

AP 7131

Employment Contracts for Administrators

Reference: **Education Code Sections 72411, 72411.5;
Government Code Sections 53262**

Date Issued: August 12, 2008

Updated:

Overview

The following procedures apply to administrator employment contracts issued by the Governing Board and for those issued by the Chancellor.

Types of Contracts

- Chancellor's Cabinet
 - Chancellor
 - Presidents and Vice Chancellors
- Confidential Administrators
 - Vice Presidents
 - Associate Vice Chancellors
 - Confidential Directors
- Temporary Confidential Administrator assignment
- Inter-jurisdictional agreements

Compensation

- Chancellor's Cabinet
 - Chancellor, Presidents, and Vice Chancellors – currently no salary schedule
- Confidential Administrators
 - Vice Presidents
 - Associate Vice Chancellors
 - Confidential Directors
 - Temporary Confidential Administrator assignment (acting or interim)
- Updated salary schedule approved 6/15/2010 (restored longevity)
- Inter-jurisdictional – specific by negotiated agreement or grant fund

Term

- Chancellor's Cabinet: 1-year initial; 3-year renewal
- Confidential Administrators: 1-year initial probationary contract; 2-year renewals

Administrator Employment Contracts Issued by the Approval and Governing Board Considerations

The Governing Board issues administrator employment contracts for the following positions:

- Appointments and contracts:

- Chancellor: interviewed by Governing Board; contract reviewed in closed session, Board action on appointment and contract included in open session
- Chancellor's Cabinet (Presidents, Vice Chancellors): contracts are issued by the Chancellor for presidents and vice chancellors; then presented to the Board for ratification as part of the personnel docket item, with contract attached.
- Confidential Administrators and interjurisdictional (including vice presidents, associate vice chancellors and directors): contracts are issued by the Chancellor, then presented to the Board for ratification as part of the personnel docket as follows:
 - Vice presidents (contracts are attached)
 - Directors salary and term noted (contracts are not attached)
- Changes in contract: any substantive changes must be ratified by the Board in open session as part of the personnel docket item
- Renewal of Contracts and Addendums: follow same approval process as above
- Temporary confidential assignments (acting or interim) follow the same process as above

Components

- General boilerplate template (with the Vice Chancellor Human Resources)
- Waiver of Notice for nonrenewal
- Performance evaluation language
- Monthly expense allowances
 - Chancellor's Cabinet
 - Expense allowance
 - Travel
 - Mobile and off-site communication
 - Relocation allowance – if negotiated
 - Other items – at times specifically negotiated (life insurance, temporary housing, etc.)
 - Confidential Administrators
 - Mobile communications
 - Local mileage
- Contract renewals: renewals and contract changes may be processed via addendums

Contract processing

- Use boilerplate templates/formats, including components above
- Employee & Labor Relations prepare contract using template:
 - Forward electronically to legal for review, approval of format and signature
 - Email contract to candidate for draft review
 - Once returned from legal, forward 2 originals to employee for signature on both copies
 - Return to management for signatures and Board docket
 - Note date of Board action or ratification

- Issue 1 original to employee; 1 original to personnel file in Employment Services; 1 copy to Employee & Labor Relations Office; and 1 copy to Vice Chancellor, Business Services
- Addendums processed by Employee & Labor Relations will follow same process

~~Chancellor
Vice Chancellor Business Services
Vice Chancellor Human Resources & Labor Relations
President, Cuyamaca College
President, Grossmont College~~

~~Preparation and Review~~

~~For the contracts referenced above, the Chancellor directs the Vice Chancellor Human Resources & Labor Relations to prepare the employment contract, providing the contract provisions and duration. A contract template approved by District legal counsel will be utilized for all employment contracts.~~

~~The Vice Chancellor Human Resources & Labor Relations, or designee, forwards the administrator employment contract for review and approval to District counsel. Counsel's signature confirms that that the contract conforms to all applicable laws.~~

~~Upon receipt from District counsel of the approved administrator employment contract, the Vice Chancellor Human Resources & Labor Relations, or designee, forwards the contract to the named administrator for review and signature.~~

~~After the named administrator has signed the employment contract, the Vice Chancellor Human Resources & Labor Relations forwards the contract to the Chancellor.~~

~~The Chancellor, or designee, forwards the administrator employment contract to the Governing Board for review (in tracking format for all subsequent contracts), along with copies of prior employment contracts applicable to the named administrator.~~

Governing Board Ratification

The Chancellor directs the following to occur with regard to ratification of the administrator employment contract by the Governing Board:

1. Closed Session

- a) A closed session docket is placed on the Governing Board meeting agenda for review of administrator employment contract.
- b) Discussion of administrator employment contract is recorded in the closed session minutes.

