

- 5C4** In instances where the Board of Trustees elects to provide for mutual agreement with the Academic Senates, the Academic Senates shall determine their representatives to meet with the Board of Trustees' representatives to reach a tentative mutual agreement, to be approved by each College Academic Senate. If final mutual agreement cannot be reached, existing policy shall remain in effect unless continuing with such policy exposes the District to legal liability or causes substantial fiscal hardship. In cases where there is not existing policy, or in cases where exposure to legal liability or substantial fiscal hardship requires existing policy to be changed, the Board of Trustees may act, after a good faith effort to reach agreement with the Academic Senates, only for compelling legal, fiscal, or organizational reasons.
- 5D** **Scope**--Nothing in **Policies 5A** through **5F** of this policy shall be construed to impinge upon the due process rights of faculty, nor to detract from any negotiated agreements between the collective bargaining representatives and the Board of Trustees.
- 5E** **Implementation**--This policy shall be deemed as a formal statement of compliance with the law and Title 5 regulations. The Academic Senate and administration of each College shall consult collegially on any additional procedures to implement the policies in **Section Five** of the District Board Policy Manual.
- 5F** **Review and Revision**--Policies on academic and professional matters are subject to review and revision at the request of any one (1) of the Academic Senates or the Board of Trustees. The Academic Senates and the Board of Trustees shall consult collegially on such revised policies as outlined in **Policy 5C**, before adoption of said revised policies.
- 5G** **Faculty Hiring** (Applicable to all personnel with employment contracts based on the Basic Faculty Salary Schedule)
- 5G1** **Philosophy**
- 5G1A** It shall be the policy of the Kern Community College District that a faculty hiring process be established to provide for highly qualified College faculty who are expert in their subject areas, who are skilled in teaching and serving the needs of a varied student population, who can enhance overall College effectiveness, and who are sensitive to and representative of the racial and cultural diversity of the District adult community.
- 5G1B** The governing board of a community college district derives its authority from statute and from its status as the entity holding the institution in trust for the benefit of the public. The governing board and the administrators it appoints have the principal legal and public responsibility for ensuring an effective hiring process.
- 5G1C** Faculty members derive their authority from their expertise as teachers and subject matter specialists and from their status as

professionals. The Faculty has an inherent professional responsibility in the development and implementation of policies and procedures governing the hiring process.

5G1D The Academic Senates have the legal responsibility and authority to develop jointly with representatives of the governing board the hiring criteria, policies and procedures for new faculty.

5G1E Hiring procedures are based on a recognition that responsibility for selecting faculty from a pool of qualified applicants is shared cooperatively by faculty and administration, participating effectively in all phases of the hiring process.

5G1F All policies and procedures relative to faculty hiring shall be characterized by strict confidentiality to the extent permitted by law.

5G2 Equal Employment Opportunity (EEO)

5G2A The Board of Trustees, Administration and Academic Senate have the joint responsibility to ensure that Equal Employment Opportunity goals and timetables are a part of the overall process of hiring faculty.

5G2B All participants in the hiring process shall receive training in equal employment opportunity procedures and shall become knowledgeable about the Equal Employment Opportunity goals and timetables of the District and its Colleges.

5G2C Each College's Equal Employment Opportunity Officer shall serve as a consultant on District and State guidelines and be responsible for monitoring the College and District's Equal Employment Opportunity policies and procedures, including but not limited to:

- Review of the job description/announcement;
- Review of the composition and procedures of selection committees; and
- Review of the adequacy of the applicant pool.

5G2D Each College Personnel Officer in consultation with the College Equal Employment Opportunity Officer and selection committee shall determine the adequacy of the employment pool based on all applications received.

5G3 Position Identification/Approval

5G3A The need for contract faculty positions shall be determined cooperatively through a well-defined, thoughtful planning process involving the College Academic Senate, faculty in the discipline, and

College administrators. This process shall be agreed to by the College President and the Academic Senate.

5G3B A contract faculty position requires the approval of the College President and the District Chancellor prior to the commencement of the selection process.

5G4 Job Description

5G4A The department/division chair, if any, and the faculty in the discipline in consultation with the appropriate administrator shall develop the faculty job description, which shall include position requirements and desired characteristics. Hiring criteria that are beyond minimum qualifications set by District policy may be established.

5G4B In special cases, faculty and/or administrators from other campuses of the College, Colleges of the District, faculty/administrators from other colleges, or outside agencies may be part of the consultative process.

5G4C In all cases, job descriptions shall meet the minimum qualifications for teaching at the community college level, as established by the state-wide Academic Senate and adopted by the Board of Governors of the California Community Colleges.

