2nd Reading of New & Revised Policies

Chapter 2 – Board of Trustees
1. BP 2725 - Board Member Compensation
2. BP 2800 - Trustee Emeritus/Emerita

Chapter 6 – Business and Fiscal Affairs (Finance)
3. BP 6100 - Delegation of Authority
4. BP 6150 - Designation of Authorized Signatures
5. BP 6320 - Investments
6. BP 6330 - Purchasing
7. BP 6400 - Audits
8. BP 6500 - Property Management
9. BP 6520 - Security for District Property
10. BP 6540 - Insurance
11. BP 6550 - Disposal of Property
12. BP 6600 - Capital Construction
13. BP 6620 - Naming Facilities
14. BP 6700 - Civic Center and Other Facilities Use
15. BP 6800 - Safety
16. BP 6900 - Bookstore
17. BP 6910 - Housing

Chapter 7 – Human Resources
18. BP 7100 - Commitment To Diversity
19. BP 7110 - Delegation Of Authority
20. BP 7130 - Compensation
21. BP 7140 - Collective Bargaining
22. BP 7240 - Administrative Confidential Employees
23. BP 7210 - Academic Employees
24. BP 7230 - Classified Employees
25. BP 7310 - Nepotism
26. BP 7345 - Catastrophic Leave Program
27. BP 7350 - Resignations
28. BP 7360 - Discipline And Dismissal - Contract Regular Faculty
29. BP 7365 - Discipline And Dismissal - Classified
30. BP 7385 - Salary Deductions
31. BP 7600 - College Police Dept.
BP 2725  Board Member Compensation

Reference:

   Education Code Section 1090, 35120, 72024

Members of the Board who attend all board meetings may receive up to $240 per month, including the student trustee. In September of 2009, the Board of Trustees acted unilaterally to reduce their compensation by 7% to $223.20 per month.

A month is calculated in keeping with the standard college payroll period as the 13th day of any month through the 12th day of the following month. A member of the Board who does not attend all meetings held by the Board in any monthly payroll period shall receive, as compensation, an amount not greater than the pro rata share of the number of meetings actually attended.

A member of the Board may be paid for a meeting when absent if the Board, by resolution, finds that at the time of the meeting the member is performing services outside the meeting for the community college district, is ill, on jury duty, or the absence is due to a hardship deemed acceptable by the Board.

Revised 03/04 (replaces compensation language in B 8410)
Revised 10/08
Revised 5/9/13 (identify reduced compensation and define payroll month)
Revised XX/XX/XX (to delete: “In September of 2009, the Board of Trustees acted unilaterally to reduce their compensation by 7% to $223.20 per month compensation that was reduced in 2009.”)

Board of Trustees 1st Read 2/12/15
BP 2800 Trustee Emeritus/Emerita

Purpose:
To recognize extraordinary and significant contributions to Napa Valley College by a member of the Board of Trustees.

Criteria:
The Board of Trustees may decide to honor a retired board member by conferring emeritus/emerita status to that trustee for his or her lifetime who has:

1. Served the college for a minimum of twelve years (three terms) (may be partial terms),
2. Served in a leadership role on the Board of Trustees,
3. Contributed significantly to the development of the college,
4. Provided meritorious service in representing the college to its community,
5. Demonstrated a continuous commitment to strengthening educational opportunities for local citizens.

A nomination for trustee emeritus/emerita can be submitted to the board president by any current member of the board or the college president for consideration by the board.

Conferral of emeritus/emerita status entitles the trustee to an appropriate listing in the college catalog, the privilege of attending commencement exercises, a permanent college parking permit, and library privileges. While not a member of the Board of Trustees, he/she may be called upon to advise the college in matters deemed appropriate by the board and the college president.

Adopted 3/10/11
Revised XX/XX/XX

Board of Trustees 1st Read 2/12/15
**BP 6100 F6100 Delegation of Authority**

References:

*Education Code Sections 70902(d), 81655, and 81656*

The Board delegates to the Superintendent/President the authority to supervise the general business procedures of the District to assure the proper administration of property and contracts; the budget, audit and accounting of funds; the acquisition of supplies, equipment and property; and the protection of assets and persons. All transactions shall comply with applicable laws and regulations, and with the California Community Colleges Budget and Accounting Manual.

No contract shall constitute an enforceable obligation against the District until it has been approved or ratified by the Board. *(See BP 6340 titled Contracts).*

The Superintendent/President shall make appropriate periodic reports to the Board and shall keep the Board fully advised regarding the financial status of the District.

