

BP 7240 CONFIDENTIAL EMPLOYEES

Reference:

Government Code Section 3540.1(c)

NOTE: This policy is legally required.

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 addressed in Board policies and provided for in administrative procedures developed by the Chancellor. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers, and reassignments.

NOTE: Overtime is addressed in new AP 7234 titled Overtime.

❖ **From the current CLPCCD Policy 4240 titled Exclusions from Overtime Pay**

Exclusions from 8-Hour Day

~~The position classes listed below are subject to fluctuations in daily working hours not susceptible to administrative control, under provisions of the Education Code, the Board therefore exempts these classes and the employees occupying the positions from compensation for overtime in excess of eight (8) hours in any one day, provided the~~

~~hours worked in excess of forty (40) in a calendar week shall be compensated on an overtime basis:~~

~~CONFIDENTIAL~~

~~Business Operations Coordinator
Executive Assistant/Coordinator
Executive Assistant, Planning
Executive Assistant to Vice President
Office Assistant I
Office Assistant II
Human Resources Specialist
Human Resources Technician I
Human Resources Technician II
Executive Assistant to College President
Public Information Assistant~~

~~SUPERVISORY~~

~~Accounting Supervisor
Children's Center Manager
Children's Center Assistant Manager
College Business Office Supervisor
Computer Operations Supervisor
Custodial Manager
Custodial Supervisor
Financial Aid Officer
Grounds Manager
Grounds Supervisor
Instructional Technology/Open Learning Coordinator
Maintenance Manager
Maintenance Supervisor
Payroll Supervisor
Security Supervisor
Senior Instructional Network Systems Specialist
Teacher Preparation & AmeriCorp Program Manager
Theater Manager~~

❖ From the current CLPCCD Policy 4200 titled Confidential & Supervisory Personnel

~~All classified employees designated by the Board as confidential or supervisory shall be governed by the policies and rules and conditions of employment as stated in Section 4400 governing members of the classified service except as modified by Policies and Rules in Section 4200.~~

❖ **From the current CLPCCD Policy 4201 titled Benefits Limited to Confidential & Supervisory Personnel**

~~Policies and rules included in Section 4200 are provided to classified employees who are designated by the Board of Trustees as confidential and supervisory employees and are not applicable to classified employees covered under collective bargaining agreements.~~

NOTE: The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and its legal counsel. The language in **black ink** is from current CLPCCD Policy 4200 titled Confidential and Supervisory Personnel adopted on March 19, 1996; current CLPCCD Policy 4201 titled Benefits Limited to Confidential & Supervisory Personnel adopted on March 19, 1996; and current CLPCCD Policy 4240 titled Exclusions from Overtime Pay adopted on March 19, 1996 and revised on September 19, 2000 and May 21, 2002. The language in **green ink** was added during the review by David and Kit on August 12, 2013 and on March 28, 2014 with Wyman, David, and Kit.

Date Adopted:

(This policy replaces current CLPCCD Policies 4200, 4201, and 4240)

Legal Citation for BP 7240

Government Code Section 3540.1(c)

3540.1. As used in this chapter:

(a) "Board" means the Public Employment Relations Board created pursuant to Section 3541.

(b) "Certified organization" or "certified employee organization" means an organization which has been certified by the board as the exclusive representative of the public school employees in an appropriate unit after a proceeding under Article 5 (commencing with Section 3544).

(c) "Confidential employee" means any employee who is required to develop or present 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.