5G4C1 It shall be the responsibility of the Academic Senate, in consultation with the faculty of the appropriate discipline, to decide how equivalency shall be determined. See Procedure [5G4C1](#) of this Manual for the list of equivalency criteria.

5G4C1A The purpose of equivalency statements shall be to ensure the maintenance of a professional and highly-qualified staff.

5G4C1A1 The equivalency process is flexible enough to allow applicants who provide evidence that they have education or experience comparable to that required by the minimum qualifications to be given careful consideration, even if their formal education is not identical to degree requirements or they have acquired their qualifications by a route other than the conventional one.

5G4C1B Except in special cases, only formal education shall be considered the equivalent for degree requirements, including general education and the major required for the degree.

5G4C1C In special cases, experience, work, independent education, or academic/artistic/vocational products that can be shown to have generated the equivalent knowledge, including general education and the major required for the degree, may be considered the equivalent of the degree.

5G4C1D For the equivalent of required experience, alternative ways of achieving mastery of the skills of the vocation and knowledge of the working environment of the vocation may be considered.

5G4C1E In no case shall an equivalency be interpreted to mean a *waiver* of state-mandated minimum qualifications.

5G4C2 Requirements for any vacant faculty position may exceed the state-mandated minimum qualifications.

5G4D Job descriptions shall accurately reflect the needs of the College and the goals of Equal Employment Opportunity.

5G5 Search Procedures

5G5A Approval of open positions and initiation of the hiring process shall be early enough in the year to allow for all procedures to be undertaken in a thorough and thoughtful manner.

5G5B The length of the advertising period should be long enough to ensure a pool of well-qualified applicants, and one which furthers the College's and District's Equal Employment Opportunity goals.

5G5C Vacant faculty positions should be filled during the regular academic year.

5G5D Positions shall be advertised widely to ensure a pool of highly qualified applicants and to further the College and District Equal Employment Opportunity goals.

5G5E Position announcements shall be prepared by the College Personnel Officer in consultation with the appropriate area faculty and administrator and shall include job-related skills requirements, minimum qualifications and any special qualifications.

5G5F The position announcement requires the review of the College President, the College Equal Employment Opportunity Officer and the approval of the Assistant Chancellor, Personnel or designee prior to dissemination.

5G6 Selection Committees

- 5G6A** The selection committee shall consist of at least a majority of faculty. The selection committee shall be composed of at most:
- 5G6A1** Three (3) faculty members appointed by the Academic Senate in consultation with the faculty of the discipline, one (1) of whom shall be the department/division chair, if any, and one (1) area administrator appointed by the College President; **or** Four (4) or more faculty members appointed by the Academic Senate in consultation with the faculty of the discipline, one (1) of which shall be the department/division chair, if any, and up to two (2) administrators appointed by the College President, one (1) of which shall be the area administrator;
 - 5G6A2** One (1) College Equal Employment Opportunity Committee member who shall be a faculty member if at all possible appointed by the College Equal Employment Opportunity Committee chair.
 - 5G6A2A** The role of the Equal Employment Opportunity Committee member shall be to encourage staff diversity and monitor Equal Employment Opportunity compliance with respect to federal and State law, State regulations and District/College policies and procedures.
 - 5G6A3** Additional members as agreed upon by the College President and the Academic Senate President.
- 5G6B** The area administrator will convene the initial meeting of the selection committee. The selection committee shall elect a chair from this committee, who shall be from the discipline, if at all possible.
- 5G6C** The College Personnel Office shall receive applications and initially screen for minimum qualifications. Complete applications shall be categorized relative to compliance with minimum qualifications as:
- Clearly met, or
 - Compliance not clear.
 - All complete applications will be available to the Selection Committee after inappropriate material is removed.
- 5G6D** Selection committees shall determine whether applicants meet the desired qualifications, including minimum qualifications and, where appropriate, equivalents.
- 5G6E** In determining equivalents, selection committees shall follow the procedure adopted by the Senate.
- 5G6E1** Minimum qualifications by equivalency are to be in disciplines adopted by the Board of Governors and shall be applicable District-

wide. (There will be no minimum qualifications by equivalency for courses or sub-disciplines.) *(Added April 20, 1995)*

5G6E2 For those candidates deemed qualified by equivalents, a written record of evidence of equivalence shall be maintained. See **Appendix 5G6E1** of this Manual for the Certification of Equivalency form. *(Revised April 20, 1995)*

5G6E3 The College Senate, area administrator or Equal Employment Opportunity representative may present its views to the Board regarding each specific case of equivalency before the Board makes its decision. A written record of the Board's decision shall be kept. *(Revised April 20, 1995)*

5G6F The Selection Committee shall review all completed applications and shall select those applicants for an interview who best meet the desired qualifications listed on the job description.

