

**PERSONNEL
(ALL PERSONNEL)**

Series 4000 contains policies, regulations and exhibits on all school employees. The category is divided into three subdivisions: **4000** contains policies applying to all employees or to general personnel matters; **4100** refers to certificated/teaching personnel; **4200** refers to classified personnel; **4300** refers to management personnel; and **4400** refers to personnel designated as confidential.

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**ABC UNIFIED SCHOOL DISTRICT
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PERSONNEL RESOURCES OF THE DISTRICT

The personnel employed by the district constitute the most important resource for effectively conducting a quality educational program. Important contributions to a successful education program are made by all staff members. The district's program will function best when it employs highly qualified personnel, conducts appropriate staff development activities, and establishes policies and working conditions which are conducive to high morale and which enable each staff member to make the fullest contribution to district programs and services.

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GOALS OF THE DISTRICT'S PERSONNEL PROGRAM

The goals of the district's personnel program shall include the following:

1. To develop and implement those strategies and procedures for personnel recruitment, screening, and selection which will result in employing the best available candidates, i.e., those with highest capabilities, strongest commitment to quality education, and greatest probability of effectively implementing the district's educational program.
2. To develop a general personnel strategy which is designed to maximize personnel contributions to the educational program and to utilize this strategy as the primary basis for determining staff assignments.
3. To develop a climate in which optimum staff performance, morale, and satisfaction are produced.
4. To provide positive programs of staff development designed to contribute both to improvement of the learning program and to each staff member's career development aspirations.
5. To provide for a genuine team approach to education, including staff involvement in planning, decision making, and evaluation.
6. To provide competitive compensation and benefits as well as other provisions for staff welfare.
7. To develop and utilize for personnel evaluation positive processes which contribute to the improvement of both staff capabilities and the educational program.

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CONCEPT AND ROLES IN PERSONNEL

Governing Board — The Governing Board:

1. Elects or rejects employees on the nomination of the superintendent.
2. Determines principles of treatment for employees, such as those in connection with sick leave, leaves of absence, inservice training, retirement, etc.

Superintendent — The Superintendent:

1. Nominates for employment all certificated and classified personnel.
2. Recommends dismissal of employees whenever there is evidence of unsatisfactory service within the limits of law and governing board policy.
3. With the staff, assigns, directs and supervises the work of all employees.

Board and Superintendent Working Relationship

The governing board agrees with the principle that no employee shall be hired in the school district unless recommended by the superintendent. It stipulates that in cases where a recommendation for employment is contrary to the judgment of the governing board, the superintendent shall withdraw the recommendation and recommend other individuals from whom the governing board may select or the superintendent may return the original recommendation for employment with additional supporting information.

The governing board endorses the concept that it is in the best interest of all concerned parties to secure, at the lowest administrative levels, equitable solutions to the problems which may from time to time arise affecting the welfare or working conditions of employees. The governing board agrees to refer all instances of approach by employees with work related problems to the superintendent for consideration and judgment and to act as a court of appeals only after referrals have been made to the superintendent.

Legal Reference: Education Code
 35035 *Additional powers and duties of superintendent*
 35010 *Control of district by Board of Education*
 35161 *Powers and duties generally (Board of Education)*

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RECRUITMENT AND SELECTION

The governing board is cognizant that a sound educational system cannot be built and maintained without a vigorous recruitment effort designed to obtain the best qualified persons for the various jobs/positions within the district.

The district shall be committed to an open and competitive system in the recruitment and selection of personnel. To this end, the governing board shall not condone the pre-election of particular persons by selecting supervisors to fill open positions. The district shall take appropriate measures to ensure that the employment/promotional interests of all qualified and eligible persons are treated in an equitable manner. In this regard, the district shall engage in fair and sound personnel practices in the appointment of all district employees.

All factors being equal, a first consideration will be given to current employees of the district in selecting persons to fill open positions.

**ABC UNIFIED SCHOOL DISTRICT
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As per 642(c)(2)(D)(vi) of the Head Start Act, the Policy Committee will approve and submit decisions about program personnel policies including standards of conduct. Policy Committee members will participate in decisions regarding employment by approving and submitting changes to personnel policies regarding Head Start employment to the Board of Education, participate on interview panels, and receive regular reports regarding staff recruitment, hires, and vacancies.

All Head Start employees shall be employed in accordance with board policy and appropriate provisions of the California Education Code.

Selection of New Personnel-Classified/Certificated

The interview committee for hiring new key administrative personnel shall consist of at least one Head Start parent and one or more administrative staff. They will interview the top candidates and the successful candidate shall be forwarded to Human Resources for processing and Board of Education approval. Training will be provided to parents prior to participating on an interview panel.

