a field in which the employee is rendering service as a certificated employee of the district; (3) is of a quality and advanced nature comparable to that undertaken in recognized institutions of higher learning; and (4) is of such nature as to provide a substantial increase in the employee's skill, knowledge or understanding of the basic aspects of his/her work.

Such point credit shall be granted in accordance with standards and procedures established by the Chancellor.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10611. CREDIT FOR STUDY UNDER PRIVATE INSTRUCTORS. A maximum of 30 points may be granted, in accordance with the provisions of Rule 10610, for study under qualified private instructors.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10613. CREDIT FOR UNDERGRADUATE PHYSICAL EDUCATION COURSES. One-half point, not to exceed a total of two points, shall be allowed for each undergraduate semester course in Physical Education successfully completed in a recognized institution of higher learning but for which no unit credit has been granted by that institution.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10614. POINT CREDIT FOR EDUCATIONAL TRAVEL. The Chancellor shall determine the basis upon which point credit shall be allowed for point projects which include educational travel, in accordance with Board Rules and Administrative Regulations. Such travel shall be planned to provide a substantial increase in the employee's skill, knowledge, or understanding of his/her work, and shall occur at a period other than while on a sabbatical leave of absence. If point credit is allowed for travel undertaken while on sabbatical leave, the travel must meet the requirements for sabbatical leave travel.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10614.10 Point Credit for Point Projects Involving Education Travel. The point value of travel project completed by an employee who is not on leave of absence shall be not less than two nor more than six points.

One point shall be allowed for each week of approved travel.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10614.11 Point Credit for Travel While on Sabbatical Leave. Point credit shall be granted for travel while on sabbatical leave, providing such travel meetings sabbatical leave requirements, on the following bases:

- a. The point value allowed for sabbatical leave travel shall not exceed 24 points gained at the rates of not more than 12 points per semester and not more than one point per calendar week.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

- b. The combined total maximum number of points for all sabbatical leave travel and for all educational travel projects shall not exceed 24 points.
- c. Acceptance of the sabbatical leave committee shall be deemed satisfactory completion of the sabbatical leave travel.
- d. Additional standards for point allowance while on sabbatical leave shall be established by the Chancellor based on recommendations advanced by a committee to be appointed by the Chancellor. These standards shall include provisions regulating the amount of point credit to be allowed.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10614.12 Maximum Point Accumulation for Point Projects Involving Educational Travel. A maximum of 24 points may be accumulated for all point projects involving educational travel during the entire service of an employee. The total maximum number of points allowed for all educational travel projects and for all sabbatical leave travel shall not exceed 24 points.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10615. POINT CREDIT FOR EDUCATIONAL WORK EXPERIENCE PROJECTS.
The Chancellor shall determine the basis upon which point credit shall be granted for point projects which include employment, in accordance with Board Rules and Administrative Regulations. Such employment shall be planned to provide a substantial increase in the employee's skill, knowledge, or understanding of his/her work. Such employment shall be with an approved business enterprise.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10615.10 Point Value of Educational Work Experience Project. The point value of work experience project completed by an employee who is not on leave of absence shall be not less than two nor more than six points. One point per week shall be allowed for the approved employment in a work experience project.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10615.11 Maximum Point Accumulation for All Educational Work Experience Projects.
A maximum of 21 points may be accumulated for point projects involving employment during the entire service of an employee.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10616. CREDIT FOR RESEARCH STUDY. Point credit may be allowed for research work of the type which will be beneficial to the District. The basis for allowance of point credit for research study shall be determined by the Chancellor.

~~Adopted 07-19-72~~

~~Amended 11-26-85~~

10617. POINT CREDIT FOR MILITARY SERVICE. Point credit shall be granted for training obtained through military service in the United States Armed Forces undertaken after June 16, 1950, on the following basis:

- A. The military service must be undertaken during the summer vacation period and after the effective date of his/her election.
- B. One-half point shall be allowed for each week of approved military service.
- C. A maximum of six points for military service may be accumulated in one summer.
- D. A maximum of 18 points may be accumulated during the entire service of an employee for all such military service.
- E. Verification of the satisfactory completion of service must be submitted upon the termination of the military service.

~~Adopted — 07-19-72~~

~~Amended — 11-26-85~~

10618. APPROVAL OF IN-SERVICE EDUCATION POINT PROJECTS REQUIRED. Point credit shall be allowed for satisfactory completion of in-service education point projects approved by the Board in accordance with Board Rules and Administrative Regulations.

Credit for point projects which do not require outside preparation shall be allowed on the basis of one point for each 32 hours of satisfactory participation.

A point project shall consist of at least four meetings of one or more hours each, provided however, that upon special arrangement with the Human Resources Division, a fractional hour schedule may be permitted.

~~Adopted — 07-19-72~~

~~Amended — 11-26-85~~

A participant shall attend not less than 85 percent of the project meetings in order to receive point credit, except that a participant may be excused by his/her college president or division head from attending point project meetings in order to perform emergency duties for the District provided that the work missed is later completed. No partial credit will be allowed for attendance at less than 85 percent of the scheduled number of meetings.

Point credit shall not be allowed for attendance at projects held during an employee's normal working hours.

~~Adopted 07-19-72~~
~~Amended 11-26-85~~
Amended 06/07/17

CHAPTER X

ARTICLE X

VACATIONS AND ABSENCES

101001. VACATION LEAVE FOR UNREPRESENTED EMPLOYEES. Vacation is a paid leave of absence the purpose of which is to give employees an occasional change of pace and a periodic opportunity for rest, reflection and renewal. All unrepresented employees shall be entitled to paid vacation leave as specified in this Rule and any relevant Personnel Guides adopted pursuant to this Rule.

~~Adopted — 08-01-73~~

~~Amended — 06-27-01~~

101001.1. Vacation Leave for Unrepresented Academic Administrators. Except as provided in Board Rule 101001.5, full-time unrepresented academic administrators shall earn twenty-four days of vacation per year.

~~Adopted — 06-27-01~~

101001.2 Vacation Leave for Unrepresented Classified Employees who are Exempt from Overtime. Except as provided in Board Rule 101001.5, full-time unrepresented classified employees who are exempt from overtime shall earn twenty-four days of vacation per year.

~~Adopted — 06-27-01~~

101001.3 Vacation Leave for Unrepresented Classified Employees who are Eligible to Earn Overtime at a Rate Equal to Their Normal Rate of Pay. Except as provided in Board Rule 101001.5, full-time unrepresented classified employees who are eligible to earn overtime at a rate

~~Adopted — 06-27-01~~

equal to their normal rate of pay shall earn vacation based upon their years of service with the District, as follows:

Years of Service	Number of Days of Vacation per Year
-----	-----
10 or fewer	20
11	21
12	22
13	23
14 or more	24

~~Adopted 06-27-01~~

101001.4 Vacation Leave for Unrepresented Classified Employees who are Eligible to Earn Overtime at a Rate Equal to Time and One-half of Their Normal Rate of Pay. Except as provided in Board Rule 101001.5, full-time unrepresented classified employees who are eligible to earn overtime at a rate equal to time and one-half of their normal rate of pay shall earn vacation based upon their years of service with the District, as follows:

Years of Service	Number of Days of Vacation per Year
-----	-----
5 or fewer	15
6	16
7	17
8	18
9	19
10	20
11	21
12	22
13	23
14 or more	24

~~Adopted 06-27-01~~

101001.5 Limit on the Accrual of Vacation Leave. If at the end of any pay period an unrepresented employee has an accumulated paid vacation balance of 400 hours or more, the following provisions, as applicable, shall apply to the employee's earning of additional vacation:

- A. If the employee is an academic administrator, he or she shall cease earning vacation until his or her accumulated vacation balance at the end of the pay period falls below 400 hours.
- B. If the employee is an unrepresented classified employee, he or she shall immediately begin to earn vacation at the rate of ten days per year until his or her accumulated vacation balance at the end of the pay period falls below 400 hours, at which time his or her vacation earning rate shall revert to the appropriate rate specified in Section 101001.2, Section 101001.3, or Section 101001.4, whichever is applicable.

~~Adopted~~ — ~~06-27-01~~

101006. COMPENSATORY TIME OFF FOR D BASIS EMPLOYEES. If a D basis employee performs necessary services during a school holiday as defined in Board Rule 2304.10, he/she may receive compensatory time off after the service has been performed and during the same school year. The compensatory time off must occur at a time approved by the head of the college or division and no substitute shall be employed during this period. Should the employee be separated from service prior to the end of the school year in which the service was performed and prior to the time the compensatory time off was allowed, then a lump-sum payment shall be made for his/her services during the school holiday.

~~Adopted~~ — ~~08-01-73~~

101015. FORMAL LEAVE DEFINED. A formal leave of absence shall be defined as a leave of absence granted to any employee in a position requiring certification qualification for a period of more than 20 days.

Application for such leave shall be made on a prescribed form issued by the Division of Human Resources. Salary warrants may be authorized for absences in excess of 20 days until the leave request receives approval and is processed through the Division of Human Resources.

~~Adopted~~ — ~~01-31-73~~

101018. FORMAL LEAVES OF ABSENCE WITHOUT PAY. Formal leaves of absence without pay may be granted to employees eligible in accordance with these Rules for the following reasons for period of time as indicated:

- A. Personal reasons: maximum leave, two semesters.
- B. Study in residence: maximum leave, four semesters.
- C. Rest or recuperation: maximum leave, four semesters.
- D. Travel for educational purposes: maximum leave, two semesters.
- E. Illness within the employee's immediate family: maximum leave, four semesters.
- F. Opportunity of a superior character which will result in the employee's rendering more effective services to the District upon his/her return: maximum leave, four semesters.
- G. Maternity: In cases of expected maternity, a leave of absence for a maximum period of two full semesters may be allowed. An application for such leave of absence shall be accompanied by a doctor's statement of the expected birth date of the child, and shall be on file in the Division of Human Resources at least four calendar months prior to such expected birth date.
- H. Care of own child and maternity: A leave of absence for care of own child may be granted, but no such leave or extension thereof shall be approved for a period beyond the close of the semester in which the third birthday of the child falls. Such a leave or the extension thereof shall be for the sole purpose of care of own child. A second maternity leave and care of own child leave may be granted provided that the total period of leave including the initial maternity leave shall not exceed five years. Additional maternity leave and care of own child leave may be granted only on the approval of the Chancellor.

~~Adopted — 01-31-73~~
~~Amended — 09-10-75~~
~~Amended — 01-03-79~~
~~Amended — 02-17-82~~

- I. To serve in a classified service position in the District: A regular employee in the certificated service eligible to and selected for a full or part-time position in the classified service shall resign from his/her former position before being assigned to the new position unless a leave of absence is granted under the following conditions:
 - 1. that he/she holds permanent status in his/her old classification; and
 - 2. that the former position can be discontinued or a substitute replacement satisfactory to the college president or division head is available; and
 - 3. that the head of the college or division from which the employee is selected approves the leave.

A leave of absence granted under this section may be for a period of two semesters or less, subject to renewal of two additional semesters under the same conditions, if the employee has not acquired permanent tenure in the new class. When permanent tenure is achieved in the new class, the employee shall immediately return to or resign from that part of his former class from which he/she is on leave. When permanency in the new position may not be gained, then additional leaves of absences may be granted at the discretion of the Board. In the event such employee elects to resign from his/her certificated class, he/she shall be eligible to re-employment in such class for a period of 39 months from the date of his/her resignation.

- J. To service as a substitute in the same class: A permanent or probationary employee may be granted a leave of absence to serve as a substitute employee in the same class for a period of time not to exceed four semesters.
- K. For the convenience of the District:
 - 1. An employee may be granted a leave of absence to serve as a substitute, temporary, limited, acting, or probationary employee for a period of time not to exceed four semesters.

Adopted — 01-31-73
Amended — 09-10-75
Amended — 01-03-79
Amended — 02-17-82

2. A pre-service leave of absence may be granted to a probationary employee between the effective date of his/her election and the date of termination of any contract previously executed with another school district.
 3. An employee may be placed on leave of absence from a position in which he/she has had no prior service in order to continue in his former regular class. Such leave of absence for the convenience of the District shall not extend beyond June 30 of the year in which the leave is granted.
 4. An employee may be placed on leave of absence from a position in a higher class to serve in a lower class for a period of time not to exceed four semesters.
- L. To serve in federal, state, or local legislative positions: A leave of absence may be granted to serve in an elective position in the city, county, state or federal government, and for the performance of any official duties connected therewith. Such leaves may be renewed annually during tenure of office.
- M. To serve as an officer in a professional organization: a leave of absence may be granted to one officer of any officially recognized Los Angeles Community College professional educational organization while serving as either president or executive secretary, for the sole purpose of discharging the duties of the position. Such leaves may be renewed annually during incumbency.
- N. To serve under a federal grant: A permanent or probationary employee may be granted a leave of absence not to exceed two semesters to serve under a recognized fellowship or foundation approved by the State Board of Education according to Section 13458 of the Education Code.
- O. To serve as a member of the Peace Corps: A permanent employee may be granted a leave of absence not to exceed four semesters to serve as a member of the Peace Corps.

Adopted ~~01-31-73~~
 Amended ~~09-10-75~~
 Amended ~~01-03-79~~
 Amended ~~02-17-82~~

P. Part-time service with full-time retirement benefits: Certificated employees may be granted a leave of absence to reduce their workload from full-time to part-time duties under the following conditions:

1. The employee must have reached the age of 55 prior to reduction in workload.
2. The employee must have been employed full-time in a position requiring certification qualifications for at least 10 years of which the immediately preceding five years were full-time employment.
3. The employee shall be paid a salary which is the pro rata share of the salary he/she would be earning had he/she not elected to exercise the option of part-time employment.
4. The minimum part-time employment shall be the equivalent of one-half of the number of days of service required by the employee's contract of employment during his/her final year of service in a full-time position.
5. The employee and the District shall each contribute to the Teachers Retirement Fund the amount required by law.
6. The option of part-time employment must be exercised at the request of the employee and can be revoked only with the mutual consent of the employer and employee. A leave for this purpose shall be limited for a maximum period of five years.
7. The employee must not reach age 71 during the academic year in which the reduction in workload is to occur.