*See Administrative Regulations # 6100 (pending).*

Approved 2/26/04

*Revised XX/XX/XX (renumbered and cross reference added)*

*Council of Presidents Review start 11/17/14*

**NOTE:** This policy is legally required.
BP 6150 Designation of Authorized Signatures (New)

References:

Education Code Sections 85232 and 85233

Funds of the District shall be distributed according to the laws, regulations and audit requirements designated for districts having approved fiscal accountability status. Authority to sign orders and other transactions on behalf of the Board is delegated to the Superintendent/President and other officers as appointed by the Superintendent/President.

See Administrative Regulations # 6150 (pending).

Adopted XX/XX/XX
(previously addressed solely via annual Board resolutions, this policy and developing AR will replace that designation process)

Council of Presidents Review start 11/17/14

NOTE: This policy is legally required.
BP 6320 Investments

References:

Government Code Sections 53600 et seq.

The Board of Trustees directs the Superintendent/President to ensure that all investments of District funds are made in accordance with section 53600 of the California Government Code, keeping the safety of principal as the foremost objective.

Under the direction of the President, the Vice President-Administrative Services shall be responsible for the District’s investment program, including having authority to invest funds or to delegate responsibility in order to achieve a reasonable return on the resources. The Vice President shall develop and maintain written administrative procedures and internal controls to ensure that the investments meet the following objectives in order of importance:

1. safety of investment funds;
2. liquidity to meet future cash flow requirements;
3. yield consistent with safety and liquidity objectives.

Napa Valley Community College District is a statutory participant within the County of Napa for which the Napa County Treasurer is statutorily designated as the Custodian of Funds. In accordance with county procedures, District funds may be pooled with other local agencies and invested by the County Treasurer as specified by the Napa County Statement of Investment Policy.

Other investments as permitted by Government Code Section 53600 may be made by designated District officials subject to prior approval of the governing board.

The Vice President, or designee in his/her absence, shall give written approval for all investment activity (purchases and sales) prior to completing a transaction with a third party.

Adopted XX/XX/XX

See Administrative Regulations ( pending ).

Note: This policy is legally required
F3310  BP 6330  Purchasing District Purchasing Policy

References:

*Education Code Section 81656;*
*Public Contract Code Section 20650*

The Superintendent/President is delegated the authority to purchase supplies, materials, apparatus, equipment and services as necessary to the efficient operation of the District. No such purchase shall exceed the amounts specified by Public Contract Code Section 20651 as amended from time to time.

All such transactions shall be reviewed by the Board at least every 60 days.

All purchasing for the Board of Trustees shall be delegated to the Vice President, Business and Finance. However, by law, the Board of Trustees has the sole responsibility for all purchase contracts of the district, and this responsibility cannot be delegated.

All purchasing activities shall be conducted in compliance with the legal requirements of the *Education Code*, the *Government Code*, the *Public Contracts Code*, and such other codes and legal requirements found in the laws of the State of California pertaining to community college districts.

The Board of Trustees shall designate district officials who shall be authorized to sign purchase orders and other purchase or contractual obligations of the district.

The Vice President, Business and Finance, is authorized to obligate the district for the purchase of any budgeted item of supplies, materials, or equipment and services not to exceed the limits stated in *Public Contracts Code Section 20651* in any one transaction, without prior approval of the Board of Trustees.

The Board of Trustees shall approve, prior to committing the district, transactions in excess of the above limits and transactions that are in excess of budgeted amounts. The Board of Trustees shall review all other transactions.

Purchasing personnel shall not use their names, office, district accounts, or the influence of the district in purchasing goods or services for the benefit of private citizens.

See Purchasing Handbook.

See Administrative Regulations # 6330 (pending).

Approved 3/8/79, Revised 04/09/87

Revised XX/XX/XX (renumbered and refocused to address policy level direction. New Administrative Regulations will address procedure.)

Council of Presidents Review start 11/17/14

**NOTE:** *This policy is legally required.*
BP 6400  Audits (New)

References:

*Education Code Section 84040(b)*

There shall be an annual outside audit of all funds, books, and accounts of the District in accordance with the regulations of Title 5. The Superintendent/President shall assure that an annual outside audit is completed. The Superintendent/President shall recommend a certified public accountancy firm to the Board with which to contract for the annual audit.

The Board of Trustees shall review the annual audit at a regular public meeting, direct the administration to make necessary responses and assure that the audit is filed with the appropriate agencies.

See Administrative Regulations # 6400 (pending).

Approved XX/XX/XX  (New policy to specifically address annual financial audits.)

Council of Presidents Review start 11/17/14

**NOTE:** *This policy is legally required.*
BP 6500  Property Management  (New)

References:

   *Education Code Sections 81300 et seq.*

The Superintendent/President is delegated the authority to act as the Board’s negotiator regarding all property management matters that are necessary for the benefit of the District. No transaction regarding the lease, sale, use or exchange of real property by the District shall be enforceable until acted on by the Board itself.