Reduction in Force/Reemployment-Classified Personnel

Head Start classified employees may be laid off due to lack of work or lack of funds. In the event of layoff, the order of layoff within the class shall be determined by seniority (see administrative regulation 4216.1 - Seniority). The employee to be displaced shall be the one with the least seniority including any length of service in a higher classification. Classified employees who have been laid off shall have the right of preferential reemployment. Reemployment shall be in reverse order of layoff.

Any reduction in force/reemployment of Head Start employees shall be in accordance with board policy, collective bargaining agreements, and appropriate provisions of the California Education Code.

Displacement Rights (Bumping)-Classified Personnel

A regular Head Start classified employee who is to be laid off may exercise displacement rights (bumping) within his/her classification or in any lower class in which he/she holds seniority credit greater than an incumbent. The employee to be displaced shall be the one with the least seniority including any length of service in a higher classification. Any bumping of Head Start employees shall be in accordance with district board policy, collective bargaining agreements, and appropriate provisions of the California Education Code.

Personnel Reductions-Certificated Personnel

The Board of Education may decrease the number of Head Start certificated employees because of declining enrollment or the reduction/discontinuance of a particular kind of service. The board may terminate the services of not more than a corresponding percentage of the Head Start certificated employees of the District. However, the services of no permanent employee will be terminated under this policy while any probationary employee, or any other employee with less seniority, is retained to render a service which a permanent employee is certified and competent to render. Any personnel reduction of Head Start employees shall be in accordance with board policy and the appropriate provision of the California Education Code.

EMPLOYMENT HEAD START (continued)Disciplinary Action/Termination of Employees-Classified/Certificated

If the head of program or designee deems disciplinary action or termination is necessary, he/she will meet with the superintendent or designee and recommend approval of the termination and present the reasons for the recommendation. The superintendent or designee determines if legal cause for the termination exists and if federal and state laws regarding employee rights have been adhered to.

Any disciplinary action, including termination of Head Start employees, shall be in accordance with board policy, the collective bargaining agreement, and appropriate provisions of the California Education Code.

Procedure for Resolution of Dispute/Impasse

This procedure shall be utilized should any dispute arise between the Board of Education and the Policy Committee. Authorized agents shall be a member of the Board of Education and the Policy Committee chairperson.

Disputes shall be limited to the scope of 45CFR 1301.3(c)(1) If the Board and Policy Committee, via their respective authorized agents, cannot resolve a dispute within seven (7) working days following notification in writing by either party of the existence of a dispute, then the following procedures will apply:

1. Each party shall appoint two (2) persons to act as impartial panelists in an attempt to resolve the dispute. The parties shall mutually appoint a fifth person. The appointed individual shall not be a person involved in any manner in the dispute.
2. This dispute resolution group shall convene no later than twelve (12) working days following notification of appointment and the existence of a dispute. The dispute resolution group shall meet for a maximum of four (4) four-hour sessions during the subsequent seven (7) working days to resolve the dispute.
3. Findings of the dispute resolution shall be binding upon the parties hereto.
4. Decisions reached will be presented to both the Board of Education and Policy Committee.

*Legal References:*Education Code*4501 Definition**45113 Rules & regulations for classified service in districts not incorporating the merit system**44000-44069 Employees**45100-4513 Employment**35035 Additional powers and duties of the superintendent 44006 Certificated person**44830 Employment of certificated persons**44831 Employment by school district governing boards*Federal Regulation*Chapter XIII - Office of Human Development Services, Department of Health & Human Svcs.**Part 1304 - Program performance standards for operation of head start programs by grantees and delegate agencies*

Policy adopted

by the board: 06.02.86

revised: 08.18.86

revised: 06.19.18

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CONDITIONS OF EMPLOYMENT

Prior to accepting a job/position with the district, a prospective employee shall be provided information as to what the job/position is in terms of duties and responsibilities, position classification, rate of pay, reporting relationships including his/her supervisor, hours of duty, duty year, where to report for duty and general conditions of employment.

Prior to reporting for duty, newly-employed employees shall complete all necessary employment forms, mandatory payroll deduction forms and optional deductions available to employees of the district. Newly-hired employees shall not report to their work location to begin work until cleared by the personnel office.

**ABC UNIFIED SCHOOL DISTRICT
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EMPLOYEE NOTIFICATIONS

The District shall provide employees with the following notifications and shall obtain signed acknowledgments that the notifications were received when so required by law or by district policy or regulations.