Adopted ~~01-31-73~~

Amended ~~09-10-75~~

Amended ~~01-03-79~~

Amended ~~02-17-82~~

101019. MILITARY LEAVE. An appropriate military leave shall be granted to an employee in accordance with the provisions of the Military and Veterans Code and subject to the provisions of this Rule as follows:

- A. Temporary Military Leave. An employee who is a member of the reserve corps of the Armed Forces of the United States or of the National Guard or of the Naval Militia shall be granted a Temporary Military Leave while engaged in military duty ordered for the purposes of military training, drills, encampment, naval cruises, special exercises or like activity as such member providing that the period of ordered duty does not exceed a maximum of 180 calendar days including time involved in going to and returning from such active duty.
- B. Military Leave Other Than Temporary. A Military Leave Other Than Temporary shall be granted to an employee who is ordered into active military duty as a member of a reserve component of the Armed Forces of the United States; is ordered into active Federal military duty as a member of the National Guard or Naval Militia or is inducted, enlists, enters, or is otherwise ordered or called into active duty as a member of the Armed Forces of the United States. The maximum period of Military Leave Other Than Temporary shall be the period of time that the employee is engaged in active military duty.
- C. Compensation. An employee must have probationary or permanent status and have been in the service of the District for a period of not less than one year immediately prior to the date on which the leave begins and shall be entitled to receive his/her full salary for the first 30 calendar days of the leave. Retroactive salary payments shall be made to employees or former employees who are entitled to such payments.
- D. Notwithstanding any other provisions of this Rule, a regular employee (one who is a probationary or tenured faculty member, a probationary or regular classified employee, or a regular administrator) who is ordered to active military duty, and therefore commences military leave at any time between March 1, 2003 and September 30, 2003, shall receive for a period of 180 calendar days the difference between the amount of his/her military pay and the amount of the employee's regular salary (excluding overtime pay, hourly rate pay, or pay for any assignment that is in addition to the employee's regular assignment).

Adopted — ~~12-12-90~~

If such employee does not return to District service within 60 days of being released from active duty, any compensation received from the District shall be treated as a loan from the District, and shall be paid back to the District at the interest rate earned by the State of California's Pooled Money Investment Account, except in the case of death or a disability that prevents the employee's return to active LACCD employment. To receive the benefits provided under this rule, an eligible employee must first sign a document acknowledging and agreeing to the terms and conditions of this provision.

In adopting this Rule, the Board recognizes that the nation is engaged in a "War Against Terrorism" creating the sort of national crisis that warrants the extension of the benefits prescribed above for at least the period cited in the Rule. Nothing herein shall be construed as obligating the District to provide these or any similar benefits at any future time, unless and until the Board extends the time cited in this rule or determines that a future national crisis requires similar action.

The Chancellor will develop regulations to implement this Rule.

~~Adopted — 12-12-90~~

~~Amended — 12-05-01~~

~~Amended — 04-30-03~~

101020. ILLNESS OR INJURY LEAVE - PAYMENT OF SALARY. Whenever a certificated employee, except one with on call day-to-day substitute or temporary status only is compelled to be absent from duty in his/her current assignment on account of his/her own illness or injury or because of quarantine occasioned by his/her own or another's illness, he/she shall be allowed illness or injury leave pay under the following conditions:

- A. During each academic year 12 days at full pay shall be allowed for full-time A, D, M and R basis employees assigned as of July 1 or when initially hired in the District and 10 days at full pay for full-time B, C and S basis employees absent for illness, injury, or quarantine. Employees assigned less than full-time and for less than 5 days a week shall be entitled to that proportion of 10 days leave of absence for illness or injury as the number of days he/she is employed per week bears to five. If the employee does not use the full amount of absence with full pay allowed in any academic year, the amount not used shall be accumulated from year to year. In case the employee is assigned on a part-time basis, full pay is to be interpreted as full pay for the service which would have been rendered by the employee in accordance with his/her assignment on the days that he/she is absent.
- B. In addition to the full pay provided in "A" above, the employee shall be paid for illness, injury, or quarantine in any academic year at half pay, provided that in no case shall the number of days at half pay, when added to the days at full pay, equal a combined total of more than 100 days. In the case of an employee assigned for less than 5 days a week, the half pay when added to the full pay shall not exceed that proportion of 100 days which the number of days he/she is employed per week bears to five. Whenever the accumulated full pay equals 100 days or more, or the equivalent for employees assigned for less than 5 days a week, no half-pay allowance shall be made.
- C. Full-time illness, injury, or quarantine benefits must be used before half-day benefits may be used.

Adopted — 06-19-74
Amended — 01-14-76
Amended — 06-09-76
Amended — 08-30-78
Amended — 06-09-82

- D. If an employee receives pay because of illness, injury or quarantine on either side of a holiday for which he/she qualifies for holiday pay, he/she shall receive holiday pay for the holiday period and the days of the holiday shall not be considered as days of illness or injury leave.

In case a holiday occurs on the first day of the employee's assignment, he/she receives pay because of illness, injury, or quarantine on the first day of his/her assignment following the holiday, the holiday shall not be considered as a day of illness or injury leave. In case a holiday occurs on the last day of the employee's assignment, and he/she receives pay because of illness, injury, or quarantine the last of his/her assignment preceding the holiday, the holiday shall not be considered as a day of illness or injury leave.

- E. No lump-sum payment for any unused accumulated illness, injury or quarantine allowance shall be made to an employee upon separation from service.

- F. An employee who is absent on account of illness, injury, or his/her own quarantine shall be required to sign, on a form provided, a statement that such absence was due to illness, injury or quarantine. Such form shall be approved for payment by the proper administrator or supervisor, and, if the absence is for five consecutive days, or less, filed in his/her office. If the absence because of illness, injury, or his/her own quarantine is for more than five consecutive days, the physician or other practitioner shall also certify on the form provided that the employee's absence was due to illness, injury, or quarantine and the form shall be attached to the timesheet. Payment for absence due to illness, injury, or quarantine shall be made only upon certification on the timesheet by the Chancellor or his designated representative that such absence was for reason of illness, injury, or quarantine.

~~Adopted — 06-19-74~~
~~Amended — 01-14-76~~
~~Amended — 06-09-76~~
~~Amended — 08-30-78~~
~~Amended — 06-09-82~~

- G. Subject to the direction of the college president or division head, administrators and supervisors shall take whatever reasonable means are necessary to satisfy themselves that illness, injury, or quarantine of the employee actually exists. When considered necessary, the services of Employee Health Services shall be utilized for medical staff assistance in determination of the existence of illness, injury, or quarantine.
- H. An employee shall not be allowed to undertake any gainful employment while absent because of illness, injury, or quarantine. The employee shall certify on the certification form that he/she was not gainfully employed during the period covered by the certification of illness, injury, or quarantine.
- I. Time absent for illness shall be reported to the nearest hour.
- J. An employee who is absent on account of quarantine because of another's illness must file with the Division of Human Resources a health office exclusion and readmittance card before he/she returns to service.
- K. If the employee resigns or is otherwise terminated so that he/she does not have status in a position entitling him/her to an illness or injury leave under this rule and later returns to a position entitling him/her to such an illness or injury leave, his/her accumulation of the number of days for which he/she is entitled to full pay for illness, injury, or quarantine shall be as follows:
 - 1. If there was no break in service in a position allowing illness or injury leave pay or if during a break in service of less than one academic year there was continuing status in a substitute certificated position, the employee shall have his/her accumulated but unused days of illness or injury leave restored.

~~Adopted — 06-19-74~~
~~Amended — 01-14-76~~
~~Amended — 06-09-76~~
~~Amended — 08-30-78~~
~~Amended — 06-09-82~~

2. If there is a break in service in a position allowing such illness or injury leave pay for not to exceed 39 months after his last day of paid service, the employee shall have his/her accumulated but unused days of illness or injury leave restored.
 3. If there is a break in service in a position allowing such illness or injury leave pay for more than 39 months after his last day of paid service, the employee shall have his/her accumulated but unused days of illness or injury leave restored.
- L. For the purpose of this rule, an academic year is during which the employee rendered service for which salary was received during at least a part of the academic year, as regular employee, or as a substitute employee in a class higher than the class to which regularly assigned, or, in lieu of such service, was on an exchange teacher, illness or injury, military, work experience, or sabbatical leave of absence during at least a part of the academic year.
- M. After the completion of an industrial accident leave as provided in these Rules an employee shall be entitled to any further leave of absence privileges to which otherwise entitled in accordance with Board Rules, including paid illness or injury leave, without first returning to service.
- N. An employee who is to perform service on twenty or more days during a summer session shall be allowed one day of full pay illness leave in addition to that provided in "A" above. This paid illness leave benefit for a summer session assignment, if not used, will be accumulated from one summer session to another but will not be added to any other illness leave balance.

Adopted ~~06-19-74~~
Amended ~~01-14-76~~
Amended ~~06-09-76~~
Amended ~~08-30-78~~
Amended ~~06-09-82~~

101020.11 Illness Pay for Substitutes. A substitute certificated employee serving during any portion of the academic year from the first day of the fall semester to the last day of the spring semester as a substitute in a class in which substitutes are paid on the preparation salary schedule or on a flat rate for substitutes shall be allowed pay for absence during such period because of his/her own illness in accordance with the following:

- a. In order to qualify for illness pay the substitute must have accrued illness benefits according to Board Rule 101020.

For the purpose of this rule, in computing time served as a flat rate substitute, pay for two days at a half-day rate or one day at a full-day rate equals one day.

- b. The substitute must not have been released prior to the illness and no illness benefits shall be paid after the date the substitute was scheduled to be released.

~~Adopted 09-11-74~~

~~Amended 01-14-76~~

101026. MISCELLANEOUS ABSENCES FOR WHICH SALARY IS ALLOWED.

An unrepresented employee, other than a day-to-day substitute, when absent from duty for the reason specified below shall receive salary as follows:

A. Bereavement: An unrepresented employee shall be granted full pay not to exceed three working days on account of the death of person closely related by blood or marriage, persons whose domestic relations are close, roommates, close friends, or friends living in the same domicile; official notice in time of war that a member of the immediate family is "missing in action"; official notice that deceased member of the immediate family of the employee is being returned by the armed services to this country for interment. The bereavement leave must commence and end within ten calendar days after the date the employee is notified of the date of the funeral, or after the demise. Bereavement leave shall not be granted during an illness leave, or other leave of absence, but is allowable if the bereavement leave immediately precedes, or immediately follows an absence for other cause, provided it is within the ten calendar day period. For a bereavement leave granted because the employee is notified by the armed services that a deceased member of his/her immediate family has been returned to this country for interment, the leave must commence at the time the deceased member of the family has been returned, at the time of interment, or between these dates. Notwithstanding the time limits set forth above, a leave of absence with pay shall be allowed for three days for each bereavement. If out-of-state travel is required or if more than 200 miles of travel one way is required the employee shall be granted full pay not to exceed five working days.

B. Epidemic or Disaster: Regular salary for a period during which the college or other place of employment is closed for reason of epidemic or disaster.

Adopted — ~~03-03-76~~
Amended — ~~01-14-87~~
Amended — ~~06-23-99~~
Amended — ~~11-16-05~~

- C. Witness in Court: Regular salary for time necessarily absent, when other than a litigant in the case, because of appearance (1) before a grand jury, (2) in a criminal case, before a court within the State, or (3) in a civil case, in a court within the county of which the employee resides or outside of said county if within 150 miles of his place of residence, in response to a subpoena duly served; provided, that each date of necessary attendance before such court or grand jury, other than the date specified in the subpoena, shall be certified to by an attorney for the litigant in the case or by the case or by the clerk or other authorized officer of such court or grand jury; and provided, further, that in any case in which a witness fee is payable such fee shall be collected by the employee and remitted to the Business Services Division.

Payment of salary for time necessarily spent in answering a Federal subpoena outside the State shall be subject to the approval of the Board.

- D. Official Governmental Order: If absence is occasioned by an official order from another governmental jurisdiction which has not been brought about through misconduct or connivance on the part of the employee, payment of salary shall be made for any necessary absence of one day or less.
- E. Jury Duty. An unrepresented academic employee shall be granted paid leave for a maximum of two (2) weeks within any two (2) consecutive fiscal years in response to a subpoena for jury duty, in accordance with regulations established by the Chancellor. The Chancellor may grant additional paid leave when it has been compelled by court order. California Code of Civil Procedure Section 215 states that a juror who is employed by a federal, state, or local governmental entity and who receives regular compensation and benefits while performing jury service may not be paid a jury service fee. However, reimbursement for mileage may be retained by the employee.

Adopted — 03-03-76
Amended — 01-14-87
Amended — 06-23-99
Amended — 11-16-05

101028. BEREAVEMENT PAY FOR SUBSTITUTE EMPLOYEES. A substitute certificated employee serving during the period from the first day of the fall semester to the last day of the spring semester for an employee paid on the preparation salary schedule shall be allowed full pay for not more than three days, or five days if out-of-state travel is required, for an absence caused by bereavement during such period, provided that:

- A. The bereavement was caused by the death of 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, sister, of the employee or any relative living in the immediate household of the employee.
- B. The employee has not been released prior to the beginning of the absence, and
- C. The absence commenced and ended within ten days after the date the employee is notified of the date of the funeral, or after the demise.