5G6G The candidates will be evaluated with respect to, but not limited, to the following criteria:

- Subject area knowledge and competency;
- Teaching/service and communications skills;
- Commitment to professional growth and service;
- Potential for overall professional effectiveness;
- Sensitivity to and understanding of the diverse academic, socio-economic, cultural, disability and ethnic backgrounds of the students;
- Teaching or skill demonstrations and/or writing samples.

5G6H The Selection Committee shall formulate uniform interview questions. The Selection Committee shall conduct interviews and evaluate responses. During interviews, a standardized question and appropriate follow-up procedure shall be employed. Individual committee members must be present for each interview in order to participate in the evaluation of candidates.

5G6H1 Every effort shall be made to schedule interviews when all selection committee members can be present. If necessary, classroom substitutes shall be provided for faculty members on the selection committee.

5G6I The Selection Committee shall conduct reference checks.

5G6J The Chair shall lead the committee discussion regarding strengths and weaknesses of the candidates. The committee may include written comments for each candidate as a further means of communicating its recommendations. The Selection Committee may wish to schedule second-stage interviews for those considered best qualified.

5G6K Except as noted in **Policies 5G6K1** and **5G6K2**, the Selection Committee shall recommend two (2) or more finalists to the College President for final consideration. If the Selection Committee sends two (2) or more, the College President can select from those recommended after consultation with the Selection Committee Chair or with the Selection Committee if it so requests.

5G6K1 In the event the Selection Committee recommends one (1) finalist, the College President shall then meet with the Selection Committee to discuss its recommendation. The Selection Committee shall explain its reasons for submitting one (1) candidate. The College President may choose the candidate recommended or request additional recommended candidates, or reopen the process.

5G6K2 If the Selection Committee cannot recommend any of the applicants, or if the College President cannot choose any of those recommended, the hiring process shall reopen.

5G7 Selection of the Final Candidate

5G7A The College President shall review the Selection Committee's recommendations and shall interview the finalists and conduct additional reference checks.

5G7B The College President, in consultation with the Selection Committee Chair, shall select the finalist to be recommended to the Chancellor and Board of Trustees for final approval.

5G8 Notification of Candidates

5G8A All candidates for positions in the Kern Community College District shall be notified in a timely manner regarding disposition of their applications. Interviewees shall receive personal calls from the College President or designee regarding the position.

5G8B The formal offer of employment shall be prepared and issued from the District Personnel Office.

5G9 Implementation

5G9A This policy shall be deemed a general statement of compliance with Assembly Bill 1725, and the Academic Senate of each College shall approve any additional procedures to implement this policy, according to its legal responsibility under Assembly Bill 1725.

5G10 Review and Revision

5G10A This policy is subject to review and revision at the request of any one (1) of the College Academic Senates or the Board of Trustees. Such revised policy shall be agreed upon by each Academic Senate and the Board of Trustees before it replaces the previously agreed upon policy.

5H Adjunct Employment (See [Procedure 5H](#))

(Approved June 14, 2012)

5H1 The Board of Trustees shall appoint all adjunct faculty to provide instruction or services for the District.

5H2 All adjunct appointments shall be recommended to the Board of Trustees by administration who will involve the active participation and recommendation of faculty.

5H3 The District shall adopt administrative procedures for hiring adjunct faculty who meet the following criteria:

- a. meet state-mandated discipline minimum qualifications or meet criteria to receive an equivalency for the discipline as determined by the College Academic Senate Equivalency Committee.
- b. demonstrate subject area knowledge and competency.
- c. be skilled in teaching and serving the needs of a diverse student population.
- d. show potential for overall professional effectiveness.
- e. communicate effectively.
- f. demonstrate a sensitivity to the ethnic and cultural diversity of our communities.

5H4 It is the responsibility of the College Human Resources Office to maintain approved applicant pools for adjunct hiring. To the extent possible, all disciplines shall have approved adjunct pools.

5H5 Unless an emergency situation exists, the department/division administrator shall offer adjunct employment only to candidates from these approved adjunct pools.

- 5H6** The College Human Resources Office is responsible for monitoring, training, and consulting College administration, faculty, and staff involved with the recruitment and screening process for adjunct faculty.
- 5H7** Nothing in this policy or District Administrative Procedure shall violate federal or state laws governing personnel employment.

6A5B23 The President shall be advised of interviews with students other than those by parents or legal guardians, interviews for employment, interviews with armed forces representatives, representatives from four-year colleges, or officers representing the law.

