

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

5000 SERIES PERSONNEL

E. Classified Personnel

5430 Suspension, Demotion and Dismissal

A classified employee is subject to disciplinary action, which includes dismissal, suspension, demotion, reassignment, for one of more of the following or similar causes:

1. Falsification of any information supplied to the District, including but not limited to application forms, employment records, time cards, absence forms, or any other District record.
2. Incompetence or inefficiency.
3. Insubordination.
4. Inattention to or dereliction of duty.
5. Negligence
6. Failure to notify the College of absence.
7. Discourteous treatment of the public or fellow employees.
8. Dishonesty.
9. Theft or misuse of College property or money.
10. Drunkenness.
11. Immoral Conduct.
12. Addiction to the use of narcotics.
13. Willful violation of provisions of the Education Code, Government Code, other statutes of the State of California or of the federal Government, or the rules, regulations, and procedures adopted by the Governing Board or Board of Governors of the California Community Colleges.
14. Drinking alcoholic beverages or the use of illegal drugs while on duty, or reporting for duty while under the influence of alcohol or such drugs.
15. Conviction for any criminal offense or of a misdemeanor involving moral turpitude.

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5430 Suspension, Demotion and Dismissal (continued)

16. Conviction for a sex offense as defined in Education Code Sections 87010 and 88023.
17. Conviction for a narcotics offense as defined in Education Code 87405.
18. Revocation of any license needed for employment in a specified position.
19. Repeated and unexcused absence or tardiness.
20. Absences from duty without proper authorization, failure to report after leave has expired or after such leave has been disapproved, revoked, or cancelled.
21. Incapacity due to mental or physical disability, to be determined by a medical exam.
22. Persistent violation or refusal to obey safety rules or regulations.
23. Offering of anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment, or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
24. Using, threatening to use, or attempting to use political influence in securing promotion, leave of absence, transfer, change of classification, pay or character to work.
25. Inducing or attempting to induce an officer or employee of the District to commit an unlawful act or acting in violation of any lawful and reasonable District regulation or order.

An employee subject to suspension, demotion, or dismissal shall receive written notice from the Superintendent/President or his/her designee citing the specific acts and/or omissions upon which the disciplinary action is based, a statement of the cause for the action taken; and, if it is claimed that an employee has violated a rule or regulation, such rule or regulation shall be set forth in the notice.

The notice shall contain a statement of the employee's right to a hearing on such charges, the time within which such hearing may be requested, which shall be not less than five (5) days after service of the notice on the employee, and said notice shall be accompanied by a card or paper, the signing and filing of which with the Superintendent/President or his/her designee shall constitute a demand for a hearing

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and a denial of all charges. Failure of the employee to file a request for hearing within the time specified shall constitute a waiver of the employee's right to a hearing.

The hearing shall normally be conducted by an administrative law judge or by a hearing panel. However, the District reserves the right to provide for a hearing before a specially constituted panel or before the Governing Board. If either of these methods of hearing is to be invoked, the employee will be given a written description of the rules for the hearing. Such information will be provided at least five (5) days prior to the hearing.

Reference: Education Code 88016 et. seq.

Adopted: May 10, 1989.