1. Legal obligation to report known or suspected instances of child abuse;
2. Oath or affirmation of allegiance required of public employees;
3. Hepatitis B vaccine declination;
4. The District's school bus driver drug and alcohol testing policy, regulations, and related information;
5. Notice of release from position requiring an administrative or supervisory credential;
6. The classified employee's class specification, salary data, assignment or work location, duty hours, and prescribed workweek;
7. The certificated employee's employment status and salary;
8. Information about certificated employee membership in the State Teachers' Retirement System
9. The District's drug- and alcohol-free workplace;
10. The District's policy on prohibition of sexual harassment;
11. Safety and Workers' Compensation;
12. Employee evaluations;
13. Requirements and information pertinent to emergency teaching or specialist permit applicants;
14. Notice of layoff;
15. Derogatory information to be placed in personnel file;
16. Exhaustion of classified employee's paid leave;

EMPLOYEE NOTIFICATIONS (continued)

17. Notice of charges related to disciplinary action; and
18. Notice of intention to dismiss.

Legal Reference:

EDUCATION CODE

- 231.5 *Sexual harassment policy*
- 22455.5 *STRS information to potential members*
- 22515 *Irrevocable election to join STRS*
- 44031 *Personnel file contents, inspection*
- 44663 *Evaluation and assessment; copy to certificated employee*
- 44916 *Written statement of employment status*
- 44940.5-44941 *Notification of suspension and intent to dismiss*
- 44949 *Cause, notice and right to hearing*
- 44951 *Continuation in position unless notified*
- 44955 *Reduction in number of employees*
- 45113 *Notification of charges*
- 45117 *Notice of layoff*
- 45169 *Employee salary data*
- 45192 *Industrial and accident leave*
- 45195 *Additional leave*
- 49079 *Notification to teacher*

GOVERNMENT CODE

- 3100-3109 *Oath or affirmation of allegiance*
- 8355 *Certification of drug-free workplace, including notification*

PENAL CODE

- 11166.5 *Employment; statement of knowledge of duty to report*

UNEMPLOYMENT INSURANCE CODE

- 2613 *Notice of rights and benefits*

CODE OF REGULATIONS, TITLE 5

- 80026.1 *Information to applicants*

CODE OF REGULATIONS, TITLE 8

- 5193 *California bloodborne pathogens standard*

CODE OF FEDERAL REGULATIONS, TITLE 49

- 382.601 *Controlled substance and alcohol use and testing notifications*

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OATH

All employees shall, before they enter upon the duties of their employment with the district, take and subscribe to the oath or affirmation set forth in Section 3 of Article XX of the Constitution of California.

By such oath or affirmation, they will solemnly swear (or affirm) that they will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that they will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that they take this obligation freely; without any mental reservation or purpose of evasion; and that they will well and faithfully discharge the duties upon which they are about to enter.

*Legal Reference: Government Code
3107 Conditioning of compensation on taking of oath; ascertainment
and certification as to taking; correction of error or deficiency.*

Policy adopted
by the board: 09.18.78

**ABC UNIFIED SCHOOL DISTRICT
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EXAMINATION FOR TUBERCULOSIS

All employees and any volunteers who have prolonged or frequent contact with children, upon initial employment and prior to commencing service, shall present evidence of having submitted to an examination which is acceptable to the Los Angeles County Department of Health Services, to determine that they are free of active tuberculosis. This examination must be repeated every four (4) years thereafter; more often if directed by the Board of Education upon recommendation of the local health department.

*Legal Reference: Education Code
49406 Examination for tuberculosis*

Policy adopted
by the board: 03.19.73
revised: 10.06.87

**ABC UNIFIED SCHOOL DISTRICT
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TUBERCULOSIS TESTING REPORT

1. New Employees

- a. No person shall be initially employed by the district in a certificated or classified position unless the person presents evidence of having submitted to an examination within the past sixty (60) days to determine that he/she is free of active tuberculosis. The initial examination must consist of a Mantoux skin test (not a chest X-ray) unless the employee can document, in writing, history of previous positive skin tests. A person with a negative skin test history who converts to positive skin test must have a negative chest X-ray and provide a certificate stating that he/she is free of communicable disease.

2. Transfer of Employment

- a. A person who transfers his/her employment from one school or school district to another shall be deemed to meet the tuberculosis test requirements if such person can produce a certificate which shows that he/she was examined within the past four (4) years and was found to be free of communicable tuberculosis, or if it is verified by school personnel previously employing him/her that they have such a certificate on file.
- b. A person who transfers his/her employment from a private or parochial elementary school, secondary school or nursery school to a school or school district shall be deemed to meet the tuberculosis test requirements if such person can produce a certificate which shows that he/she was examined within the past four (4) years and was found to be free of communicable tuberculosis, or if it is verified by school personnel previously employing him/her that they have such a certificate on file.