The Superintendent/President shall establish such procedures as may be necessary to assure compliance with all applicable laws relating to the sale, lease, use or exchange of real property by the District.

    See Administrative Regulations # 6500 (pending).

Adopted XX/XX/XX  (New policy to address property management.)

Council of Presidents Review start 11/17/14

**NOTE:** *This policy is legally required.*
BP 6520  Security for District Property (New)

References:

*Education Code Sections 81600 et seq.*

The Superintendent/President shall establish procedures necessary to manage, control and protect the assets of the District, including but not limited to ensuring sufficient security to protect property, equipment, and information from theft, loss, or significant damage.

See Administrative Regulations # 6520 (pending).

Adopted  XX/XX/XX (New policy to address security of property.)

Council of Presidents Review start 11/17/14

**NOTE:** This policy is legally required.
BP 6540 Insurance (New)

References:  
*Education Code Sections 70902, 72502, 72506, 81601, et seq.*

The Superintendent/President shall be responsible to secure insurance for the District as required by law, which shall include but is not limited to the liabilities described in Education Code Section 72506 as follows:

- Liability for damages for death, injury to persons, or damage or loss of property;
- Personal liability of the members of the Board and the officers and employees of the District for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer or employee when acting within the scope of his or her office or employment. The Superintendent/President may authorize coverage for persons who perform volunteer services for the District.
- Worker’s compensation insurance.

Insurance also shall include fire insurance and insurance against other perils.

The District may join in a joint powers agreement pursuant to Education Code Section 81603 for the purposes described in this policy.

See Administrative Regulations # 6540 (pending).

Adopted XX/XX/XX (New policy to address Insurance related responsibilities.)

Council of Presidents Review start 11/17/14

**NOTE:** This policy is legally required.
BP 6550 Disposal of Property  (New)

References:

*Education Code Sections 70902(b)(6), 81360 et seq., and 81450 et seq.*

The Superintendent/President is delegated authority by the Board to declare as surplus such personal property of the District as is no longer useful for District purposes, and shall establish procedures to dispose of such property in accordance with applicable law. All sales of surplus personal property shall be reported to the Board on a periodic basis. This policy shall not be construed as authorizing any representative of the District to dispose of surplus real property at any time.

See Administrative Regulations # 6550 (pending).

Adopted XX/XX/XX (New policy to expand on surplus property responsibilities.)

Council of Presidents Review start 11/17/14

**NOTE:** This policy is legally required.
BP 6600  Capital Construction

References:
   Education Code Sections 70902(b)(6), 81360 et seq., and 81450 et seq.

The Superintendent/President is responsible for planning and administrative oversight management of the District’s capital outlay and construction program.

District construction projects shall be overseen supervised by the Superintendent/President. The Vice-President, Administrative Services District shall monitor the progress of all construction work including inspection of workmanship, completion of work to meet specifications, and the suitability of proposed changes to the scope and original design of the work. The Vice-President, Administrative Services shall assure compliance with laws related to use of state funds to acquire and convert existing buildings.

The Vice-President, Administrative Services is authorized to process change orders that do not exceed five percent of the construction contract or $80,000, subject to subsequent ratification by the Board. Change orders in excess of this amount must have prior Board approval.

The Board shall approve and submit to the Board of Governors a five-year capital construction plan as required by laws. The Superintendent/President shall annually update the plan and present it to the Board for approval. The plan shall address, but is not limited to, the criteria contained in law.

See Administrative Regulations # 6600 (pending).

Approved 02/24/04
Revised XX/XX/XX (revised to clarify roles and current change order requirements.)

Council of Presidents Review start 11/17/14

NOTE:  This policy is legally required.
BP 6620  Naming Facilities

References: None

All recommendations for naming buildings shall be submitted to the Board by the Superintendent/President for action.

All recommendations shall comply with the following criteria:

1. To honor living or deceased persons who have directly contributed to the District in an exceptional way through service or monetary contributions;
2. To designate the function of the building or facility;
3. To reflect natural and geographical features;
4. To reflect a traditional theme of the college or the District.

NAMING OF DISTRICT FACILITIES AND PROPERTIES

The Board of Trustees of Napa Valley Community College District retains authority for naming all district facilities and properties, upon the recommendation of the Superintendent/President and college community. This authority includes all buildings, properties, streets and roads, individual rooms, outdoor areas including landscape items or features, memorials, monuments, and plaques. In addition, special campus events such as athletics, fine arts, lectures, and other activities may be eligible under this policy. No commitment shall be made prior to approval of the proposed name by the Board of Trustees. The Superintendent/President shall recommend criteria to assist in the board's decision.