Adopted — ~~08-21-74~~

101029. EXCHANGE LEAVE - CERTIFICATED EMPLOYEE REQUIREMENTS. Subject to the provisions of the Education Code, a permanent employee may be granted a leave of absence to serve as an exchange employee in any foreign country or in any state, territory or possession of the United States or other district within the State, provided that:

- A. The exchange of positions is for one academic year only, unless extended for one additional year by unanimous consent of the governing boards and the employees concerned; and
- B. The Los Angeles employee requesting the exchange shall have served as a permanent employee in the district for an academic year or not less than the number of full-time service immediately preceding the exchange leave.

The Los Angeles employee shall return and serve two consecutive academic years with a minimum of 130 days of full-time service each year before becoming eligible for another such leave.

Adopted — ~~04-02-75~~

101029.10 Exchange Employee Requirements. The employee from the outside district with whom the exchange is arranged shall meet the following requirement:

Possession of an active California State Credential and a Los Angeles County Certificate of the type and grade required for the exchange position in the district.

~~Adopted~~ — ~~04-02-75~~

101029.11 Manner of Compensation - Exchange Leave.

A Los Angeles exchange employee serving in another district may elect to be paid by the district in which he/she is in service, in which case the Los Angeles Community College District will pay the outside exchange employee serving therein.

A Los Angeles exchange employee serving in another district may elect to be paid his/her regular salary by the Los Angeles Community College District, less all deductions provided by law for retirement purposes, during the period of such exchange, in which case the Los Angeles Community College District shall not pay the salary of the exchange teacher from without this State. A separate form of agreement shall be entered into with the outside district accepting the Los Angeles employee on exchange.

~~Adopted~~ — ~~04-02-75~~

101029.12 Rate of Compensation for Outside Exchange Employee Paid by Los Angeles Community College District. An outside exchange employee paid by the Los Angeles Community College District shall receive the annual salary rating on the Los Angeles schedule, as follows:

- a. If the employee is from a school located in the United States or its possessions, he/she shall receive the salary nearest to, but not less than the lowest salary which may be received by a new probationary employee, provided it is not less than the salary that would have been paid to said employee had he/she remained in his/her own position in the outside district nor more than the annual salary which would have been paid to the Los Angeles employee had he/she remained in service in Los Angeles.

~~Adopted~~ — ~~04-02-75~~

- b. If the employee is from a school located in a foreign country, he/she shall receive the highest salary as determined by any of the following methods provided it is not greater than the amount that the Los Angeles employee would have received had the latter remained in service in Los Angeles:
- 1) the salary that would have been paid to him/her had he/she remained in his/her own position in the outside district if such rate occurs on the Los Angeles schedule, otherwise the next higher rate on the Los Angeles schedule;
 - 2) the maximum salary that could be received by a new probationary employee without a degree differential; or
 - 3) for each year of school experience in excess of six years, the salary shall be one rate higher than that for the maximum rating-in of a new probationary employee, without degree differential, but not in excess of the highest step of the maximum rating-in column.

~~Adopted — 04-02-75~~

101031. WORK EXPERIENCE LEAVE. A work experience leave is designed to allow an employee to accept employment outside the field of education in an occupation directly related to his district assignment. Such employment must be (a) approved in advance, (b) with an established organization or business enterprise, and (c) must provide a substantial increase in the employee's skill, knowledge, and understanding of his regular assignment.

~~Adopted — 06-19-74~~

101031.10 Requirement for Work Experience Leave. A permanent employee may be granted a work experience leave of absence based upon the same standards as those required for a sabbatical leave in these Rules. Service requirements and eligibility for either a work experience leave or sabbatical leave shall be counted from the date of return to duty from the last work experience leave or sabbatical leave, whichever is later.

~~Adopted — 06-19-74~~

101031.11 Compensation for Work Experience Leave. Any employee who has been granted a work experience leave of absence and who has complied with the provisions under which such leave was granted shall receive 50 percent of his regular salary for the period of time for which such leave is granted, computed on a monthly basis; provided, that during the work experience leave period, compensation for new employment in excess of 50 percent of the regular salary of the employee shall be deducted from allowable salary while on such leave of absence. Compensation for new employment during a work experience leave must be verified in writing by the employer. Allowable compensation for employment accepted during each semester of work experience leave shall not include compensation from a continuation of any extra employment which the employee has had for the entire previous semester.

The required number of hours of post-work leave service may consist of full-time and part-time service provided the amount of the time for which salary is received is equivalent to twice the period of the leave.

For the purpose of this Rule, the use of the one semester to describe a period of time is to be understood for personnel on various assignment bases to be the actual length of the work experience leave as given in these Rules. In case a work experience leave of absence is taken in two separate periods, one-half of the service, as herein defined, must occur after the second period of the leave is completed. Compensation may be required under Plan A or Plan B.

Plan A. Salary for work experience leave shall be paid in two equal payments. The first payment shall be paid at the end of the semester during which the employee has completed one-half of the required post-work experience leave service. The second payment shall be paid at the end of the semester during which the employee completes the second one-half of the required post-work leave service.

Plan B. Salary for work experience shall be paid in the same manner as if the employee were rendering service in the District, if such payment is requested by the employee.

Adopted — ~~06-19-74~~

Payment of work experience salary as described under Plan B shall be contingent upon the execution of a written indemnity agreement by which the employee pledges his/her assets as security for his/her compliance with the work experience leave requirements as set forth in Rules 101031 through 101031.12 inclusive.

If the requirements under which the work experience leave were granted are not satisfactorily completed, if a significant portion of requirements as defined in these Rules are not completed, or if the work experience leave report required by these Rules is not approved, then either, no compensation under Plan A shall be made, or there shall be a restitution to the Board of funds received under Plan B.

~~Adopted~~ — ~~06-19-74~~

101031.12 Work Experience Leave Reports to be Filed. Each employee who has been granted work experience leave shall file, together with the appropriate verifications, the following reports:

- a. During the period of work experience leave, a monthly report showing compliance with the conditions of the leave.
- b. After the period of the leave, but prior to the end of the second pay period following his/her return to active duty, a written report describing his/her work experience leave activities.

Until such report has been submitted and approved by the Chancellor, an amount equal to the work experience leave salary received by the employee shall be withheld from any salary due the employee for service after the second pay period following his/her return to active duty.

~~Adopted~~ — ~~06-19-74~~

101031.13 Incomplete Work Experience Leave.

- a. Failure to Complete Requirements Due to Accident or Illness. Interruption of the program of employment caused by serious accident or illness during a work experience leave shall not be considered a failure to fulfill the conditions upon which such leave was granted, nor shall such interruption affect the amount of compensation to be paid such employee under the terms of the leave agreement; provided, however, that the Chancellor or his designated representative had been notified as soon as practicable, of such accident or illness.

- b. Failure to Complete Requirements Due to Other Causes. An employee who has been approved for a work experience leave of absence who fails to complete all of the requirements of the work experience leave due to serious illness in the family or other causes beyond his/her control may receive compensation on a prorated basis if a significant portion of the requirements is completed.

For an incomplete work experience leave originally approved for one year, fractional portions of requirements completed may be one-fourth, one-half or three-fourths. A year's leave of absence for an A employee means 13 pay periods; for a C employee, 10 pay periods; for a D employee, 240 assigned days.

For an incomplete work experience leave originally approved for one semester for C or D employees, one period is defined in these Rules for B or D employees, or seven pay periods for A employees, the fractional portion of requirements completed may be one-half.

Adopted ~~06-19-74~~

The completion of the fractional portion of the requirements must have been accomplished during the particular period for which the work experience leave was authorized and prior to return to active duty or prior to the beginning of a leave immediately following the work experience leave.

Adopted ~~06-19-74~~
Amended 06/07/17

ARTICLE XVI

DISTRICT LIFE INSURANCE GROUP COVERAGE

101600. DISTRICT-SPONSORED GROUP LIFE INSURANCE PROGRAM.

This program is established for those employees not represented by an exclusive representative pursuant to Government Code Sections 3540-3549 et. seq., who make the District their regular place of employment and who receive their primary source of income from such employment, members of the Board of Trustees, and members of the Personnel Commission. The purposes of the program are as follows:

- A. To promote increase economy and efficiency in the District's service.
- B. To enable the District to attract and retain qualified employees by providing Group Life Insurance Benefits similar to those provided in private industry and other government entities.

Government Code Sections 3540-3549, et. seq.

~~Adopted 02-03-82~~

101601. DEFINITIONS.

- A. District: The Los Angeles Community College District.
- B. Program: The program shall consist of one or more Group Life plans for employees.
- C. Plan: Any Life Insurance Group plan approved by the Board of Trustees of the District.
- D. District Contributions: The amount of premium required by the plan in which the employee is enrolled.

~~Adopted 02-03-82~~

- E. Employee: Any person employed by the District.
- F. Eligible Employee: An employee who is eligible under these Board Rules to enroll in a plan.
- G. Enrolled Employee: Any eligible employee who has enrolled in a plan by submitting proper application to the District's Health Insurance Section.
- H. Enrollment Year: The period corresponding to the period of the contract for each plan.
- I. Coverage Period: Each calendar month shall constitute a "coverage period."
- J. Member of the Board of Trustees: Any person duly elected to serve as a member of the District's Board of Trustees with voting rights (same as "Eligible Employee" for purposes of this Board Rule).
- K. Member of the Personnel Commission: Any person duly appointed to serve as a member of the District's Personnel Commission with voting rights (same as "Eligible Employee" for purposes of this Board Rule).

~~Adopted 02-03-82~~

101602. ELIGIBILITY. Every employee who is assigned halftime or more in one class in a status other than substitute, temporary, extra, exchange or relief, shall be eligible to enroll in a plan. Employees already enrolled may continue to participate while on a position or service leave of absence.

"Halftime" shall be 50 percent of the full-time position to which the employee is assigned. This percentage shall be determined from the assignment order approved by the Board of Trustees.

Once an employee is eligible, he/she remains eligible for participation the entire enrollment year.

~~Adopted 02-03-82~~

101603. ENROLLMENT.

101603.10 Initial Enrollment. Upon employment, each new eligible employee shall receive complete information regarding the District Life Insurance Plan. An unenrolled employee eligible for enrollment under Board Rule 101602 may submit application for enrollment in a plan at any time.

The Health Insurance Section shall process applications received so as to make coverage effective on the first day of the following calendar month after deposit of the applications in the U.S. Mail with postage prepaid, addressed to the District Health Insurance Section or otherwise delivered to the Health Insurance Section.

~~Adopted — 02-03-82~~

101603.11 Continuance of Enrollment. The enrollment of an employee in a plan continues, providing the appropriate premium is paid. In the event an eligible employee is in an unpaid status, including maternity leave and not eligible for Board contribution, the employee may arrange for continuance of his/her enrollment as long as he/she remains eligible by making proper payment to the plan in which he/she is enrolled. Payment must be by check or money order for the total premium without any Board contribution, payable to the plan and sent to the District's Health Insurance Section. Payments may be made in installments on the due dates and in the amounts required by the particular plan. An enrolled employee on formal illness leave, pursuant to District Illness Leave Rules, will have premiums paid by the District contribution without regard to such employee's pay status.

~~Adopted — 02-03-82~~

101603.12 Termination of Enrollment. The enrollment of an employee shall terminate:

- a. For failure of the employee to make direct payment as provided under Board Rule 101603. Coverage shall terminate at the close of the coverage period for which the last premium was paid.
- b. At the request of the employee, coverage shall terminate at the close of the coverage period in which the request was submitted.
- c. Upon termination of employment, and in the case of retirement, coverage shall terminate at the close of the coverage period during which the termination was effective.
- d. In the event of an employee's loss of eligibility, coverage shall terminate at the close of the coverage period for which the last premium was paid.

~~Adopted 02-03-82~~

101603.13 Re-enrollment. Any employee terminated pursuant to Board Rule 101603.12a shall have the right to re-enroll upon return to paid status in the employee's former District-approved Life Insurance Plan if otherwise eligible.

~~Adopted 02-03-82~~

101604. CONVERSION OF LIFE INSURANCE PLAN OUTSIDE THE DISTRICT PROGRAM. An employee, enrolled in a plan for at least two consecutive coverage periods and whose enrollment terminates because of (a) failure to make direct payments when required as provided under Board Rule 101603; (b) loss of eligibility; or (c) termination of employment, shall be given the opportunity to exercise the right to conversion coverage outside the District program, as may be available in his/her particular plan.

~~Adopted 02-03-82~~

101605. PAYMENT OF PREMIUM.

101605.10 District Contribution. The District shall contribute the full amount of the premium due each coverage period for the enrolled employee to the plan in which he/she is enrolled. The District contribution shall be applicable only to plans approved by the Board of Trustees. The District shall not contribute any premium for an employee during a period in which he/she is not paid in an eligible assignment, except those enrolled employees on formal illness leave who have exhausted current paid illness benefits.

~~Adopted 02-03-82~~

101605.11 Refunds. If any premium is refunded, the plan shall make such refund directly to the District, except when refund is a result of direct payment by the employee. In such cases, premium shall be refunded to the employee.

~~Adopted 02-03-82~~

101606. COVERAGE. Coverage shall be on a twelve-calendar-month basis.

~~Adopted 02-03-82~~

101607. INCREASES IN LIFE INSURANCE COVERAGE. Increases in life insurance coverage shall only be effective to the eligible employee on the first day he/she is actively at work coincident with or immediately following the date eligible. If an employee is on annual vacation at the time he/she becomes eligible for an increase in the amount of insurance, the "actively at work" requirement shall be waived.

