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Joseph Sanchez (Feb 6, 2024 16:13 PST)

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## ARTICLE 27 – CAMPUS PEACE OFFICERS

### 27.1 Applicability of Article

This Article applies only to members of the CCE/AFT who are designated campus peace officers only within the meaning of the applicable provisions of the California Penal Code. This Article shall supersede any conflicting provisions contained in this agreement with regards to peace officers. Where this Article is silent or does not conflict, all other provisions of this Agreement shall apply to campus peace officers.

**Pursuant to Education Code 72330, the District has established the Palomar Community College Police Department Manual which establishes the current policies, procedures, rules, and guidelines of the Department. This manual implements requirements set forth by The California Public Safety Officer Bill of Rights (POBR) and the California Commission on Peace Officer Standards and Training (POST). Nothing in this Agreement is intended to supersede the Palomar Community College Police Department Manual or the due process protections set forth under POBR.**

### 27.2 Administrative Appeal Process

Campus peace officers who have successfully completed the **one year** probationary period shall be provided with the opportunity for administrative appeal for punitive action other than suspension, demotion and dismissal (other punitive action).

#### 27.2.1 Definition of Other Punitive Action

“Other punitive action” is defined as any personnel action which may lead to dismissal, demotion, suspension, reduction in salary (other than that related to a demotion), a written reprimand or warning, or if a transfer is claimed to be for the purposes of punishment. Actual suspension, demotion or termination shall be accomplished in accordance with Article 17 of this Agreement.

The term “other punitive action” does not include an unfavorable performance evaluation, including the denial of a merit increase due to such unfavorable evaluation or the denial of a promotion, a transfer to compensate for some deficiency in performance or for some other non- punitive reason.

Administrative appeals for “other punitive action” shall be

conducted in conformance with the following procedures:

- 27.2.1.1 The peace officer shall have ten (10) calendar days after receipt of the notice of such other punitive action to file a written appeal which must be received by the Vice President of Human Resource Services within this ten (10) calendar day period. Such appeal shall clearly describe the nature of the punitive action being appealed, the peace officer's reason(s) for appealing the action or decision, and the facts and circumstances surrounding the basis for the appeal. Upon written request within the ten (10) day period, a peace officer shall be granted an extension of time of up to ten (10) additional business days to appeal for good cause, i.e. workload, time to compile evidence to support their case.
- 27.2.1.2 The appeal will be heard by the Vice President responsible for the Palomar College Police Department. The responsible Vice President shall schedule a meeting with the peace officer and hear the appeal at that meeting which shall normally be held within twenty (20) calendar days of receipt of the appeal by the Vice President of Human Resources. At the meeting, the peace officer shall be entitled to representation of his/her choosing and at his/her expense, to present any relevant evidence, oral or written statement. At the meeting the party initiating the other punitive action shall present relevant information and testimony in support of the other punitive action. The peace officer or his/her representative shall then present information and testimony in rebuttal to the other punitive action and in support of the appeal. The meeting shall be audio recorded.
- 27.2.1.3 Following the conclusion of the meeting, the Vice President shall issue a written decision to affirm, reject, or modify the punitive action normally within twenty (20) calendar days following the date of the meeting. The Vice President may mitigate the punitive action or modify it, but may not increase it in severity.

The written decision shall be provided to the peace officer and shall set forth the basis for the decision, the action to be imposed, if any, and the effective date thereof, and such decision shall be filed in the peace officer's personnel file along with the appeal. The decision of the Vice President shall be final and conclusive and not subject to the grievance procedure in this Agreement or pursuant to any District Board Policy or regulation.

- 27.2.2 Nothing in this article shall limit a peace officer's right under Gov. Code 3306, to attach a written reply to any adverse comments within 30 days of such comments, before being placed in the peace officer's personnel file. If a peace officer prevails in an appeal to an adverse comment, to which the adverse comment is ordered removed from the peace officer's personnel file, the peace officer's written response, if any, shall also be removed.










# ARTICLE 27 - Campus Peace Officers TA

Final Audit Report

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