See administrative regulations.

Reference: Education Code Section 7200
Approved 07/22/93
Title Update of 4/00

Administrative Regulations # 6620 (pending).

Approved 07/22/93
Title Update 4/00
Revised XX/XX/XX (Revised to address best practices related to naming of District facilities.)

Council of Presidents Review start 11/17/14

NOTE: The following is not legally required. However, many districts have requested sample board policy and it is suggested as good practice.
BP 6700 D3400 - Civic Center and Other Facilities Use  Use of District Facilities

References:
Education Code Sections 82537 and 82542

There is a Civic Center at Napa Valley College. The Civic Centers are the Performing Arts Center, Community Room and other College facilities that may be suited for community use. Use of the Civic Center shall be granted as provided by law. The Superintendent/President shall establish procedures regarding the use of District property and facilities, including property designated by the District as a Civic Center, by community groups, outside contractors, and others.

The administrative regulation shall reflect the requirements of applicable law, including Education Code Section 82537, regarding Civic Centers. The procedures shall include reasonable rules regarding the time, place, and manner of use of District facilities. They shall assure that persons or organizations using District property are charged such fees as are authorized by law. Public use of District property shall not interfere with scheduled instructional programs or other activities of the District on behalf of students.

No group or organization may use District property to unlawfully discriminate on the basis of race, color, religion, ancestry, national origin, disability, gender, gender identity, gender expression, or sexual orientation, or the perception that a person has one or more of the foregoing characteristics, or because a person associates with a person or group with one or more of these actual or perceived characteristics, or on any basis prohibited by law.

Use of the District’s Civic Centers will be only for the purposes described by the California Legislature in Education Code Section 82537(a). These purposes include use by associations “formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts” in order to “engage in supervised recreational activities” or “meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside” (Education Code Section 82537(a)). In granting permission to use the Civic Centers, the District will not discriminate on the basis of viewpoint with regard to organizations engaging in expressive activities on the topics and subject matters articulated above.

The Napa Valley Community College District is committed to serving the educational, cultural, and recreational needs of all citizens of the district. The governing board encourages the use of college facilities when they are not required for the programs of the college.

The use of district facilities by community groups and public agencies is granted under the provisions of the Civic Center Act (Education Code Sections 82530 through 82548). The use of district facilities by private or religious groups may be granted under the conditions set forth below.

All use of college facilities for activities other than regularly-scheduled classes requires written approval of an authorized district representative. This applies to any group of
students, or employees of the district, as well as to outside groups.

Use shall be consistent with the use of the buildings and grounds for college purposes and shall not interfere with the regular conduct of instruction. Only facilities shown on the Schedule of Fees are available for use.

The administration shall permit use of available facilities and shall charge fees of the various community, public, non-profit, private, and religious organizations under the conditions of and as authorized by Education Code Sections 82530 and 82543. The administration will determine the fair rental value or actual cost of fees and adjust them annually or as needed.

See Administrative Regulations # 6700 (pending).

Adopted 9/28/78
Revised 4/12/84, 7/13/89, XX/XX/XX (to conform to current legal mandates related to public property and the Civic Center Act. See also BP 3900 - Speech: Time, Place & Manner.)

Council of Presidents Review start 11/17/14

**NOTE:** This policy is legally required.
BP 6800 D1410  Safety

References:
49 Code of Federal Regulations, Parts 40 and 655;
Title 8 Section 3203;
29 Code of Federal Regulations 1910.101 et seq.;
Health & Safety Code Section 104420

The Superintendent/President shall establish administrative regulations to ensure the safety of employees and students on District sites, including the following:

1. Compliance with the United States Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991. Specifically, the District shall comply with the regulations of the Federal Highway Administration (FHWA) and, if applicable, the Federal Transit Administration (FTA). Compliance with these policies and procedures may be a condition of employment.

2. Establishment of an Injury and Illness Prevention Program in compliance with applicable OSHA regulations and state law. These procedures shall promote an active and aggressive program to reduce and/or control safety and health risks.

3. Establishment of a Hazardous Material Communications Program, which shall include review of all chemicals or materials, received by the District for hazardous properties, instruction for employees and students on the safe handling of such materials, and proper disposal methods for hazardous materials.

4. Prohibition of the use of tobacco in all public buildings.

It is the policy of Napa Valley College to provide safe working conditions for all employees and to promote continuing safety awareness at all levels. It is our belief that safety awareness is the basis on which a comprehensive safety program must be founded since, without this foundation, safety is seriously compromised.

The college recognizes its responsibility to provide for the safety of employees, students, and visitors, to develop and maintain plans for emergency response, hazard communication, and injury prevention, to provide safety devices and mechanical safeguards; to use methods and processes that protect the life, health, safety, and welfare of employees, students, visitors, and the general public; and to maintain and enforce a program that fulfills this responsibility.