~~Adopted 02-03-82~~

101608. EMPLOYEES AGE 70 OR OVER. Coverage shall be reduced by an amount equal to 50% of the amount in force immediately prior to his/her 70th birthday. This reduction shall take place on the premium date coincident with or immediately following his/her 70th birthday.

~~Adopted 02-03-82~~

101609. ADMINISTRATION OF THE PROGRAM. The program shall be administered by the Health Insurance Section of the Division of Human Resources.

~~Adopted 02-03-82~~

101610. LIMITS OF COVERAGE. The limits of coverage under this Board Rule shall be determined by the Board of Trustees.

~~Adopted 02-03-82~~

Amended 06/07/17

ARTICLE XVII

HOSPITAL-MEDICAL, DENTAL, VISION GROUP COVERAGE, GROUP LIFE
INSURANCE COVERAGE, AND THE DISTRICT'S EMPLOYEE
ASSISTANCE PROGRAM

101700. HEALTH AND RELATED BENEFITS PROGRAM FOR ACTIVE
EMPLOYEES AND THEIR DEPENDENTS AND SURVIVORS.

101700.10 Health Benefits Program. The District's "Health Benefits Program" consists of group benefit plans recommended by the Joint Labor/Management Benefits Committee (JLMBC) and approved by the Board under which eligible District employees (and their eligible dependents) receive hospital, medical, dental, and vision care coverage.

Effective beginning the 2010 plan year, as a result of JLMBC recommendation and bargaining among the parties, the hospital and medical coverage shall be administered by the CalPERS Health Care Program in accordance with the Public Employees Medical and Hospital Act (PEMHCA). The purpose of the Health Benefits Program is to provide quality health care to the District's employees, retirees, and their eligible dependents and survivors.

- a. Eligibility. Each of the following unrepresented employees and his or her dependents and survivors are eligible to receive benefits and enroll in plans under the Health Benefits Program once the District has verified the employee's dependent's or survivor's eligibility under this agreement:
1. every classified manager and confidential employee who is employed at least half time as either a probationary or regular classified employee;
 2. every academic manager and academic confidential employee who is employed at least half-time in one or more monthly rate assignments; and
 3. every member of the Board of Trustees and of the Personnel Commission (for the purposes of this Board Rule, the term "employee" shall be deemed to include Trustees and Personnel Commissioners).

Adopted — 11-06-02
Amended — 08-25-04
Amended — 12-14-05
Amended — 07-28-10

- b. Dependents. Dependents who are eligible to enroll in plans under the Health Benefits Program include an eligible employee's:
1. Spouse. Marriage certificate and social security number of spouse must be on file.
 2. Qualified domestic partner.
 3. Children (natural, adopted, foster, domestic partner children, or stepchildren) up to age 23* who are unmarried. Coverage will terminate at the end of the month in which dependent turns age 23*.
 4. Economically Dependent Children. Children up to age 23* (not otherwise eligible under subsection 3, above) who are unmarried, who are economically dependent (as being claimed as dependents on the employee's federal income tax returns) upon the subscriber (eligible employee or retiree). The subscriber must have been granted legal or joint legal custody of the child; or the child resides with the subscriber (generally in the absence of natural or adoptive parents).
 5. Disabled Children Over Age 23*. Children (not otherwise eligible under subsection 3 above) unmarried, without regard to age, who are physically or mentally incapacitated (and therefore incapable of self support), and who are being claimed as dependents on the employee's federal income tax returns. The mental or physical condition must have existed prior to age 23* and continuously since age 23*.

* Effective January 1, 2011, the upper age limit will increase from age 23 to age 26.

As used in this section, the term "dependent children" means an employee's natural children, step-children, legally adopted children, foster children, and the dependent children of a domestic partner only.

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Amended — 12-14-05
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- c. Survivors. Upon the death of an active employee, the District shall deem the employee to have resigned from District employment on the date of his or her death and to have begun receiving a retirement allowance whether or not the employee was in fact old enough to retire. If, based on that premise, the employee would have been eligible to continue his or her participation in the hospital and medical plans available to active employees under Section 101701.11 below, all of Section 101701 shall be applicable to the employee's survivors as if they were survivors of a retiree. For that purpose, references to survivors of retirees in Section 101701 shall be deemed to refer to those individuals.

- d. Enrollment. Verification of eligibility, and enrollment or re-enrollment in plans shall be administered as follows:
 - 1. *Initial Enrollment.* Upon employment, each new employee who is eligible to enroll in plans under the Health Benefits Program shall receive complete information regarding the District's Health Benefits Program, and may enroll in hospital, medical, dental, and vision care plans. The employee's hire date will establish an event date by which the employee will need to enroll all eligible family members into an eligible health plan within 60 (sixty) days. (Enrollment in the Premium Only Plan described in Section II takes place during the designated time periods.)

If the District receives the employee's enrollment forms at anytime during the calendar month, the District shall process the forms so as to make coverage effective on the first day of the following calendar month. If the District receives the employee's enrollment forms after the 60 (sixty) day eligibility timeframe, this will be considered a Late Enrollment. Under this situation, the employee will either have to wait a 90-day period or until the next CalPERS Open Enrollment period. The earliest effective date of enrollment will be the first month following the 90-day waiting period or the January 1 following the Open Enrollment period.

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 Amended — 08-25-04
 Amended — 12-14-05
 Amended — 07-28-10

2. *Re-enrollment following a Break in Coverage.* Following a break in coverage for any reason other than an error by the District, an eligible employee may re-enroll in hospital, medical, dental, and vision care plans at any time. However, unless re-enrolling during an open enrollment period, the employee must re-enroll in the same plan he or she was enrolled in when his or her previous enrollment ended.

If the District receives the employee's re-enrollment forms at anytime during the calendar month, the District shall process the forms so as to make coverage effective on the first day of the following calendar month.

3. *Open Enrollment.* There shall be an open enrollment period each enrollment year during which eligible employees may change plans. The District shall establish and announce the dates of such open enrollment period, and shall mail open enrollment materials to employees fourteen or more days before the beginning of the open enrollment period. If an eligible employee requests a change of plan, he or she shall continue to be covered under his or her existing plan until coverage under the new plan can be instituted.
4. *Changes in Enrollment other than during Open Enrollment.* Once enrolled in a plan, employees are generally barred from changing their enrollment except during an open enrollment period. Nevertheless, changes may be made under the following circumstances:
 - i. Any employee who is enrolled in a closed panel plan and who changes his or her permanent residence to a location that is outside the service area of the plan may, by submitting a timely application to the CalPERS, via the District, change his or her enrollment to a plan that provides service in the area of his or her new permanent residence without a break in coverage. To be timely, the application for a change in enrollment must be received by the District within ninety (90) days after the employee established his or her new permanent residence.

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Amended — 08-25-04
Amended — 12-14-05
Amended — 07-28-10

- ii. Any employee who is enrolled in a closed panel plan and who, during an approved study, retraining or sabbatical leave of absence of sixty (60) days or more, temporarily relocates to a location that is outside the service area of the plan may, by submitting a timely application to CalPERS, via the District, temporarily change his or her enrollment to a plan that provides service in the area in which he or she will be temporarily located. To be timely, the application for a temporary change in enrollment must be received by the date on which the employee's leave commences.

- iii Any employee whose enrollment in a plan is terminated at the request or option of the plan provider for any reason other than non-payment of premium may enroll in another plan without a break in coverage by submitting a timely application to CalPERS, via the District. To be timely, the application for a change in enrollment must be received by the District within sixty (60) days after the employee's enrollment was terminated. Qualified, covered individuals will not have their health plans terminated due to claims or increased utilization.

- iv Finally, any employee who has had a "qualified life event" as defined by Sections 125 and 129 of the Internal Revenue Code may change his or her eligible dependents by submitting a timely application to CalPERS, via the District. To be timely, the application for a permissible "qualified life event" change must be received by CalPERS, via the District within thirty-one days of the qualifying event.

Refer to CalPERS's "Health Enrollment Reason Codes" for specific qualifying events and effective dates for coverage. Contact the District Benefits Office for this information.

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 Amended — 08-25-04
 Amended — 12-14-05
 Amended — 07-28-10

5. *Mandatory Re-enrollment during Open Enrollment.* Under normal circumstances CalPERS does not require mandatory re-enrollment each year in its health plans. They will notify current participating active employees of their options to change health plans or add/remove dependents during open enrollment. If the employee does not elect any changes, his or her hospital/medical coverage will continue with the same plan and dependents (pending eligibility).

If the employee does not elect any changes to the dental, vision and life insurance benefits during open enrollment, coverage will continue with the same plans and dependents.

- e. District Contribution Towards Premiums. Eligible employees shall be entitled to the District's contribution towards the premium costs of the plans in which they and their dependents are enrolled if:
 - 1. the eligible employee was in paid status during the calendar month preceding the month during which benefit coverage is effective and received at least one-half of the pay he or she would have earned had he or she received pay for full-time work; or
 - 2. the eligible employee, even though not in paid status, is on a formal illness leave of absence for a period of not more than eighteen months.
- f. Payment of Premiums During Unpaid Leaves. Eligible employees who have been granted an unpaid leave of absence and are not entitled to the District's contribution towards the premium costs of the plans in which they and their dependents are enrolled may continue to receive benefits under the Health Benefits Program by establishing a direct payment between the employee and the health plan provider for the period of the leave.

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Amended — 07-28-10

If a direct payment method cannot be established, payment must be made by check or money order made payable to the District, and may be made in monthly installments.

Should an employee fail to make a payment required by this section, coverage shall terminate at the end of the month for which the last payment was received. Should the District terminate an employee's coverage in error, it shall reinstate the employee's coverage as soon as the error is discovered and, at the employee's option, either issue the employee a refund of the amount he or she paid for the months during which he or she did not receive coverage, or extend the employee's coverage for an equivalent period.

- g. Continued Eligibility and Payment of Premiums Following Layoff or Furlough. Notwithstanding anything in Sections 101700.10.a and 101700.10.f to the contrary, employees who have been furloughed (a furlough is a temporary lay-off for a specified period with a definite return date) shall remain eligible to receive benefits under the Health Benefits Program, and shall continue to be entitled to the District's contribution towards the premium costs of the plans in which they and their dependents are enrolled, during the period of their furlough:

When an employee is laid off (a layoff is a separation from regular service for lack of work or lack of funds, or because of a reduction in force) CalPERS' business rules stipulate termination of coverage for layoff beginning the next month after separation date. Employees who have been laid-off shall, upon applying and qualifying for COBRA (see section 101700.10.i below), continue to be entitled to the District's contribution towards the COBRA premium costs of their plans, according to the following table:

Years of Service	Months of Continuation following Layoff
1-5	2 months
6-10	4 months
11 or more	6 months

Adopted ~~11-06-02~~
Amended ~~08-25-04~~
Amended ~~12-14-05~~
Amended ~~07-28-10~~

These rules for furlough and lay-off do not apply to employees who are in temporary or limited status or classified specially funded program (SFP) status unless they hold regular or permanent status in another position in the District.

- h. Conditions of and Limitations on Eligibility and Coverage.
 - 1. Dual Coverage. Employees and their dependents may not be enrolled in more than one CalPERS plan at any one time. For that reason, an employee may be enrolled in a plan in his or her own capacity as an employee, or as a dependent of another employee, but not simultaneously in one plan as an employee and in another plan as a dependent. Likewise, children or other individuals who qualify as dependents may be enrolled in a plan only once as a dependent, not simultaneously in one plan as a dependent of one employee and in another plan as a dependent of another employee.
 - 2. Split Enrollment. Children or other individuals who qualify as dependents may be enrolled in a plan only once as a dependent, not simultaneously in one plan as a dependent of one employee and in another plan as a dependent of another employee.
 - 3. Every employee (or in the event of his or her incapacity, the employee's representative or agent) shall report any event or change of circumstance that has an effect on the administration of coverage under the Health Benefits Program. Such events or changes include, but are not limited to, change of address or telephone number, marriage, divorce, dependent's loss of eligibility, death of the employee, or death of a dependent.
- i. COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985). Once an employee who has enrolled in a plan under the Health Benefits Program becomes qualified for COBRA benefits, the District shall ensure that he or she is given the opportunity to continue coverage under the Health Benefits Program pursuant to COBRA in the manner prescribed by federal law. (CalPERS does not administer payments to COBRA).

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Amended — 07-28-10

- j. If the internal responsibility for the administration of the Health Benefits Program is changed because responsibilities among the administrative units of the District are reorganized, notice of that change shall be given to the exclusive representatives within thirty days.
- k. Health Care Legislation. In the event that new health care legislation is enacted and the District is required to implement a plan pursuant to such legislation, the District and the Exclusive Representatives shall consult in order to assess the effects of such legislation.
- l. Pre-funding Retiree Health Benefits Costs. The District has established and will maintain a Trust with the California Public Employee's Retirement System (CalPERS) to prefund retiree health benefit costs for all eligible fulltime employees. The Trust is funded with annual contributions to the trust of 1.92% of the total full time salary expenditures in the District. Additionally, the District will direct an amount equivalent to all of the Federal Medicare Part D subsidy returned to the District each year into the trust fund. Funding from both of these sources commenced with fiscal year 2006-07. An annual Trust status report will be made to the JLMBC and to the District Budget Committee at their first meeting of the fiscal year.

Annual funding of the Trust from both these sources shall continue until/unless the parties agree otherwise due to changes in the healthcare landscape which make prefunding no longer necessary. Should that prove to be the case the 1.92% of the total full time salary expenditures will be placed on the salary schedules of all full time employees, effective the end of the payroll month that the decision is made to no longer fund the trust.

101700.11 Group Life Insurance Program. The District's group term life insurance program shall be continued for the duration of this Agreement subject to modification based on the recommendations of the Joint Labor Management Benefits Committee and approval of the Board.

