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California Code, Education Code - EDC § 88013

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(a) The governing board of a community college district shall prescribe written rules and regulations governing the personnel management of the classified service. These written rules and regulations shall be printed and made available to employees in the classified service, the public, and those concerned with the administration of this section, whereby these employees are, except as provided in [Section 72411](#)

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designated as permanent employees of the district after serving a prescribed period of probation that shall not exceed six months or 130 days of paid service, whichever is longer. However, for a full-time peace officer or public safety dispatcher employed by a district operating a dispatch center certified by the Commission on Peace Officer Standards and Training to be designated as a permanent employee of the district, they shall serve a probationary period of not less than one year of paid service from their date of appointment to that full-time position. A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional classification, shall be employed in the position from which the employee was promoted.

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(b) An employee designated as a permanent employee shall be subject to disciplinary action only for cause as prescribed by rule or regulation of the governing board, but the governing board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

(c) The governing board shall adopt rules of procedure for disciplinary proceedings that shall contain a provision for informing the employee by written notice of the specific charges against the employee, a statement of the employee's right to a hearing on those charges, and the time within which the hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card or paper, the signing and filing of which shall constitute a demand for hearing, and a denial of all charges. The burden of proof shall remain with the governing board, and any rule or regulation to the contrary shall be void.

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(d) Disciplinary action shall not be taken for any cause that arose before the employee became permanent, or for any cause that arose more than two years preceding the date of the filing of the notice of cause, 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 employing district.

(e) This section shall not be construed to prohibit the governing board, pursuant to the terms of an agreement with an employee organization under Chapter 10.7 (commencing with [Section 3540](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=l1e865370771d11ed91d9c8437c6e9)) of Division 4 of Title 1 of the Government Code (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=l1e865370771d11ed91d9c8437c6e9>)

from delegating its authority to determine whether sufficient cause exists for disciplinary action against classified employees, excluding peace officers as defined in [Section 830.32 of the Penal Code](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000217&refType=LQ&originatingDoc=l1e865371771d11ed91d9c8437c6e9) (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000217&refType=LQ&originatingDoc=l1e865371771d11ed91d9c8437c6e9>)

to an impartial third-party hearing officer. However, the governing board shall retain authority to review the determination under the standards set forth in [Section 1286.2 of the Code of Civil Procedure](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000201&refType=LQ&originatingDoc=l1e865372771d11ed91d9c8437c6e9) (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000201&refType=LQ&originatingDoc=l1e865372771d11ed91d9c8437c6e9>)

(f)(1) Except as specified in paragraph (2), a permanent employee who timely requests a hearing on charges against the employee shall not be suspended without pay, suspended with a reduction in pay, demoted with a reduction in pay, or dismissed before a decision is rendered after the hearing unless the governing board, or an impartial third-party hearing officer provided pursuant to the terms of an agreement with an employee organization under Chapter 10.7 (commencing with [Section 3540](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=l1e867a80771d11ed91d9c8437c6e9)) of Division 4 of Title 1 of the Government Code (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=l1e867a80771d11ed91d9c8437c6e9>)

finds that at the time discipline was imposed at the conclusion of the review process specified in [Skelly v. State Personnel Bd. \(1975\) 15 Cal.3d 194](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&originatingContext=document&transitionType=DocumentItem&pubNum=0000233&refType=RP&originatingDoc=l1e867a82771d11ed91d9c8437c6e9) (<https://1.next.westlaw.com/Link/Document/FullText?findType=Y&originatingContext=document&transitionType=DocumentItem&pubNum=0000233&refType=RP&originatingDoc=l1e867a82771d11ed91d9c8437c6e9>) the employer demonstrated by a preponderance of the evidence that the employee engaged in criminal misconduct, misconduct that presents a risk of harm to students, staff, or property, or committed habitual violations of the district's policies or regulations.

(2) If a hearing on the charges will be conducted by an impartial third-party hearing officer or the governing board pursuant to subdivision (e), the community college district may stop paying a permanent employee before a decision is rendered after 30 calendar days from the date the hearing is requested.

(3) To the extent that this subdivision conflicts with a provision of a collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative before January 1, 2023, pursuant to Chapter 10.7 (commencing with [Section 3540](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=l1e86c8a0771d11ed91d9c8437c6e9)) of Division 4 of Title 1 of the Government Code (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=l1e86c8a0771d11ed91d9c8437c6e9>) this subdivision shall not apply to the community college district until the expiration or renewal of that collective bargaining agreement.

(g) This section shall apply only to districts not incorporating the merit system as outlined in Article 3 (commencing with [Section 88060](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000205&refType=LQ&originatingDoc=l1e86efb0771d11ed91d9c8437c6e9)) (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000205&refType=LQ&originatingDoc=l1e86efb0771d11ed91d9c8437c6e9>)

(h) To the extent that this section, as amended by Assembly Bill 275 of the 2021-22 Regular Session, conflicts with a provision of a collective bargaining agreement entered into by a public school employer and an exclusive bargaining representative before January 1, 2022, pursuant to Chapter 10.7 (commencing with [Section 3540](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=l1e86efb1771d11ed91d9c8437c6e9)) of Division 4 of Title 1 of the Government Code (<https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=1000211&refType=LQ&originatingDoc=l1e86efb1771d11ed91d9c8437c6e9>) the changes made to this section by Assembly Bill 275 of the 2021-22 Regular Session shall not apply to the community college district until expiration or renewal of that collective bargaining agreement.

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