An appointed safety coordinator will have the authority and responsibility to develop, initiate, maintain, review, and enforce safety procedures consistent with established policies, practices, and regulations.

Because personal health and well being is so important, it shall be considered each employee's responsibility not only to assure his/her own personal safety but also to develop and demonstrate a concern for the safety of all co-workers. Employees shall at times, while in the employ of Napa Valley College, conduct themselves and perform work in a safe manner consistent with existing safety rules.

See Administrative Regulations # 6800 (pending).
Approved 3/14/91
Revised XX/XX/XX (to include current legal mandates related to safety and the Injury & Illness Prevention Plan, Hazardous Materials Plan, and driver record checks.)

NOTE: This policy is legally required.
BP 6900-F3510  Bookstore(s)  Distribution of Bookstore Profits

References:
Education Code Section 81676;
Civil Code Section 1798.90

College bookstore(s) shall be established and operated by either NVCCD or by a qualified vendor.

College bookstore(s) shall comply with the requirements of the Reader Privacy Act.

Contracts for outside vendors to operate bookstores shall be awarded by competitive bid, submitted to the Board for approval, and awarded in the best interests of the students.

**Net proceeds from the operation of the Napa Valley College Bookstore shall be used for the general benefit of the student body as determined by the Board of Trustees.**

See Administrative Regulations # 6900 (pending).

Adopted  7/23/81
Non-substantive update 4/4/00
Revised XX/XX/XX (to include language addressing legally mandated minimum policy level direction [Reader Privacy Act] and include reference to third party bookstore vendors.)

| Council of Presidents Review start | 11/17/14 |

**NOTE:**  This policy is legally required.
BP 6910  Housing  (New)

References:
Education Code Sections 94100 et seq.

The Superintendent/President is delegated the authority to enter into agreements with nonprofit entities to finance the cost of constructing student, faculty, and staff housing near the campus(es) of the District. All agreements are subject to ratification by the Board of Trustees.

See Administrative Regulations # 6910 (pending).

Adopted XX/XX/XX

Council of Presidents Review start 11/17/14
Board of Trustees 1st Read 2/12/15 (revised to add agreements subject to Board ratification)
BP 7100  

Commitment to Diversity (NEW)

References:
Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq.

The District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. The Board recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The Board is committed to hiring and staff development processes that support the goals of equal opportunity and diversity, and provide equal consideration for all qualified candidates.

Approved xx/xx/xx (Relocates diversity language from D1130 to a new policy as a part of policy realignment with CCLC schema.)

Council of Presidents Review Start 12/15/14

NOTE: This policy is legally required.
BP 7110 Delegation of Authority (NEW)

Reference:
Education Code Section 70902(d)

The Board delegates authority to the Superintendent/President or designee to authorize employment, fix job responsibilities, and perform other personnel actions provided that all federal and state laws and regulations, board policies and administrative regulations, and collective bargaining agreements have been followed.

See Administrative Regulations [Pending].

Approved xx/xx/xx (New policy recommended by CCLC to specify personnel action related authority.)

Council of Presidents Review Start 12/15/14
BP 7130 Compensation (NEW)

References:
Education Code Sections 70902(b)(4), 87801, and 88160;
Government Code Section 53200;

Salary schedules, compensation and benefits, including health and welfare benefits, for all classes of employees and each contract employee shall be established by the Board.

Prohibition of Incentive Compensation
The District shall not provide any commission, bonus, or other incentive payment based, directly or indirectly, on the success in securing enrollments or financial aid, to any person or entity engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance. Employees covered by this ban shall be referred to as “covered employees” for purposes of this policy.

Approved xx/xx/xx (Consolidates and updates compensation language found in multiple Board Policies, meets legally required minimum language.)

Council of Presidents Review Start 12/15/14

NOTE: This policy is legally required in an effort to show good faith compliance with the applicable federal regulations.
BP 7140  Collective Bargaining (NEW)

References:
Government Code Sections 3540 et seq.

If eligible employees of the District select an employee organization as their exclusive representative, and if after recognition by the District or after a properly conducted election, an exclusive representative is certified as the representative of an appropriate unit of employees under the provisions of the Educational Employment Relations Act, Government Code Sections 3540 et seq., the District will meet and negotiate in good faith on matters within the scope of bargaining as defined by law.

See Administrative Regulations [Pending].

Approved xx/xx/xx (Addresses most current collective bargaining related policy level direction.)