- a. All active employees eligible for benefits under Section 101700.10.a of this Rule shall be eligible for group term life insurance benefits under the program.

Adopted — 11-06-02
 Amended — 08-25-04
 Amended — 12-14-05
 Amended — 07-28-10

- b. The limits of coverage under the program shall be \$50,000, however, employees age 70 or above shall receive coverage equal to an amount equal to the greater of the minimum amount required by Federal Law or 50% of the amount in force immediately prior to his or her 70th birthday. This reduction shall take place on the premium date coincident with or immediately following his or her 70th birthday.

101700.12 Employee Assistance Program/Wellness Services. The District shall make available to all active employees (including those who are not eligible for benefits under Section I.A.1 of this Agreement) employee assistance and wellness services. The services shall help employees deal with problems that might adversely impact their work performance, health, and well-being and shall include assessment, short-term counseling, informational resources and referral services. Such services hold the same level of privacy/confidentiality as other medical services. Modification to the employee assistance and wellness services may be recommended by the Joint Labor Management Benefits Committee to the Board of Trustees.

101700.13 Tax Sheltered Retirement Plans. The District shall continue its voluntary salary reduction agreement program under which employees may contribute to tax sheltered retirement plans under Internal Revenue Code Sections 403(b) and 457. The process for selecting third-party administrators (TPAs) for these plans shall include the issuance of a formal request for proposals by the District, review of the responses by a task group consisting of representatives of the District and the Exclusive Representatives, and selection of TPAs based on the recommendation of the task group.

A list of the 403b vendors and enrollment forms available through our District can be found at www.403bcompare.com or via a link on the District's website.

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Amended — 08-25-04
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Amended — 07-28-10

101700.14 Health Reimbursement Arrangements (HRA's). The District shall establish HRA's under IRC Section 105 for eligible, benefitted active employees and early retirees (under age 65). The District's contributions will be \$1500, for the 2010, 2011 plan years. HRA contributions for subsequent plan years shall be agreed upon by the parties. The process for selecting a TPA for these HRA's shall include the issuance of a formal request for proposals by the District, review of the responses by a task group consisting of representatives of the District and the Exclusive Representatives, and selection of a TPA based on the recommendation of the task group.

101700.15 IRC 125 and 129 Plans (Flexible Spending Accounts). The District shall continue its voluntary Flexible Spending Account (FSA) plan covering medical and dependent care expenses under Internal Revenue Code Sections 125 and 129. The process for selecting a TPA for FSA's shall include the issuance of a formal request for proposals by the District, review of the responses by a task group consisting of representatives of the District and the Exclusive Representatives, and selection of a TPA based on the recommendation of the task group.

101700.16 Ordering Rules for HRA's and Medical FSA's. Employees shall be informed at the time of enrollment that amounts available under an HRA must be exhausted before reimbursements may be made from the medical FSA.

101701. HEALTH BENEFITS FOR RETIREES RETIRING FROM A "QUALIFYING POSITION", THEIR DEPENDENTS AND SURVIVORS.

101701.10 Hospital, Medical, Dental and Vision Benefits. Eligible retirees and their eligible dependents and survivors shall have the right to continue their participation in the Health Benefits plans available to active employees, subject to the terms and conditions of this Board Rule. Nothing in this Board Rule, however, shall be construed as conveying any vested right to any particular plan, plan design, or plan component. The terms of the District's Health Benefits Program (CalPERS Health Care Program), as well as the plans available under the Program, remain subject to alteration by action of CalPERS, the Joint Labor/Management Benefits Committee or any future agreement between the District and its Exclusive Representatives.

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Amended — 08-25-04
Amended — 12-14-05
Amended — 07-28-10

101701.11 Eligibility. A retiree who is eligible to continue his or her participation in the health benefits plans which are available to active employees is one who has retired from District service under the rules of the California Public Employees Retirement System (CalPERS) or the California State Teachers Retirement System (CalSTRS), who is receiving a retirement allowance from that system, and who:

- a. for employees whose most recent uninterrupted District employment began before February 11, 1992—has rendered continuous paid service to the District in a “qualifying position” for three or more years immediately preceding his or her retirement; and – for employees whose most recent uninterrupted District Employment began before July 1, 1998 – has rendered continuous paid service to the District in a “qualifying position” for seven or more years immediately preceding his or her retirement; or
- b. for employees whose most recent uninterrupted District employment began on or after July 1, 1998—has rendered continuous paid service to the District in a “qualifying position” for ten or more years immediately preceding his or her retirement.

For the purposes of this section, a “qualifying position” is any position that made the employee eligible to enroll in plans under the Health Benefits Program. An individual shall be deemed to have “retired from District service” if the effective date of his or her retirement under CalPERS or CalSTRS is no later than 120 days after his or her resignation from District employment. Retirees do not have to be enrolled in health benefits at the time of their retirement; they just need to have been eligible as indicated above. In addition, no absence from the service of the District under any paid leave of absence, or any unpaid leave of absence or layoff of thirty-nine months or less, shall be deemed a break in the continuity of service required by this section.

(This language, although it differs from the eligibility language that appeared in prior Board Rules, reflects the Board’s existing interpretation of that language and is declarative of the Board’s original intent.)

~~Adopted~~ — 11-06-02
~~Amended~~ — 08-25-04
~~Amended~~ — 12-14-05
~~Amended~~ — 07-28-10

101701.12 Dependents and Survivors. To qualify as a dependent or survivor who is eligible to continue his or her participation in the hospital and medical plans available to active employees.

- a. a dependent or survivor must be an eligible retiree's:
 - 1. spouse and receive a survivor's allowance under CalPERS or CalSTRS: This condition shall not apply to the survivor of a retiree who had not elected to provide an allowance (unmodified) prior to January 1, 2010;
 - 2. qualified domestic partner on the date of retirement from District service;
 - 3. child (natural, adopted, foster, domestic partner children, or stepchildren) up to age 23* who is unmarried (coverage will terminate at the end of the month in which dependent turns age 23*);
 - 4. a child up to age 23* (not otherwise eligible under subsection 3 above) who is unmarried and is economically dependent upon the retiree (as being claimed as dependents on the retiree's federal income tax returns) and for whom the retiree must have been granted legal or joint legal custody, or, in the absence of natural or adoptive parents, the child resides with the retiree; or
 - 5. a disabled child (not otherwise eligible under subsection 3 above) who is unmarried without regard to age who is physically or mentally incapacitated (and therefore capable of self support), and who is being claimed as a dependent on the retiree's federal income tax returns.

*Effective January 1, 2011, the upper age limit will increase from age 23 to age 26.

—and—

- b. a dependent may not be enrolled in any plans other than those under which the retiree is covered, or in the case of any survivor, the survivor must have been enrolled in plans as a dependent at the time of the retiree's death.

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Amended — 12-14-05
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101701.13 Limitations on Survivor Eligibility. A survivor's eligibility to continue his or her participation in the Health Benefits Program depends on whether he or she continues to receive a survivor's allowance. The eligibility of a surviving child receiving a survivor's benefit continues until the end of the month in which he or she turns age 23.

*Effective January 1, 2011, the upper age limit will increase from age 23 to age 26.

- a. The eligibility of a surviving spouse shall terminate when he or she remarries, enters into a domestic partner relationship, or is eligible for group coverage under his or her own employment.
- b. The eligibility of a surviving qualified domestic partner shall terminate when he or she marries, enters into another domestic partner relationship, or is eligible for group coverage under his or her own employment.
- c. The eligibility of a surviving child who is a dependent of a surviving spouse or domestic partner shall terminate when the eligibility of the surviving spouse or domestic partner terminates, unless the eligibility of the surviving spouse or domestic partner terminates because of death, in which case the child shall remain eligible as if the surviving spouse or domestic partner had not died.
- d. Any survivor whose eligibility terminates for any reason, shall not be eligible for re-enrollment.

101701.14 Enrollment. Enrollment and re-enrollment in plans shall be administered as follows:

- a. *Initial Enrollment.* Upon retirement, each new retiree who is eligible to enroll in plans under the Health Benefits Program shall receive uninterrupted coverage under the plan in which he or she was enrolled as an active employee, provided the employee submits all necessary applications and other required documentation in a timely fashion.

~~Adopted~~ — 11-06-02

~~Amended~~ — 08-25-04

~~Amended~~ — 12-14-05

~~Amended~~ — 07-28-10

- b. *Open Enrollment.* There shall be an open enrollment period each enrollment year during which eligible retirees may change plans. The CalPERS Health Care Program, in consultation with the District (via the JLMBC) shall establish and announce the dates of such open enrollment period, and shall mail open enrollment materials to retirees fourteen or more days before the beginning of the open enrollment period. If an eligible retiree requests a change of plan, he or she shall continue to be covered under his or her existing plan until coverage under the new plan can be instituted.

- c. *Changes in Enrollment other than during Open Enrollment.* Once enrolled in a plan, retirees are generally barred from changing their enrollment except during an open enrollment period. Nevertheless, changes may be made under the following circumstances:
 - 1. Any retiree who is enrolled in a closed panel plan and who changes his or her permanent residence to a location that is outside the service area of the plan may, by submitting a timely application to CalPERS via the District, change his or her enrollment to a plan that provides service in the area of his or her new permanent residence. To be timely, the application for a change in enrollment must be received by CalPERS via the District within ninety (90) days after the retiree established his or her new permanent residence.

 - 2. Any retiree whose enrollment in a plan is terminated at the request or option of the plan provider for any reason other than non-payment of premium may enroll in another plan by submitting a timely application to the District. To be timely, the application for a change in enrollment must be received by CalPERS via the District within ninety (90) days after the retiree's enrollment was terminated.

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 Amended — 12-14-05
 Amended — 07-28-10

- d. *Mandatory Re-enrollment during Open Enrollment.* Upon recommendation of the JLMBC the District may designate any open enrollment period as a mandatory enrollment period during which every eligible retiree or survivor must re-enroll for himself or herself and for each of his or her eligible dependents. If a retiree or survivor fails to re-enroll during any such mandatory enrollment period, his or her enrollment in hospital, medical, dental and vision care plans shall end at the beginning of the next plan year. In that event, a retiree (and his or her eligible dependents) may, if he or she remains eligible, re-enroll in plans. The retiree may re-enroll in plans at any time and the District shall verify his or her eligibility to CalPERS so that it can process the retiree’s or survivor’s re-enrollment forms as if they were initial enrollment forms—i.e. if CalPERS via the District receives the re-enrollment forms at anytime during the calendar month, it shall process them so as to make coverage effective on the first day of the calendar month following receipt of the forms.

101701.15 District Contribution Towards Premiums. The District shall contribute towards the premium costs of the plans in which an eligible retiree and his or her eligible dependents and survivors are enrolled as follows:

- a. For retirees (and their eligible dependents and survivors) who became eligible under Section 101701.11.a, the District will pay 100% of the District’s contribution towards premiums.
- b. For retirees (and their eligible dependents and survivors) who became eligible under Section 101701.11.b, the District will pay 50% of the District’s contribution towards premiums for those retirees who rendered service in a “qualifying position” for at least ten years but fewer than fifteen years; 75% of the District’s contribution towards premiums for those retirees who rendered service in a “qualifying position” for at least fifteen years but fewer than twenty years; and 100% of the District’s contribution towards premiums for those retirees who rendered service in a “qualifying position” for at least twenty (20) years.

~~Adopted~~ — 11-06-02
~~Amended~~ — 08-25-04
~~Amended~~ — 12-14-05
~~Amended~~ — 07-28-10

101701.16 Conditions of and Limitations on Eligibility and Coverage.

- a. Active employees who become eligible retirees under this agreement are entitled to uninterrupted coverage under the Health Benefits Plan provided they submit all necessary applications and other required documentation in a timely fashion.
- b. Dual Coverage. Retirees, their dependents, and survivors may not be enrolled in more than one District sponsored plan at any one time. For that reason, a retiree may be enrolled in a plan in his or her own capacity as a retiree, or as a dependent of another retiree, but not simultaneously in one plan as a retiree and in another plan as a dependent.
- c. Split Enrollment. Children or other individuals who qualify as dependents may be enrolled in a plan only once as a dependent or survivor, not simultaneously in one plan as a dependent or survivor of one retiree and in another plan as a dependent or survivor of another retiree.
- d. To the extent allowed by law, benefits provided under the District's Health Benefits Program shall be secondary to the benefits provided to a retiree or his or her dependents or survivors under Medicare. Furthermore, as a condition of continued enrollment in any hospital or medical plan available under the Health Benefits Program, each retiree and every eligible dependent and survivor age 65 and older must (unless exempted from this requirement under rules adopted by the Joint Labor/Management Benefits Committee) apply for and obtain coverage under Part A (hospital benefits) – either paid or premium free – and Part B (medical benefits) of Medicare. It shall be the sole responsibility of the employee or survivor to provide the District with verification of enrollment in Medicare. The District shall acknowledge receipt of verification of Medicare enrollment upon a retiree's request.

Adopted — 11-06-02
Amended — 08-25-04
Amended — 12-14-05
Amended — 07-28-10

Medicare Part A (hospital benefits): Every person who is eligible for premium-free Medicare Part A coverage must obtain that coverage. Those retirees age 65 and older who (a) chose to begin payment of Medicare tax in the Medicare Division (election) of June 14, 2001, and (b) retire after the end date of the CalSTRS Medicare premium payment program or are otherwise ineligible for said program, and (c) do not earn sufficient service credits to qualify for premium-free Part A, are not required to enroll in Part A. Retirees age 65 and older who chose *not* to begin payment of Medicare tax in the Medicare Division (election) of June 14, 2001 must obtain and maintain coverage under Part A with no District contribution, unless the retiree was 58 or older on June 14, 2001. All dependents and survivors must obtain and maintain coverage under Part A, with no District contribution, in order to remain eligible for the District's medical plans.