6A5B24 The President shall see that all student body and District monies are received and disbursed in accordance with regulations.

6A5B25 The President shall delegate, subject to the approval of the Chancellor, any of the powers and duties entrusted to him/her, but in every instance he/she shall continue to be responsible to the Chancellor for the execution of the powers and duties delegated.

6A5C Management Staff

6A5C1 Responsibilities and job descriptions of all management positions as designated by the Board of Trustees are to be maintained on a current basis with the District Chancellor.

6A6 Responsibilities of Confidential Employees

6A6A Confidential employees, as designated by the Board of Trustees, are employees who are required to develop or present management positions with respect to employer-employee relation or whose duties normally require access to confidential information that is used to contribute significantly to the development of management positions. *(Revised February 3, 2005)*

6A6B Responsibilities and job descriptions of confidential employees are to be maintained on a current basis with the Chancellor or designee.

6B Confidential and Management Employment Policies

6B1 General Policies

6B1A Confidential and management employees are appointed by the Board of Trustees in accordance with provisions of the Education Code.

6B1B Announcements of management and confidential position openings shall be posted at the Colleges, centers, and the District Office of the Kern Community College District.

6B1C Assignment of management staff shall be upon the recommendation of the College President. The recommendation for reorganization and assignment of management staff will be forwarded to the Chancellor for approval and action by the Board of Trustees. *(Revised June 6, 1999)*

6B1D Assignment of District Office management staff shall be recommended by the Chancellor for action by the Board of Trustees. *(Revised June 6, 1999)*

6B1E The probationary period for confidential and classified management employees is one (1) year from the date of initial Board of Trustees appointment. *(Added December 11, 2008)*

6B2 **Selection of Confidential Employees** *(Revised February 3, 2005)*

6B2A The screening procedures for confidential employees shall be approved by the College President for College positions and the Chancellor for District Office positions.

6B2B The selection of College confidential employees shall be upon the recommendation of the College President. The recommendation will be forwarded to the Chancellor for approval and action by the Board of Trustees.

6B2C The selection of District confidential employees shall be approved by the Chancellor and the Board of Trustees.

6B3 **Selection of Management Employees** *(Revised February 3, 2005)*

6B3A The selection procedure for classified management employees shall be approved by the College President for College positions and the Chancellor for District Office positions.

6B3B The selection of College classified management shall be upon the recommendation of the College President. The recommendation will be forwarded to the Chancellor for approval and action by the Board of Trustees.

6B3C The selection of District classified management shall be recommended by the Chancellor for action by the Board of Trustees.

6B3D The faculty will be involved in the selection process of candidates for educational administrator positions for which applications are solicited. (See **Policies 6B1C and 6B1D**)

6B3E A joint committee representing all member Colleges shall be involved in the selection of candidates for District educational administrator positions. A joint College committee shall be involved in the selection of candidates for College educational administrator positions.

6B3F Joint committees shall function at all levels in the selection process which includes recommending qualifications and job descriptions, advertising the position, screening and reviewing applications,

interviewing candidates, and recommending candidates to the College President or Chancellor.

6B3G A candidate for a position under consideration shall not serve on the joint committee for that position.

6B3H Joint Screening Committee for District Educational Administrator Positions *(Revised February 3, 2005)*

6B3H1 The joint screening committee shall include three (3) managers appointed by the Chancellor or the Board of Trustees.

6B3H2 The screening committee shall include a total of three (3) faculty members, to be appointed by the respective College Academic Senates at each of the District Colleges as follows: one (1) from Bakersfield; one (1) from Porterville; one (1) from Cerro Coso].

6B3H3 The screening committee shall include at least one (1) District Office classified or confidential staff member appointed by the Chancellor.

6B3H4 The screening committee may include a total of three (3) community members to be appointed by the respective College President, one (1) from each District College.

6B3H5 At the discretion of the Chancellor, the screening committee may include the student member(s) of the Board of Trustees.

6B3H6 As appropriate, the Chancellor shall chair the screening committee. At the discretion of the Board of Trustees this function may be assigned to another manager.

6B3H7 The screening committee shall recommend candidates to the Chancellor. The Chancellor shall recommend to the Board of Trustees for appointment one (1) or more of the candidate(s)

6B3I Joint Screening Committee for College Educational Administrator Positions *Revised June 6, 1999)*

6B3I1 The joint screening committee shall include the College President or designee, faculty, and management. A representative of the classified staff and a student representative may be involved in the screening process at the discretion of the College President.

6B3I2 The College President or designee shall chair the joint committee. In addition to the chairperson, there shall be an equal number of faculty and management.