Council of Presidents Review Start 12/15/14
BP 7210 Academic Employees (NEW)

References:
Education Code Sections 87400 et seq., 87419.1; 87600 et seq., and 87482.8;
Title 5 Section 51025

Academic employees are all persons employed by the District in academic positions. Academic positions include every type of service, other than paraprofessional service, for which minimum qualifications have been established by the Board of Governors for the California Community Colleges.

Faculty members are those employees who are employed by the District in academic positions that are not designated as supervisory or management. Faculty employees include, but are not limited to, instructors, librarians, counselors, and professionals in health services, DSPS, and EOPS.

Decisions regarding tenure of faculty shall be made in accordance with the evaluation procedures established for the evaluation of probationary faculty and in accordance with the requirements of the Education Code. The Board reserves the right to determine whether a faculty member shall be granted tenure.

The District may employ temporary faculty to meet the needs of the institution. Temporary faculty may be employed full time or part time. The Board delegates authority to the Superintendent/President or designee to determine the extent of the District’s needs for temporary faculty.

Notwithstanding this policy, the District shall comply with its goals under the Education Code regarding the ratio of full-time to part-time faculty to be employed by it and for making progress toward the standard of 75% of total faculty work load hours taught by full-time faculty.

See Administrative Regulations [Pending].

Approved xx/xx/xx (Updates language in multiple policies in existing Policy Manual Chapter 4 - academic employees. Provides current language & definitions. Provides an overarching policy for Administrative Regulation [procedural] language that is moving from existing policies to AR's.)

Council of Presidents Review Start 12/15/14
BP 7230    Classified Employees (NEW)

References:
Education Code Sections 88003, 88004, 88009, and 88013

Classified employees are those who are employed in positions that are not academic positions. The employees and positions shall be known as the classified service.

The classified service does not include:

- Substitute and short-term employees who are employed and paid for less than 75 percent of the fiscal year.
- Part-time apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment.
- Full time students employed part time, and part-time students employed part time in any college work-study program or in a work experience education program conducted by the District.

The Board shall fix and prescribe the duties of the members of the classified service. (See BP 7110 titled Delegation of Authority)

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

The Superintendent/President or designee shall establish procedures to assure that the requirements of state law and regulations regarding the classified service are met. The terms and conditions of employment of classified employees are set forth in the collective bargaining agreement between NVCCD and the Napa Valley College Association of Classified Professionals.

The collective bargaining agreement includes that the probationary period for classified employees shall not exceed one year.

See Administrative Regulations [Pending].

Approved xx/xx/xx  (Updates language in multiple policies in existing Policy Manual chapter on classified employees. Provides current language & definitions. Provides an overarching policy for Administrative Regulation [procedural] language that is moving from existing policies to AR's.)

Council of Presidents Review Start 12/15/14

Note: Education Code Section 88013 requires the Board to establish a probationary period for classified employees “which shall not exceed one year.” It is legally advised that boards establish a one year probationary period, as described here.
BP 7240 (NEW) Administrative/Confidential Employees

Confidential Reference:
Government Code Section 3540.1(c)

Academic Administrator References:
Education Code Sections 72411 et seq., 87002(b), and 87457-87460;
Government Code Section 3540.1(g) and (m)

Classified Administrator References:
Education Code Section 72411;
Government Code Section 3540.1(g) and (m)

The Administrative/Confidential employee group includes those employed in salaried confidential, academic administrative, or classified administrative assignments. The confidential, academic administrative, and classified administrative classifications are defined in this policy.

Administrative/Confidential employees, with the exception of the Superintendent/President, are members of the Administrative Senate, which serves to ensure effective participation in shared governance matters and advocacy related to compensation and other terms of employment.

Confidential Employees

Confidential employees are those who are required to develop or represent management positions with respect to employer-employee relations or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. The fact that an employee has access to confidential or sensitive information shall not in and of itself make the employee a confidential employee.

A determination whether a position is a confidential one shall be made by the Board in accordance with applicable law and with the regulations of the California Public Employment Relations Board.

Confidential employees are not eligible for inclusion in a bargaining unit represented by an exclusive representative and the terms and conditions of their employment are not controlled by any collective bargaining agreement.

The terms and conditions of employment for confidential employees shall be provided for by procedures developed by the Superintendent/President or designee. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers and reassignments.

Academic Administrator

An administrator is a person employed by the Board in a supervisory or management position as defined in Government Code Sections 3540 et seq.

Academic administrators are those who exercise direct responsibility for supervising the operation of or formulating policy regarding the instructional or student services programs of the District.

An academic administrator who has not previously acquired tenure as a faculty member in the District shall have the right to become a first year probationary faculty member once his/her administrative assignment expires or is terminated, if the following criteria are met:
• The administrator meets the criteria established by the District for minimum qualifications for a faculty position, in accordance with procedures developed jointly by the Superintendent/President and the Academic Senate and approved by the Board. The Board shall rely primarily on the advice and judgment of the Academic Senate to determine that an administrator possesses minimum qualifications for employment as a faculty member.