Medicare Part B (medical benefits): Every person must apply for, obtain and maintain coverage under Part B of Medicare at his or her own expense.

Medicare Part D (prescription drug benefits): Enrollment in Medicare Part D shall be addressed each plan year by the JLMBC, and if deemed necessary, enrollment shall be accomplished through coordination with District medical plans. Retirees, eligible dependents, and survivors over the age of 65 *shall not* enroll as individuals. Those enrolling in Part D when not required to by the District shall be responsible for paying the entire Part D premium.

Other Requirements: Any retiree or eligible dependent or survivor who enrolls in Medicare but assigns his or her Medicare benefits to a Medicare-Advantage medical plan not sponsored by the District shall be ineligible for continued benefits under the District's medical plans. It shall be the sole responsibility of the retiree, dependent and survivor to provide the District with verification of enrollment in Medicare. The District shall acknowledge receipt of verification of Medicare enrollment upon a retiree's request.

Adopted — 11-06-02
Amended — 08-25-04
Amended — 12-14-05
Amended — 07-28-10

- d. Every retiree (or in the event of his or her incapacity, the retiree's representative or agent) shall report, by telephone, e-mail, or written correspondence, any event or change of circumstance that has an effect on the administration of coverage under the Health Benefits Program. Such events or changes include, but are not limited to, change of address or telephone number, marriage, divorce, dependent's loss.
- e. A retiree's or survivor's eligibility (and that of his or her dependents) under this agreement shall terminate whenever the retiree or survivor accepts employment in a position covered by CalSTRS or CalPERS and becomes eligible for health benefits by virtue of that employment.

101702. JOINT LABOR/MANAGEMENT BENEFITS COMMITTEE.

101702.10 The District shall convene a Joint Labor/Management Benefits Committee (JLMBC) as prescribed by the Master Agreement between the District and the exclusive representatives of its employees. The role, composition, and authority of the Committee are specified in Section IV of the Master Agreement. Section IV of that Agreement (as it now reads or as it may be revised by the parties from time to time) is, by this reference, incorporated herein as if set forth in full.

Adopted ——— 11-06-02
 Amended ——— 08-25-04
 Amended ——— 12-14-05
 Amended ——— 07-28-10
 Amended 06/07/17

CHAPTER XVIII

SHARED GOVERNANCE POLICIES

ARTICLE I
ACADEMIC SENATE AND BOARD OF TRUSTEES
SHARED GOVERNANCE POLICY

18100. COLLEGE ACADEMIC SENATE: The faculty of each college in the District may organize a College Academic Senate for the purpose of faculty government and to establish formal and effective procedures for participation in setting policies on academic and professional matters. The Board of Trustees recognizes such faculty groups as representatives of faculty opinions and as a consulting body on the college campus.

Adopted ~~_____~~ 12/18/96

Amended ~~_____~~ 01/09/02

18101. DISTRICT ACADEMIC SENATE: The Board of Trustees recognizes the District Academic Senate, composed of various representatives of the College Academic Senates, and will consult collegially with it on academic and professional matters common to the District.

Adopted ~~_____~~ 12/18/96

Amended ~~_____~~ 01/09/02

18102. SHARED GOVERNANCE: The Board of Trustees recognizes and affirms its obligations to consult collegially with the District Academic Senate when adopting policies and procedures on academic and professional matters. The primary function of the District Academic Senate, as representative of the faculty, is to make recommendations to the Board of Trustees (or designee), with respect to District level academic and professional matters. The primary function of the College Academic Senates, as representatives of the college faculty, is to make recommendations to the administration of the college and the Board of Trustees

Adopted ~~_____~~ 12/18/96

Amended ~~_____~~ 01/09/02

18103.

DEFINITIONS:

- A. "Faculty" means those academic employees of the District who are employed in positions that are not designated as supervisory or management for the purposes of the Educational Employment Relations Act, encompassed in Government Code section 3540 et seq., and for which minimum qualifications for hire are specified by the Board of Governors for the California Community Colleges.
- B. "District Academic Senate" means the Academic Senate for the Los Angeles Community College District.
- C. "College Academic Senate" means the Academic Senate of each of the colleges in the Los Angeles Community College District.
- D. The generic term "academic senate" means either or both the District Academic Senate or the College Academic Senates.
- E. "The Board" means the Board of Trustees of the Los Angeles Community College District.
- F. "The District" means the Los Angeles Community College District.
- G. "Academic and professional matters" means the following policy development and implementation matters:
 - 1. Curriculum, including establishing prerequisites and placing courses within disciplines;
 - 2. Degree and certificate requirements;
 - 3. Grading policies;
 - 4. Educational program development;
 - 5. Standards or policies regarding student preparation and success;
 - 6. District and college governance structures, as related to faculty roles;

Adopted ~~_____~~ 12/18/96

Amended ~~_____~~ 01/09/02

7. Faculty roles and involvement in accreditation processes, including self-study and annual reports;
 8. Policies for faculty professional development activities;
 9. Processes for program review;
 10. Processes for institutional planning and budget development; and
 11. Other academic and professional matters as mutually agreed upon between the Board and the academic senate.
- H. "Consult collegially" means that the Board shall develop policies on academic and professional matters through either or both of the following methods, according to its own discretion by:
1. Relying primarily upon the advice and judgment of the academic senate; or
 2. Agreeing that the Board, or such representatives as it may designate, and the representatives of the academic senate shall have the obligation to reach mutual agreement by written resolution, regulations, or policy of the board effectuating such recommendations.

~~Adopted~~ — 12/18/96
~~Amended~~ — 01/09/02

18104. COLLEGIAL CONSULTATION PROCESS

- A. The Board through the collegial consultation process shall rely primarily on the District Academic Senate concerning the following District level academic and professional matters:
1. Curriculum, including establishing prerequisites and placing courses within disciplines;
 2. Degree and certificate requirements;

~~Adopted~~ — 12/18/96
~~Amended~~ — 01/09/02

3. Grading policies;
 4. Policies for faculty professional development activities;
 5. Processes for program review; and
 6. Faculty roles and involvement in accreditation processes, including self-study and annual reports.
- B. The Board shall reach mutual agreement with the District Academic Senate on District level academic and professional matters by written resolution concerning the following policy areas:
1. Educational program development;
 2. District and college governance structures as related to faculty roles;
 3. Processes for institutional planning and budget development;
 4. Standards or policies regarding student preparation and success; and
 5. Other academic and professional matters as are mutually agreed on by the Board of Trustees and the District Academic Senate.
- C. In order to facilitate the consultation process, there shall be regularly scheduled meetings, including but not limited to:
1. The District Academic Senate President and the Chancellor.
 2. Between District Academic Senate Executive Committee and Chancellor's Cabinet; and
 3. Other meetings that the District Academic Senate and/or the Chancellor find will effectuate the consultation process.

Adopted — 12/18/96
Amended — 01/09/02

- D. All recommendations on academic and professional matters which have been developed through collegial consultation with the District Academic Senate shall bear the signature of the District Academic Senate President.

Adopted — 12/18/96

Amended — 01/09/02

18105. RECOMMENDATIONS OF THE DISTRICT ACADEMIC SENATE

- A. Recommendations from the District Academic Senate to the Board shall be in writing and conveyed to the Board usually through the Chancellor.
- B. In instances where the Board elects to rely primarily upon the advice and judgment of the District Academic Senate, the recommendations of the District Academic Senate will normally be accepted, and only in exceptional circumstances and for compelling reasons will the recommendations not be accepted. If a recommendation is not accepted, the Board or its designee, upon written request of the Academic Senate to the Board shall promptly communicate its reasons in writing to the District Academic Senate.
- C. In instances where the Board elects to provide for mutual agreement with the District Academic Senate, and agreement has not been reached, existing policy shall remain in effect unless continuing such policy exposes the District to legal liability or causes substantial fiscal hardship. In cases where there is no existing policy, or in cases where the exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the Board may act, after a good faith effort to reach agreement, only for compelling legal, fiscal, or organizational reasons.

Adopted — 12/18/96

Amended — 01/09/02

18106. APPOINTMENT OF REPRESENTATIVES

- A. The appointment of faculty members to serve on District committees, task forces, or other groups dealing with academic and professional matters

Adopted — 12/18/96

Amended — 01/09/02

shall be made, after consultation with the Chancellor or his or her designee, by the District Academic Senate. Notwithstanding this section, the faculty collective bargaining representative may seek to appoint faculty members to committees, task forces, or other groups. Nothing in the foregoing shall affect the right of the faculty collective bargaining agent to appoint faculty members to committees pursuant to existing or future collective bargaining agreements.

- B. The appointment of faculty members to serve on college committees, task forces, or other groups dealing with academic and professional matters shall be made, after consultation with the College President or his or her designee, by the College Academic Senate. Notwithstanding this section, the faculty collective bargaining representative may seek to appoint faculty members to college committees, task forces, or other groups. Nothing in the foregoing shall affect the right of the faculty collective bargaining agent to appoint faculty members to college committees pursuant to existing or future collective bargaining agreements.

Adopted — 12/18/96

Amended — 01/09/02

- 18107. RIGHT TO APPEAR BEFORE THE BOARD. The Academic Senate shall retain the right to meet with or to appear before the Board with respect to the views, recommendations, or proposals of the academic Senate. In addition, after consultation with the administration of the college and/or District, the Academic Senate may present its views and recommendations to the Board.

Adopted — 12/18/96

Amended — 01/09/02

- 18108. COLLECTIVE BARGAINING AGREEMENTS AND DUE PROCESS RIGHTS. Nothing in this chapter shall be construed to impinge upon the due process rights of faculty, nor to detract from any collective bargaining agreements.

Adopted — 12/18/96

Amended — 01/09/02

18109. DELEGATION OF AUTHORITY.

- A. For purposes of consulting collegially with the District Academic Senate, the Board designates the Chancellor as its representative. For purposes of consulting collegially with the College Academic Senate, the Board designates the College President acting under the authority and supervision of the Chancellor. The Board reserves the right to designate additional or alternative designees at any time.
- B. College policies for collegial consultation with College Academic Senates shall be submitted to the Board for approval. The Board reserves its right to approve, disapprove or supersede college agreements reached under those policies.

Adopted ~~_____~~ 12/18/96

Amended ~~_____~~ 01/09/02

18110. GUIDELINES FOR IMPLEMENTATION. For purposes of interpretation of this chapter, the Board adopts the attached Guidelines for Implementation of Sections 53200 to 53204 of Title 5 of the Administrative Code of California. These guidelines were agreed upon by the Community College League of California and the Academic Senate for California Community Colleges. In the event the Community College League of California and the Academic Senate for California Community Colleges revise the Guidelines, the Board may adopt the most recently revised Guidelines.

Adopted ~~_____~~ 12/18/96

Amended ~~_____~~ 01/09/02

Amended ~~_____~~ 04/17/13

Amended 06/07/17

GUIDELINES FOR IMPLEMENTATION OF SECTION 53200-53204 OF TITLE 5 OF THE ADMINISTRATIVE CODE OF CALIFORNIA

**Source Document: Participating Effectively in District and College Governance
The Academic Senate for California Community Colleges and The Community
College League of California
Fall 1998**

INTRODUCTION

The following guidelines on local decision-making processes have been developed by a joint task force of representatives of the California Community College Trustees (CCCT), Chief Executive Officers of the California Community Colleges (CEOCCC) and the Academic Senate of the California Community Colleges. They have been endorsed by the boards of directors of the CCCT and CEOCCC and by resolution of the Academic Senate for California Community Colleges. The guidelines augment ones developed in 1992 by a similar joint task force.

The guidelines are grouped by issue area and are in the form of questions and answers. The questions and answers are not intended to cover all situations which may be encountered, but address questions most frequently raised. In the answers developed, use of the word "should" refers to a good practice, but one that is not required. The word "must" indicates the action outlined is required by law or state regulation.

The purpose of the guidelines is to provide assistance to trustees, CEO's, academic senate leaders, administrators, classified staff and students which will enable them to fulfill the intent of effective participation in local decision making as delineated in state law and Board of Governors regulations.

PART I. THE LOCAL BOARD POLICY ON COLLEGIAL CONSULTATION

1. QUESTION: What is meant by the term "shared governance"?

"Shared governance" is not a term that appears in law or regulation. Education Code §70902(b)(7) calls on the Board of Governors to enact regulations to "ensure faculty, staff, and students...the right to participate effectively in district and college governance" and, further, to ensure "the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards."

The intent of the Legislature in enacting this section of AB 1725 was "to authorize more responsibility for faculty members in duties that are incidental to their primary professional duties" and to assure that "increased faculty involvement in institutional governance and decision making" does not conflict with faculty rights in collective bargaining (Section 4n). This shared involvement in the decision making process does

not necessarily imply total agreement nor does it abrogate the ultimate decision making responsibility of the local governing board.

Title 5 §§51023.7 and 52023.5 state requirements for the “effective participation” of students and staff, respectively, in the development of recommendations to the governing board. Title 5 §53203 requires the governing board to “consult collegially” with the academic senate on academic and professional matters (defined in §53200).

Consequently, the more precise terms call for the governing board to assure effective participation of students and staff and to consult collegially with academic senates. Later questions will give guidance on these two processes. The term “shared governance” can take on many meanings and it is suggested that its use be curtailed in favor of the more precise terms.

2. QUESTION: What needs to be done by local boards and academic senates to implement the regulations to ensure the right of academic senates to assume primary responsibility for making recommendations in the areas of academic and professional matters?