3. New Volunteers

A volunteer, who will have frequent or prolonged contact with children, prior to commencement of service, shall present evidence of having submitted to an examination to determine that he/she is free of active tuberculosis. This examination must consist of a Mantoux skin test (not a chest X-ray) unless the volunteer can document, in writing, history of previous positive skin tests. A person with a negative history who converts to a positive skin test must have a negative chest X-ray and provide a certificate stating that he/she is free of communicable disease.

4. Regular Employees/Volunteers

- a. All employees and any volunteers who have frequent or prolonged contact with pupils shall be required to undergo a Mantoux skin test for tuberculosis at least once every four (4) years unless documented evidence of a positive skin test is on file. Any employee/volunteer with a positive skin test which has been followed by a chest X-ray must furnish a certificate from a health care provider every four (4) years showing that he/she is free from active tuberculosis. A chest X-ray is not required for those who have completed preventive therapy or have a negative history and symptom review.

TUBERCULOSIS TESTING REPORT (continued)

- 1) An employee/volunteer who has a documented positive skin test which has been followed by an X-ray shall no longer be required to take a skin test. A referral shall be made within 30 days of completion of the examination (skin test and X-ray) to the local health officer to determine the need for follow-up care.

5. Filing of a Tuberculosis Testing Report

- a. After undergoing a tuberculosis examination, each employee shall have on file with the personnel office a certificate showing the employee was examined and found free from active tuberculosis.
 - 1) New or regular employees who fail to meet the deadlines defined in this regulation shall be excluded from service without pay until such time as a certificate has been received in the personnel office.
 - 2) "Certificate" as used in this regulation means a certificate signed by the examining physician and surgeon/designee, or a notice from a public health agency or unit of the American Lung Association, which indicates freedom from active tuberculosis.
- b. A file will be kept on all employees or volunteers who convert their skin test to positive on repeat examination. This file must be surrendered to the Los Angeles County Department of Health Services TB Control Officer upon request.

6. Cost of the Examination

- a. New employees: This examination is a condition of initial employment and the expense incident thereto shall be borne by the applicant.
- b. New volunteers: The district shall provide for Mantoux skin testing and reading by the school nursing staff at the volunteer's school site. Any fee for chest X-ray or other examination shall be borne by the volunteer.
- c. Regular employees/volunteers: The district shall provide Mantoux skin testing and reading by the school nursing staff on selected dates at least once a semester. If an employee/volunteer converts to a positive skin test, he/she will be referred to the health department in the county of his/her residence for a chest X-ray. If a county health department charges a nominal fee for a chest X-ray, an employee may recover the expense by presenting a receipt of payment to the personnel office; a volunteer must bear the expense of the X-ray.
 - 1) Employees of the district who fail to avail themselves of a district-provided Mantoux skin test (or district-paid chest X-ray, if necessary) as outlined in this regulation must then personally bear the expense of such examination.

7. Religious Exemption from Tuberculosis Testing

- a. If the Board of Education determines by resolution, after due hearing, that the health of pupils in the district would not be jeopardized thereby, the provisions of this regulation shall not apply to any employee of the district who files an affidavit stating that he/she adheres to the faith or teachings of any well-recognized religious sect, denomination or organization, and in accordance with its creed, tenets or

TUBERCULOSIS TESTING REPORT (continued)

principles, depends for healing upon prayer in the practice of religion, and that to the best of his/her knowledge and beliefs he/she is free from active tuberculosis.

- 1) If at any time there should be probable cause to believe that such employee is afflicted with active tuberculosis, he/she may be excluded from service until the Board of Education is satisfied that he/she is not so afflicted.

8. Pregnant Employees

The superintendent (or designee) may exempt, for a period not to exceed 60 days following termination of pregnancy, a pregnant employee from the requirement that a positive Mantoux skin test be followed by an X-ray of the lungs.

*Legal Reference: Education Code
49406 Examination for tuberculosis*

Regulation
approved: 03.19.73
revised: 10.06.87

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation**

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PERSONNEL RECORDS

The Superintendent or designee shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee and those authorized by the Superintendent or designee. Official employee files shall be maintained at the district's central office. The Superintendent or designee shall determine the types of information to be included and shall process all material to be placed in a personnel file.

(cf. 4141/4241 - Collective Bargaining Agreement)

The contents of all personnel files shall be kept in strict confidence by any authorized reviewer.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 9011 - Disclosure of Confidential/Privileged Information)*

*(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)*

Personnel files shall be reviewed and replaced within the shortest time possible. In no case shall a personnel file be left unattended or left unfiled overnight.