• The requirements of Education Code Section 87458(c) and (d), or any successor statute, are met with respect to prior satisfactory service and reason for termination of the administrative assignment.

Academic administrators shall be compensated in the manner provided for by the appointment or contract of employment. Compensation shall be set by the Board upon recommendation by the Superintendent/President or designee. Every academic administrator shall be employed by an appointment or contract not to exceed four years in duration.

Academic Administrators shall further be entitled to health and welfare benefits made available by action of the Board upon recommendation by the Superintendent/President or designee. Academic administrators shall be entitled to vacation leave, sick leave, and other leaves as provided by law, these policies, and administrative regulations adopted by the Superintendent/President.

With the consent of the administrator concerned, the Board may terminate the terms of employment and any contract of employment with the administrator effective on the next succeeding first day of July. The Board may reemploy the administrator on any terms and conditions as may be mutually agreed upon by the Board and the administrator for a new term to commence on the effective date of the termination of the existing term of employment.

If the Board determines that the administrator is not to be reemployed when his or her appointment or contract expires, notice to an administrator shall be in accordance with the terms of the existing contract. If the contract is silent, notice shall be in accordance with Education Code Section 72411.

**Classified Administrator**

Classified administrators are administrators who are not employed as academic administrators.

Classified administrators, regardless of job description, have authority to hire, transfer, suspend, recall, promote, discharge, assign, reward, or discipline other employees, or have the responsibility to assign work to and direct them, adjust their grievances, or effectively recommend such action.

Classified administrators, regardless of job description, have significant responsibilities for formulating District policies or administering District programs other than the educational programs of the District.

Classified administrators may be employed by an appointment or contract not to exceed four years duration. If a classified administrator is employed by an appointment or contract, the appointment or contract shall be subject to the same conditions as applicable to academic administrators.

Approved xx/xx/xx ((Updates language in multiple policies in existing Policy Manual chapter on Admin/Confidential employees. Provides current language & definitions. Provides an overarching policy for Administrative Regulation [procedural] languge that is moving from existing policies to AR's.)

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EMPLOYMENT OF RELATIVES

No person who is an immediate relative of another district employee shall be employed by the district to work under the direct supervision of an immediate relative. For the purpose of this policy, “immediate relative” shall be defined as meaning husband, wife, parent, child, and sibling.

The District does not prohibit the employment of relatives [or domestic partners as defined by Family Code Section 297 et seq.] in the same department or division, with the exception that they shall not be supervised by an immediate family member. For this purpose, immediate family means spouse, parents, grandparents, siblings, children, grandchildren and in-laws or any other relative living in the employee’s home.

The District will make reasonable efforts to make assignments that minimize or eliminate the potential for creating an adverse impact on supervision, safety, security, or morale, or creating other potential conflicts of interest.

The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on the division or department.

See Administrative Regulations. Legal References: Labor Code Section 1420

Approved 7/12/79 (former policies 2231, 4121, 5220)

Revised xx/xx/xx (To update language and align with current legal mandates.)

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Note: Although not legally required, the above is legally advised.
BP 7345 Catastrophic Leave Program (NEW)

Reference:
Education Code Section 87045

The Board authorizes implementation of a catastrophic leave program to permit regular employees of the District to donate hours of accrued leave to the established catastrophic leave bank to support an employee when that employee or a member of his or her immediate family suffers from a catastrophic illness or injury.

The Office of Human Resources shall establish administrative regulations to administer the program that comply with the requirements established by the Education Code. The administrative regulations shall assure that the program is administered in a nondiscriminatory way.

See Administrative Regulations [Pending].

Approved xx/xx/xx (To formalize the policy directive related to an existing catastrophic leave program and update language to align with current legal mandates.)

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Note: The Board has discretion whether to implement a Catastrophic Leave Program under Education Code Section 87045. A Catastrophic Leave Program may be the subject of negotiations between a district and a union representing a unit of employees. The following language satisfies the requirements of Education Code Section 87045 if the District wishes to implement a program for un-represented employees.
BP 7350  Resignations (Revised)

References:
Education Code Sections 87730 and 88201

The Board of Trustees authorizes the Superintendent/President of the Napa Valley Community College District, or his/her designee, to officially accept the resignation of any salaried employee. Acceptance of the resignation shall be effective at the time of receipt by the Superintendent/President or appropriate designee. Written confirmation of the acceptance will follow. The Office of Human Resources sends written confirmation of the acceptance of the resignation to the employee and notifies the Board of Trustees via the Personnel Document.