- 6B3I3** The College President shall recommend to the Chancellor for Board appointment one (1) or more of the candidates recommended by the joint committee. The joint committee shall recommend at least two (2) candidates to the President.
- 6B3I4** Faculty representatives shall be appointed by the academic senate.
- 6B3I5** Management representatives will be appointed by the College President.
- 6B3I6** For the position of College President the committee chair shall be the Chancellor or designee. The Chancellor shall recommend for Board appointment one (1) or more of the candidates recommended by the joint committee. The joint committee shall recommend at least two (2) candidates to the Chancellor.

6B4 **Administrator Retreat Rights to Faculty Status for Administrators Hired on or After July 1, 1990** *(Revised February 3, 2005)*

6B4A An educational administrator whose first (1st) day of paid service in the District as a faculty member or an administrator is on or after July 1, 1990, shall have the right to become a first-year (1st-year) probationary faculty member once his or her administrative assignment expires or is terminated, if all of the following apply (Education Code 87458):

- 6B4A1** The educational administrator has completed at least two (2) years of satisfactory service, including any time previously served as a faculty member, in the District.
- 6B4A2** The termination of the educational administrative assignment is for any reason other than dismissal for cause.
- 6B4A3** The educational administrator shall meet the minimum qualifications in the discipline(s) in which he/she shall be assigned.
- 6B4A4** The reassignment has the approval of the College President, the Chancellor, and the Board of Trustees.
- 6B4A5** Placement on the salary schedule will be determined in accordance with **Articles 6.C and 6.D** of the faculty contract.

6B4B Educational administrator means an administrator who is employed in an academic position designated by the governing board of the District as having direct responsibility for supervising the operation of or formulating policy regarding the instructional or students services program of the College or District Office. Educational administrators include, but are not

employee/exclusive representative shall agree upon in writing. The employee shall receive ninety percent (90%) of salary if the leave does not exceed six (6) months or sixty percent (60%) of salary if the leave is between six (6) months and one (1) year.

13D Compensation shall be paid the employee while on the leave of absence in the same manner as if the employee were working for the district, upon the furnishing by the employee of a suitable bond indemnifying the governing board of the district against loss in the event that the employee fails to render at least two (2) years' service in the employ of the governing board following the return of the employee from the leave of absence. The bond shall be exonerated in the event the failure of the employee to return and render two (2) years' service is caused by the death or physical or mental disability of the employee. If the governing board finds, and by resolution declares, that the interests of the district will be protected by the written agreement of the employee to return to the service of the district and render at least two (2) years' service therein following his return from the leave, the governing board in its discretion may waive the furnishing of the bond and pay the employee on leave in the same manner as though a bond is furnished.

13E The District's decision to deny an Educational Leave of Absence shall not be subject to the grievance process.

ARTICLE THIRTEEN--EMPLOYMENT POLICIES

1. Hiring

1A Classified employees shall be defined and regulated by Education Code Section 88003. *(Revised June 16, 1994)*

1A1 If the District is engaged in the procedure to hire a permanent employee to fill a vacancy in any classified position, the District may employ one (1) or more substitute employees for not more than sixty (60) calendar days to fill this vacancy. Per Education Code section 88003, the District will notify CSEA of the services to be performed and the start/end dates prior to employing a substitute or short-term employee. *(Revised June 2, 2004)*

1B The District agrees that it will comply with Education Code section 88003 as it applies to student workers. *(Revised June 2, 2004)*

1C Upon initial employment and each change in classification thereafter, each classified employee in the bargaining unit shall be furnished two (2) copies of his/her classification specification, salary data, assignment or work location, together with duty hours and prescribed workweek. One (1) copy shall be retained by the employee, one (1) copy shall be signed and dated by the employee and returned to the District Office of Human Resources (Education Code Section 88168). In addition, bargaining unit members assigned to more than one supervisor shall receive a specific statement regarding designation of the primary direct supervisor. *(Revised June 2, 2004)*

1D Employees are required to have chest X-rays or an approved Intradermal Tuberculin Test taken upon employment and every four (4) years thereafter.

1D1 The initial test must be paid for by the employee.

1D2 The District will compensate the employee for those tests in the following years where the charge has not been covered under the District health plan up to an amount equal to that charged by the Mobile Unit.

1E Cost of medical examinations other than tubercular, required by the District or by law shall be paid by the District upon prior approval of the Chancellor or designee.

2. Probationary Period *(Revised November 20, 1997)*

2A For new classified service employees the first twelve (12) months from date of employment is the probationary period.

2B A performance evaluation report shall be completed for each probationary employee by the immediate supervisor by the end of the third (3rd), sixth (6th), and eleventh (11th) months of continuous employment.