



MONTEREY PENINSULA
College

GOVERNING BOARD POLICIES

Chapter 7 Human Resources

7240

BP 7240 Confidential Employees

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 of Trustees 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 provided for by procedures developed by the Superintendent/President. Such terms and conditions of employment shall include, but not be limited to, procedures for evaluation and rules regarding leaves, transfers, and reassignments.

The District employs confidential employees as probationary or permanent. The probationary period for confidential employees shall be six months. A confidential employee is a regular member of the classified service. Their employment shall be consistent with other provisions of these policies regarding employment of classified employees.

References: *Government Code Section 3540.1(c)*

Formerly Governing Board Policy 5500 – Definition of Management, Supervisory and Confidential Personnel; 5520 – Management Team Status; 5530 – MSC Rights and Responsibilities; and 5535 – Promotion, Transfer and Reassignment

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