Adopted 4/15/82 (former policies 2212, 4240, 5511)
Revised 2/23/95

See Administrative Regulations (Pending)

Revised xx/xx/xx (To update language and align with current legal mandates.)

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Note: Although not legally required, the above language is legally advised:
BP 7360  Discipline and Dismissal-Contract/Regular Faculty (NEW)

References:
Education Code Sections 87666-87681, and 87732

A contract or regular faculty member may be dismissed or penalized for one or more of the grounds set forth in Education Code Section 87732 or the Napa Valley Community College District and Napa Valley College Faculty Association/CCA/CTA/NEA Collective Bargaining Agreement. If the employee is to be penalized, the Board shall determine the nature of the penalties. If the Board decides to dismiss or penalize a contract or regular employee, it shall assure that each of the following has been satisfied:

- The employee has been evaluated in accordance with standards and procedures established in accordance with the provisions of Education Code Sections 87660 et seq., and any administrative procedure for evaluation contained in a collective bargaining agreement;
- The Board has received all statements of evaluation which considers the events for which dismissal or penalties may be imposed;
- The Board has received a recommendation from the Superintendent/President;
- The Board has considered the statements of evaluation and the recommendations in a lawful meeting; and
- The provisions of the collective bargaining agreement have been followed.

If the Board decides it intends to dismiss or penalize a contract or regular employee, it shall take the actions required by the Education Code, and the Superintendent/President or designee shall thereafter assure that the employee is afforded the full post-termination due process required by the Education Code Sections 87666-87681 and 87740.

The Superintendent/President or designee shall establish procedures that define the conditions and processes for dismissal, discipline, and due process and ensure they are available to employees.

See Administrative Regulations [Pending].

Adopted xx/xx/xx (To adopt policy level language in a single policy and align with current legal mandates.)

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BP 7365  Discipline and Dismissal-Classified Employees (NEW)

References:
Education Code Section 88013, 87732

The Superintendent/President or designee shall enact procedures for the disciplinary proceedings applicable to regular classified employees of the District. Such procedures shall conform to the requirements of the Education Code and the Napa Valley Community College District/Napa Valley College Association of Classified Professionals Collective Bargaining Agreement.

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

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

A regular member of the classified service shall be subject to disciplinary action, including, but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or discharge, for any cause identified in Education Code Section 87732 or the Napa Valley Community College District/Napa Valley College Association of Classified Professionals Collective Bargaining Agreement.

See Administrative Regulations [Pending].

Adopted xx/xx/xx (To adopt policy level language in a single policy and align with current legal mandates.)

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BP 7385  
Salary Deductions (New)

References:
Education Code Sections 87040, 87833, 87834, and 88167

An employee may submit a written request to reduce his or her salary in any amount for any or all of the following purposes:

- participation in a deferred compensation program;
- paying premiums on any policy or certificate of district-sponsored group life insurance, disability insurance, legal expense insurance, or any of them; and/or
- paying rates, dues, fees, or other periodic charges on any hospital service contract.

The request provided for above shall be revocable by the employee. Revocation of such authorization shall be in writing and shall be effective beginning with the next pay period provided the authorization is received in Payroll by the 12th of the month.

The District shall deduct union dues or service fees from pay warrants as authorized by employee collective bargaining agreements.

Approved xx/xx/xx (To adopt policy level language in a single policy and align with current legal mandates.)

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BP 7600    College Police Department (NEW)

References:
Education Code Sections 72330 et seq.;
Government Code Sections 3300 et seq.

The Board has established a police department under the supervision of one Chief of Police, who shall report directly to the Vice President, Student Services. The purpose of the department is to enforce the law on or near the campuses and other grounds or properties owned, operated, controlled or administered by the District or by the State acting on behalf of the District.

District police officers shall be employed as members of the classified service but shall, when duly sworn, be peace officers as defined by law. Prior to employment, they shall satisfy the training requirements set out in Penal Code Sections 830, et seq.

The District shall establish minimum qualifications of employment for the Chief of Police including, but not limited to, prior employment as a peace officer or completion of a peace officer training course approved by the Commission on Peace Officers’ Standards and Training.

The District shall ensure that every member of the police department first employed by the College before July 1, 1999 satisfies the requirements of state law regarding qualifications for continued employment.

Every member of the police department shall be issued a suitable identification card and badge bearing words “Napa Valley College Police."

The District in cooperation with the Chief of Police, shall issue such other regulations as may be necessary for the administration of the police department.

Education Code Sections 72330 et seq.; Government Code Sections 3300 et seq.

See Administrative Regulations [Pending].

Adopted xx/xx/xx (To adopt policy level language in a single policy and align with current legal mandates.)

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