

BP 7240 Confidential Employees

Reference: ***Government Code 3540.1 (c), Board Policy 2515***

Adoption Date: August 21, 2001; Updated: March 21, 2006

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.

Compensation and other terms of employment shall be set by the Board upon recommendation by the Chancellor. The terms and conditions of employment for confidential employees shall be provided for by procedures developed by the Chancellor in accordance with Government Code Section 3543.4 and Title 5 Section 51023.5. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding vacation leave, sick leave, and other leaves, transfers, and reassignments as provided by law, these policies, and the [meet and confer agreements](#) -~~Supervisory/Confidential Handbook~~.