2. Open Session

- a) A personnel docket item is placed on the Governing Board meeting agenda with the proposed administrator contract attached.
- b) The vote on the personnel docket item for ratification of the administrator employment contract occurs in open session.
- c) The vote on the personnel docket item for ratification of the administrator employment contract is recorded in the official meeting minutes.
- d) If there are items on an employment contract to be ratified that differ from the previous contract, the Board will vote separately on each item.

3. Board Chair Signature

Following Governing Board ratification of the administrator employment contract, the Chancellor, or designee, will obtain the Board Chair's signature on the contract and forward the contract to the Vice Chancellor Human Resources & Labor Relations.

4. Changes to Administrator Employment Contracts

Employment contracts ratified by the Board may be amended when there is a change to a contract provision. The format for amendments is in the form of addendums. The process for review and ratification of an employment contract addendum is the same as outlined above.

5. Distribution of Employment Contracts

Upon receipt of the fully executed employment contract from the Chancellor's Office, the Vice Chancellor Human Resources & Labor Relations will distribute the contract as follows:

- a) Administrator employee — copy
- b) Office of the Vice Chancellor Human Resources & Labor Relations — original
- c) Employment Services Department — copy for personnel file

Administrator Employment Contracts Issued by the Chancellor

Except for the positions of Chancellor, Vice Chancellor Business Services, Vice Chancellor Human Resources & Labor Relations, President, Cuyamaca College, and President, Grossmont College, all other administrator employment contracts for those administrators outside of the Employer-Employee Relations Acts, are issued by the Chancellor. The Chancellor issues the contracts following Governing Board ratification of appointment or authorization for renewal. The administrator employment contract issued by the Chancellor is for **one year or two years in duration**, contingent upon the administrator's annual performance evaluation and recommendation of the college president, vice chancellor or chancellor, whichever is applicable. The Chancellor, or designee, directs the following to occur:

1. Open Session

- a) A personnel docket item will be placed on the Governing Board meeting agenda for ratification of Chancellor's appointment or authorization for renewal of the administrator contract.
- b) The vote on the personnel docket item concerning the ratification of the administrator appointment or authorization for renewal occurs in open session.
- c) The vote on the personnel docket item concerning the ratification of the Chancellor's appointment or for renewal is entered in the official meeting minutes.

2. Following Ratification/Authorization by the Governing Board

- a) The Chancellor will direct the Vice Chancellor Human Resources & Labor Relations to prepare employment contracts.
- b) The employment contract template approved by District legal counsel will be utilized.
- c) Changes to a contract will be approved by the Chancellor and in the form of an addendum.

3. Signatures

- a) The Vice Chancellor Human Resources & Labor Relations forwards the employment contract to the Chancellor for review and signature.
- b) The Chancellor reviews and signs the employment contract and returns it to the Vice Chancellor Human Resources & Labor Relations.
- c) The Vice Chancellor Human Resources & Labor Relations forwards the employment contract to the administrator for review and signature.
- d) The administrator, after signing the contract, forwards the contract to the Vice Chancellor Human Resources & Labor Relations for distribution.

~~4. Distribution of Employment Contracts~~

~~The Vice Chancellor Human Resources & Labor Relations, or designee, distributes the executed contract as follows:~~

- ~~a) Administrator employee — copy~~
- ~~b) Office of the Vice Chancellor Human Resources & Labor Relations — original~~
- ~~c) Employment Services Department — copy for personnel file~~

Administrator Employment Contracts Collectively Bargained

(Government Code 3543.2)

Employment contracts for administrators under the Employee-Employer Relations Act (EERA) are collectively bargained per Government Code 3543.2.

Upon agreements regarding the employment contracts, the administrator group under the EERA will ratify with their constituency group prior to Governing Board ratification.

During the collective bargaining process where any employment contracts have already expired, Education Code 72411.5 will govern until employment contracts are agreed to and ratified.