The senate and the local board or its designee (usually the chancellor, superintendent/president, or president and senior administration) need to “consult collegially” on the development or modification of the district policy for board action to implement the regulations. This policy can be very general (i.e., a statement that the district will operate according to the provisions of Title 5 §§53200-53204) or more specific in terms of how the district carries out the regulations. Different boards and districts may include different amounts of procedural detail in district policy. (However, see recommendations in Questions 4 and 5 on selecting rely primarily/mutual agreement options.)

3. QUESTION: In adopting or modifying policy on academic and professional matters, does the governing board have to meet directly with the senate?

No. The governing board and the senate may each designate appropriate representatives as their voices in the mutual development or modification of policy on academic and professional matters. It is the responsibility of the designees to communicate with their respective constituencies on an ongoing basis so as to best represent them.

4. QUESTION: The regulations list eleven areas defined as academic and professional matters. The local board must adopt procedures identifying how it will consult collegially in these eleven areas. Those procedures include either to “rely primarily upon the advice and judgment of the academic senate” or to “reach mutual agreement.” Must a local board select only one procedure for addressing all of the identified academic and professional matters or can there be a different approach used for the different matters?

Either one of the procedures can be used to address each of the eleven areas defined as academic and professional matters; the procedure need not be the same for all eleven. It is recommended, although not required, that the specific procedure selected by identified in policy for each of the academic and professional matters.

5. QUESTION: Who decides which of the two processes in the regulations ({rely primarily” or “mutual agreement”) should be used on a given issue related to academic and professional matters?

The local governing board. However, it is recommended that the eleven categories of academic and professional matters listed in the regulations be the subject of local discussions so that all concerned will know in advance which issues will be dealt with according to which process. These may then be included in adopted policy.

6. QUESTION: Why is it recommended that the governing board policy specify either the rely primarily or mutual agreement mode of collegial consultation for each of the eleven academic and professional matters?

In preparing recommendations to the governing board, it is necessary that all parties know in advance their responsibilities for determining recommendations. It is important for the governing board to communicate its expectations for the process of developing recommendations. Prior agreement on process has the advantage of allowing the board to focus on the content of recommendations rather than on procedural details.

PART II. ACADEMIC AND PROFESSIONAL MATTERS

7. QUESTION: The regulations list eleven areas defined as “academic and professional matters.” What is the scope of each of the academic and professional matters?

The intent of the list of academic and professional matters is to state more specifically the breadth of the legal requirement for the academic senate to assume primary responsibility for making recommendations on “curriculum and academic standards” [Education Code §70901(b)(7)]. These guidelines do not attempt to further define the list of academic and professional matters. Often it is the context of the issue which determines if it is an academic and professional matter. To assist in this determination, the companion document “Scenarios Illustrating Effective Participation in District and College Governance” gives examples of particular issues and good practice for their resolution through collegial consultation. Furthermore, the eleventh item allows the academic senate and the governing board to mutually agree on adding other issues as being subject to collegial consultation. Academic senates, along with governing boards and their designees, are encouraged to establish processes through which the status of any issue as an academic and professional matter is determined.

8. QUESTION: Is it helpful to have a process by which issues are determined to be an academic and professional matter?

Yes. Because academic and professional matters are broad in scope, it is important that colleges and districts have an agreed-upon mechanism for clarifying when an item is an academic and professional matter and thus requiring collegial consultation. Good practice for developing this mechanism involves agreement between the academic senate or its representative(s) and the board of its designee.

9. QUESTION: One of the eleven areas of academic and professional matters is district and college governance structures, as related to faculty roles. Must the district consult collegially on the administrative organization chart of the district and/or college?

No. How the administration is organized may be a matter for wide participation by the affected parties but is outside the scope of the district's responsibility to consult collegially with the senate. However, organizational changes which affect academic and professional matters such as curriculum or faculty role in governance would require consultation with the academic senate.

10. QUESTION: Another one of the eleven areas of academic and professional matters is "processes for institutional planning and budget development." Does this regulation relate to the institutional plans and budgets themselves, or only to the process by which plans and budgets are developed for presentation to the board?

The regulation relates only to the process. The academic senate is to be consulted collegially in shaping the processes used for developing the plans and budgets to be acted upon by the governing board. The board is not required to either "rely primarily" on the senate's recommendations or reach mutual agreement with the senate on the plans and budgets themselves.

PART III. MUTUAL AGREEMENT AND RELY PRIMARILY

11. QUESTION: If the governing board chooses the option to "rely primarily" on the advice of the academic senate in any of the eleven areas of academic and professional matters, is the board required to accept the recommendation of the senate?

No. Title 5 regulations clearly state that in most cases under the "rely primarily" option the recommendation of the academic senate will be adopted. However, there are conditions under which the local board may need to make a decision different from the senate's recommendation. (The circumstances covering such a decision are addressed in the next Question.)

- 12. QUESTION: A district governing board which chooses the “rely primarily” procedure is normally supposed to accept recommendations of the senate in any of the eleven areas of academic and professional matters unless there are “exceptional circumstances” and “compelling reasons.” What do these mean?**

The regulations do not define the terms “exceptional circumstances” and “compelling reasons,” and these terms are not intended to have a legal definition outside the context of this law. (However, these regulations do have the force of law. See Question 35.) These terms mean that boards must usually accept senate recommendations, and that in instances where a recommendation is not accepted the reasons for the board’s decision must be in writing and based on a clear and substantive rationale which puts the explanation for the decision in an accurate, appropriate, and relevant context.

Boards tempted to reject a recommendation might, instead, ask the senate to reconsider the recommendation in light of the issues that have not been resolved to the board’s satisfaction or in cases in which the clarity, accuracy or completeness of the recommendation needs improvement.

- 13. QUESTION: A district governing board which chooses the “mutual agreement” procedure is supposed to reach written agreement with the senate if any of the eleven areas of academic and professional matters. When may the board act if it is not able to reach mutual agreement with the academic senate?**

If there is no existing policy, the regulations say the board may act without reaching mutual agreement if there are “compelling legal, fiscal or organizational reasons” why it must do so. Again, the word “compelling” is not defined in the regulations and is not intended to have a legal definition outside the context of this law. (Again, the regulations have the force of law. See Question 35.) It means that in instances where mutual agreement with the senate is not reached, a board decision must be based on a clear and substantive rationale that puts the explanation for the decision in an accurate, appropriate and relevant context.

- 14. QUESTION: When there is an existing policy, is the board permitted to act without mutual agreement?**

Generally, no. If there is an existing policy, that policy simply stays in effect until mutual agreement is reached. However, there may be cases when the existing policy “exposes the district to legal liability or causes substantial fiscal hardship.” In these circumstances, a board may act without reaching mutual agreement provided that it has made a good faith effort to reach agreement and has “compelling legal, fiscal or organizational reasons” to act (as the term “compelling” is described in the previous question) without waiting any longer for agreement.

15. QUESTION: The “mutual agreement” procedure appears to contain de facto ability to block changes in policy when an existing policy is in place by failing to agree to needed action. What would happen if this occurs?

It would be bad faith to use the regulations in order to block changes in policy when an existing policy is in place by failing to agree to needed action. If a board refuses or fails to participate or consult constructively in the attempt to reach mutual agreement, a senate may choose to initiate the technical assistance process delineated in the Academic Senate/CCLC document “Assistance to Assure Effective Participation in District and College Governance.” (See Appendix A.) On the other hand, if the senate attempts to use the regulations process to block board action by refusing or failing to participate or consult constructively, the board and chief executive officer may seek help through the technical assistance process as well.

PART IV. IMPLEMENTING THE COLLEGIAL CONSULTATION PROCESS

16. QUESTION: Once board policies on collegial consultation and effective participation have been approved, how can the implementing procedures, structures and committees be developed to ensure the process follows the intent of policy?

Adoption of the governing board policy on collegial consultation is only the first step in complying with the regulations. Procedures, structures, and committees must be reviewed and revised to implement the policy.

The academic senate and the governing board designee should examine existing structures that deal with academic and professional matters. Those committees which are already charged with academic and professional matters, such as curriculum and staff development, should be reviewed to assure that their structures and charges are appropriate. (See Question 17 on committee structure.) Where committees may not exist to deal specifically with an academic and professional matter, a new committee may be needed or, perhaps, the charge of a related committee can be modified. For example, the matriculation advisory committee might be charged with developing proposals for student preparation and success.

Throughout this document, the work products of committees pertaining to academic and professional policies and procedures will be referred to as “proposals.” These proposals are available for review by college groups as part of the process to assure effective participation of those affected by such proposals. As part of their reporting processes, committees forward these proposals to the academic senate for consideration and refinement. After approval by the senate, the “proposal” becomes a “recommendation” of the academic senate. Beyond their charge to develop such proposals, committees also may be involved in implementation of existing policies and procedures. (See Question 19 for a distinction among policy, procedure, and implementation.) For example, curriculum committees implement curriculum policies by reviewing proposals for new and revised courses.

In all procedures, structures, and committees, students and staff should be assured of effective participation in matters which affect them. (See Questions 31 and 32 for more on effective participation of staff and students.)

17. QUESTION: What essential elements need to be defined in order to ensure that the committee structure, used in collegial consultation and to provide effective participation, is functional?

It is recommended that the charge to a college committee be clearly defined. This permits matters within the scope of the charge to be handled by the committee without overlapping responsibilities with other groups. A clear charge also lessens the tendency to create a new committee for every new issue. (For use of a college council to do issue management for committee referrals, see the next question.)

Committees should have definite membership. Members should be chosen for their expertise and area of responsibility, not just to represent a constituent group. For each place on the committee the following should be specified: appointing body, term length, and voting status (if votes are to be taken.)

The expected reports or other work products should be delineated, including to whom the reports are submitted. Committee proposals for policies and procedures on all academic and professional matters should be submitted to the academic senate as well as being available for review by other affected groups. (See the previous question regarding how a committee proposal becomes an academic senate recommendation.)

Operation of the college committee structure takes a commitment of the time and effort of the participants as well as a commitment of resources by the institution. All parties should weigh carefully the developmental needs of the college. To the extent possible, there should be consideration of and accommodation for the time required for student, faculty and staff participation which may be above and beyond their regular duties. Examples of accommodation include convenient times and locations of meetings, reassigned time, and granting of flexibility in work schedules. Consideration is also needed for technical and clerical support for committees with special needs. Operational requirements should not be ignored: written minutes should be kept of all committee meetings. Meeting times should be arranged so that all members are available. Agendas should be distributed with adequate time (and all needed reference materials) for members to prepare for meetings. Orientation and training of members should be provided regularly.

18. QUESTION: Some institutions have college or district coordinating councils consisting of representatives of the academic senate, unions, classified staff, administrative staff and students. What is the role of such a council within the dictates of the law and regulations?

Neither the law nor regulations call for any specific committees or structures, nor is a coordinating council prohibited. Many colleges have found coordinating councils useful, but some cautions are warranted.

A forum for communication on common issues and for reporting group activities are important functions coordinating councils can play. Often a particular matter may have implications for other groups that are not evident without discussion.

Issue management can be another useful activity for such councils. Broaching topics when they initially arise can give all parties the opportunity to participate in devising a common strategy for addressing that topic. It can be within this forum that the academic senate may identify issues which are academic and professional in nature. These discussions can assure that topics are properly referred to the committee charged with handling that matter. Coordinating councils also provide a venue to resolve conflicts that may arise as issues work their way through the governance process.

However, a coordinating council is not the appropriate body to make recommendations to the governing board or designee on academic and professional matters. These issues are appropriately within the purview of the academic senate. Furthermore, care should be taken in placing decision-making authority in the hands of coordinating councils. The strength of participatory governance lies in recommendations being made by those who have the necessary expertise and are most affected by the decision.

19. QUESTION: The law and regulations use the terms “district and college governance,” “policies,” “policy development and implementation” and “policies and procedures.” What are the distinctions among policy, procedures and implementation?

Distinctions among policy, procedures, and implementation are not exact, and specific delineations should be made locally on a case-by-case basis. That said, some generalizations may be useful.

Policies give the college general direction to accomplish its mission. They create the context for action as well as foster a positive climate in which change can occur. Policies delineate the conditions which procedures must meet and state the expectations for what is to be accomplished. They are of a sufficient scope and significance that they are adopted by public action of the governing board. Procedures define the steps to be taken to carry out a policy. They specify those responsible for carrying out each step and may include a timeline by which tasks are to be completed. Implementation means carrying out the steps called for in the procedure.

20. QUESTION: For those matters which the governing board delegates to the chief executive officer, does collegial consultation still apply? Is the governing board still responsible to assure the effective participation of affected groups?

Yes to both questions. Education Code §70902(d) gives the governing board authority to delegate certain responsibilities to groups or individuals employed within the district. Those to whom those responsibilities are delegated must themselves consult collegially with the academic senate on academic and professional matters. Before agreeing to delegation, boards should carefully consider whether decisions are of a nature that they should be made in the public forum of the board meeting. Note that the Brown Act, Government Code §54950-54962, specifically requires open meetings of groups to whom boards have delegated authority, such as the academic senate.

Even on matters delegated to others, the governing board still maintains the responsibility to assure effective participation of students, faculty, and staff. The academic senate still retains its right to place issues on the board agenda and to present its views to the board (Title 5 §53203), with the understanding that reasonable, accepted procedures will be followed.

21. QUESTION: What features characterize an effective collegial consultation process?

Collegial consultation requires mutual understanding among the faculty, administration, and the governing board. Such understanding requires an awareness of interdependence, a commitment to communication, and the exchange of ideas as well as a commitment to joint action in the interests of solving educational problems or setting educational policy.

There is no one best method for implementing collegial consultation. Each college tends to develop a culture of its own within which collegial consultation takes place. Nevertheless, a few features seem to be common among those colleges with effective processes.

Once such feature is a clearly defined governance structure that includes an organizational chart, charges of the councils or committees, and defined memberships and processes. A regular program should be established for old and new members of the governing board, administration, and faculty to acquaint them with the principles and practices of the collegial consultation structure. When everyone understands how the process works, and the structure is used consistently, it allows for success.

Communication is also a hallmark of a good collegial consultation process. Venues are created for key leaders to discuss matters in formal settings such as a coordinating council. (See Question 19 on the role of councils.) Informal meetings can be held between key leaders between formal meetings to further understanding, but official

conclusions should be a part of the formal process. All participants must make a conscientious effort to keep one another informed.

The need for trust will often be raised in the context of shared decision-making. Trust is fostered when well established principles and practices of collegiality are adhered to by all. In addition, trust can be built by creating opportunities for individuals to establish professional relationships in a variety of venues.

Collegial consultation works best in well-run districts where expertise and delegation of authority is respected, and where representatives are open and honest and are committed to working together for the benefit of the students.

22. QUESTION: Can a CEO make faculty appointments to committee, task forces, or other groups dealing with academic and professional matters?

No. Title 5 §53203(f) requires that appointments of faculty to groups dealing with academic and professional matters be made by the academic senate after consultation with the CEO or designee. Furthermore, consultation is required in establishing committees if the purpose of the committee is to develop policy or procedures related to an academic and professional matter or as part of the basic governance structures set forth in the board's policy on collegial consultation. (See Chancellor's Office Legal Opinion M 97-20, October 23, 2997.)

23. QUESTION: What do the law and regulations say about participation in collegial consultation of college and district senates in multi-campus districts?

Delegation of authority and responsibility by a governing board under Title 5 §53203(a) can be to its college senate, district senate, or both. In districts with a district senate established pursuant to Title 5 §53202, governing boards may establish policies delineating collegial consultation with college senates only, district senates only, or to both.

When collegial consultation involves both college and district senates, distinction should be made between recommendations that involve college matters only and those which have district scope. This is a local matter to be worked out among the senates and the board or its designee(s). It is recommended that on district matters the board specify the chancellor as its designee and on college matters the designee be the college president.

24. QUESTION: How can the timelines of collegial consultation be respected while addressing opportunities and requirements to which a college must respond quickly?

Development of effective policies and procedures takes time. Issues requiring the development or revision of policies and procedures should be identified as early as possible and the consultation process initiated right away. Development of proposals in isolation which are then brought into consultation is not a productive methodology. Prolonged debate without constructive recommendations needlessly extends resolution of the issue. All parties should agree to reasonable timelines at the beginning of the consultation process.

Particularly stressful is the need to make a decision in a short timeframe imposed by external considerations. Districts which seem to handle these situations best are those which have a comprehensive planning process. If the institution has foresight and agreed upon goals and objectives, it is likely that new challenges can be more quickly integrated into the district's plans. An atmosphere of trust in the leadership is critical as well, considering that recommendations on items with short deadlines often necessitate the academic senate president and college president collaborating without opportunity to obtain full input from the various constituents. Even in such circumstances it is expected that the actions of both presidents will not be inconsistent with the established positions or their respective groups.

PART V. ROLES OF THE ACADEMIC SENATE AND EXCLUSIVE BARGAINING AGENT

25. QUESTION: Can the local board choose the academic senate to be the organization that represents faculty in matters that have previously been collectively bargained or are within the legal scope of bargaining? Can the local board accept recommendations from the academic senate or reach agreements with the academic senate which contradict a collective bargaining agreement?

The answer to both questions is no. The governing board may not legally delegate to the senate any responsibilities or functions which belong to the exclusive representative. AB 1725 did not change collective bargaining law (i.e., the Educational Employment Relations Act, Government Code §3540 et seq.) nor the legal scope of bargaining. The regulations specifically point out that nothing in the Board of Governors' regulations may be construed to "detract from any negotiated agreements between collective bargaining and district governing boards."

26. QUESTION: Can a board and union through a collective bargaining agreement change a policy previously adopted by a board based upon recommendation of the academic senate or mutually agreed to with the academic senate?

Yes. Matters appropriately within the scope of collective bargaining may be negotiated between collective bargaining representatives and district governing boards regardless of previous policies. Citing the Educational Employment Relations Act (EERA) in Government Code §3543.2(a). “The scope of representation shall be limited to matters relating to wages, hours of employment, and other terms and conditions of employment.” These terms and conditions are then enumerated in the Act. Furthermore, exclusive bargaining agents have the right to “consult on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks...” However, the EERA does not supersede Education Code provisions and, as stated in Government Code §3540, “shall not restrict, limit, or prohibit the full exercise of the functions of any academic senate or faculty council established by a school district in a community college to represent the faculty in making recommendations to the administration and governing board of the school district with respect to district policies on academic and professional matters, so long as the exercise of the functions does not conflict with lawful collective agreements.”

27. QUESTION: May the collective bargaining agent delegate matters within the scope of bargaining to the local senate and may the senate delegate matters within the scope of the eleven defined areas of academic and professional matters to the collective bargaining agent?

Yes, to the extent permitted by collective bargaining laws. The regulations state that the intent is to “respect agreements between academic senates and collective bargaining representatives....”

PART VI. STUDENTS AND STAFF

28. QUESTION: Does the phrase “rely primarily upon the advice and judgment of the academic senate” mean that the governing board should not receive and consider the advice and judgment of others on issues of academic and professional matters?

No. Indeed, there are other regulations and laws which address the participation of the public, students, staff and unions in district governance.

Title 5 §51023.7 requires the governing board to “adopt policies and procedures that provide students the opportunity to participate effectively in district and college governance.” Students are to participate in “formulation and development” of policies and procedures that have a “significant effect” on them. The regulation lists ten areas of such significant effect, most of which are quite similar to the senate’s academic and professional matters. Boards are not to act unless students have had the opportunity to

participate, with the exception of “unforeseeable, emergency situations” and shall give positions of the students “reasonable consideration.” The regulation states the intent that boards are to respect the agreements with senates and unions while working with students.

Title 5 §51023.5 requires the governing board to “adopt policies and procedures that provide district and college staff the opportunity to participate effectively in district and college governance.” However, areas that affect staff are not defined in the regulation but remain matters “that the governing board reasonably determines, in consultation with staff, have or will have a significant effect on staff.”

The role of the exclusive bargaining agents is explicitly protected in Title 5 and is cited in the Educational Relations Act. (See Government Code §3543.2.) The public is granted access to the governing board through the open meeting provisions of the Brown Act. (See Government Code §54950-54962.)

29. QUESTION: What are good practices to assure effective participation of students and staff in the process of formulating recommendations which affect them?

Student participation can be strengthened in several ways. Student leaders can work with the college leadership to identify committees whose charges incorporate the ten areas of significant effect on students. Student membership can be specified on those committees. The names of those who will participate on committees can be identified early in the year. It is important that committees meet at regularly scheduled times convenient to students interested in being members. Student members can benefit from orientation and training and from having an assigned mentor to assist in getting to know the work of the committee. An effective strategy to strengthen leadership skills is to have a student government course as part of the curriculum. Communication between the student government, the academic senate, and other groups can be improved by having liaisons attend one another’s board meetings.

Administrative staff have a role beyond that of the chief executive officer functioning as the board’s designee. It is advised that committees dealing with specific topics have the participation of mid-level administrators in whose areas of responsibility those topics fall. That participation may be as a resource, as a member, or as chair, depending on the local college decision-making process.

Classified staff should participate in the formation and development of policies and procedures on matters which significantly affect staff. Committees and task forces on campus which deal with those issues should have classified staff as members. As with all committee members, classified staff can benefit from orientation and training and from a mentor relationship with a seasoned committee member.

30. QUESTION: Should the advice and judgment of the academic senate be accorded greater weight than the advice and judgment of other groups and constituencies in connection with academic and professional matters?

Yes. Subject to Question 25, 26 and 27, the intent of the regulations is to ensure that, while all relevant constituencies should have the opportunity to participate, boards must accord the greater weight to academic senates in academic and professional matters by consulting collegially with the senates, as described in these guidelines.

31. QUESTION: What are the responsibilities of the academic senate to obtain input from staff and students on academic and professional matters that have a significant effect on these groups?

In the creation of the structures, procedures and committees for collegial consultation (see Question 16) provisions must be included for the effective participation of students and staff on matters which affect them. Proposals which come from committees on academic and professional matters are available for review by all college constituencies and are considered in open deliberations at academic senate meetings. When such proposals are heard by the academic senate, every effort should be made to engage affected parties in the deliberations. In this manner the academic senate will have considered the input of students and staff before making recommendations to the governing board (or its designee) on matters which affect student and staff. Of course, all parties may directly address the board as it deliberates on its ultimate decision.

32. QUESTION: What can be done to educate all members of the college community participating in the collegial processes concerning the law, regulations, best practices of decision making and the issues under discussion?

Good practices might include the following. All participants in the governance process should be provided copies of the relevant laws, regulations, and district policies and procedures. It is recommended that each standing governance committee have a handbook of such information as well as reports and minutes generated in previous years. The first annual organizational meeting of each committee should be devoted to orientation and training on the committee charge and procedures. The leadership of constituency groups might get together in a retreat format at the beginning of each academic year to review the governance process, consider priorities for the coming year, and build personal relationships.

PART VII. KEEPING PARTICIPATORY GOVERNANCE STRONG

33. QUESTION: Are effective participation and collegial consultation policies and practices subject to regular evaluation and revision as necessary by the governing board?

While there is no requirement that such policies be regularly reviewed, it is a good idea. The review process should be mutually agreed upon, and, further, the board policy should specify that recommendations for change should be by collegial consultation with the academic senate (on the board policy affecting the academic senate) and by effective participation of staff and students (on policies affecting them).

It should be possible for any of the parties to initiate the process for review of these policies. It may be the case, for example, that a change in leadership might bring new perspectives to the decision making process that might engender a desire for certain improvements. However, districts should take care that the collegial consultation process is not built on individual strengths that may be idiosyncratic to particular leaders.

34. QUESTION: How can the academic senate and other constituent groups and the local governing board engage in mutually productive dialogue?

Engaging in mutually productive dialogue is based on respect, trust and willingness to seek information. Mutually productive dialogue may take place at regular business meetings of the board, at open college and community forums and board study sessions and retreats, and by sharing written information.

Under the provisions of the Brown Act, governing board meetings are open to everyone. All constituent members have the right to address the board on items on its agenda and matters under the board's purview.

Beyond legal requirements, board should recognize the special role that academic senates and student and staff organizations play in developing recommendations for board action. Following are some suggestions to strengthen that role. Organizational representatives may be seated prominently to facilitate discourse with the board. Reports from each organization may be regularly agendaized. Items on the board agenda which were developed through significant senate, student, or staff involvement can be jointly presented by the appropriate organizational representatives. Commentary on board agenda items can be solicited from the senate, student, and staff representatives without restrictions such as filling out speaker cards and being subject to short time limitations.

In addition to regular business meetings of the board, other opportunities can be structured for mutually productive dialogue and education. Study sessions, workshops, and college and community forums often provide a more open environment for board members, key community groups, and college leaders to engage in discussion about

external trends and broad policy direction and for the board to share its vision and to hear about activities in the district related to achieving the vision and mission. Sessions such as these enable constituent groups to identify and address areas of agreement and concern early in policy discussions.

PART VIII. COMPLIANCE

35. QUESTION: Do these regulations have the force of law?

Yes. If a district board does not make a good faith effort and does not ultimately abide by these regulations it would be in violation of law.

36. QUESTION: What powers do the Board of Governors have to enforce Title 5 Regulations such as the ones on ensuring the right of academic senates to assume primary responsibility for making recommendations in the areas of academic and professional matters?

Education Code §70901 mandates that the Board of Governors establish minimum conditions entitling districts to receive state aid. The Board of Governors can withhold funding from any district that does not meet established minimum conditions. One of these minimum conditions is adoption of procedures consistent with sections §§53200 – 53204 of the California Code of Regulations. Thus one of the minimum conditions that districts must substantially meet in order to receive state aid is to assure the effective participation of local academic senates as per the regulations.

37. QUESTION: What are the responsibilities of the governing board and chief executive officer to implement the regulations to ensure the effective participation of faculty, staff and students in district and college governance? What obligations does a governing board have to ensure that recommendations regarding academic and professional matters have gone through the collegial consultation process?

The board must uphold the requirements of Education Code §70902(b)(7) and Title 5 §53200-204 (academic senates), §52023.7 (students) and §51023.5 (staff). As the designee of the board, the chief executive officer is likewise bound to carry out these regulations. When considering action on an academic and professional matter, the local governing board must first ascertain that the collegial consultation process has been followed. If not, action on the item would then be delayed until such consultation has been obtained.

38. QUESTION: If the regulations are violated, will the state Chancellor's Office intervene and/or investigate the case for possible noncompliance?

Violations of Title 5 Regulations may be reported in writing by filing a written complaint with the Legal Affairs Division of the Chancellor's Office. The General Counsel will

investigate credible complaints and determine needed corrective action to assure compliance with the regulations.

39. QUESTION: If a local senate or CEO and governing board feels that is has exhausted all sincere internal efforts to work cooperatively and believes the regulations continue to be ignored, what remedies can be sought?

The following steps are recommended. First, the representative group - - the statewide Academic Senate or the Community College League - - should be contacted for useful advice and direct support. Secondly, the local academic senate and governing board may mutually request technical assistance through the process established jointly by the Academic Senate and the League. Thirdly, if the local academic senate believes that there is clear noncompliance, it may file a complaint with the Legal Affairs Division of the Chancellor's Office. Finally, the local senate may pursue remedies with the state Attorney General or in court.