Files for District Police/Security Officers

(cf. 3515.3 - District Police/Security Department)

Placement of Material in Personnel Files

Any person who places written material or drafts written material for placement in an employee's file shall sign the material and signify the date of placement.

When an employee is asked to sign any material that is to be placed in his/her file, it is with the understanding that his/her signature signifies only that he/she has read the material and does not necessarily indicate agreement with its contents.

Any request by an employee to include materials in his/her personnel file must be approved by the Superintendent or designee.

A certificated employee may initiate a written reaction or response to his/her performance evaluation and that response shall become a permanent attachment to the employee's personnel file. (Education Code 44663)

(cf. 4115 - Evaluation/Supervision)

Derogatory Information

Information of a derogatory nature shall not be entered into an employee's personnel file unless and until the employee is given notice and an opportunity to review and comment on that information. Such a review shall take place during normal business hours. The employee shall be released from duty for this purpose without a salary reduction. The employee may enter his/her own comments and have them attached to the derogatory statement. (Ed Code 44031)

PERSONNEL RECORDS

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

File Review by Employee

The contents of personnel records relating to the employee's performance or to any grievance concerning the employee shall be made available to the employee at reasonable intervals and at reasonable times. The Superintendent or designee shall not be required to make such records available at a time when the employee is required to render services to the district, unless the employee is required to view the file where it is stored. (Labor Code 1198.5; Education Code 44031)

The Superintendent or designee shall do one of the following: (Labor Code 1198.5)

1. Keep a copy of each employee's personnel records at the place where the employee reports to work
2. Make the employee's personnel records available at the place where the employee reports to work within a reasonable period of time following an employee's request
3. Permit the employee to inspect the personnel records at the location where the district stores the personnel records, with no loss of compensation to the employee

Any employee wishing to inspect his/her personnel record shall contact the Superintendent or designee.

With the exceptions noted below, all personnel records related to the employee's performance or to any grievance concerning the employee shall be made available for inspection by the employee. Noncredentialed employees shall have access to any numerical scores obtained as result of written examinations. (Education Code 44031)

The Superintendent or designee shall not be required to make available to the employee: (Labor Code 1198.5, Education Code 44031)

1. Records relating to the investigation of a possible criminal offense
2. Letters of reference
3. Ratings, reports or records that were obtained prior to the employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

PERSONNEL RECORDS

The employee may be accompanied by a representative of the employee's choice while reviewing the record.

Inspection shall take place in the presence of the Superintendent or designee. All reviews of personnel records shall be recorded, including the date and time the file was reviewed and the name and title of the person(s) present during the review.

In no instance shall any material be removed from the records. Requests for copies of material in a personnel record must be made in writing.

File Review by Management and Board

Management personnel or district legal counsel with a valid "right to know" or "need to know" may, with the Superintendent or designee's authorization, review an employee's personnel file.

(*cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information*)

Board members are not individually allowed to request and access personnel files but the Board may request pertinent information from an employee's file in cases of personnel action.

Legal Reference:

EDUCATION CODE

35253 Regulations to destroy records

44031 Personnel file contents and inspection

44663 Performance appraisals and related materials

GOVERNMENT CODE

3305-3306 District police officers; personnel files

6254.3 Disclosure of home address and phone number

LABOR CODE

1198.5 Inspection of personnel files

PENAL CODE

11165.14 Report of investigation of child abuse complaint

CODE OF REGULATIONS, TITLE 5

16020-16022 Records, general provisions

16023-16027 Retention of records

ATTORNEY GENERAL OPINIONS

Cal. Atty. Gen., Indexed Letter, no. IL 75-73 (June 6, 1975)

**ABC UNIFIED SCHOOL DISTRICT
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PERSONNEL FILE CONTENTS AND INSPECTION

1. Every employee shall have the right to inspect materials in his/her personnel file upon request, provided that the request is made at a time when such person is not actually required to render services to the district.
2. Information of derogatory nature, except ratings, reports or records which (1) were obtained prior to the employment of the person involved, (2) were prepared by identifiable examination committee members, or (3) were obtained in connection with a promotional examination shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon.
 - a. A district form "Notice of Material to be Entered or Filed in a Personnel File" shall be used to notify an employee that such information is going to be entered or filed in his/her personnel file.
 - b. An employee shall have the right to enter, and have attached to any statements of a derogatory nature to be placed in his/her file, his/her own comments thereon.
3. Review of materials in an employee's personnel file shall take place during the normal business hours.
 - a. An employee shall be released from duty to inspect materials in his/her personnel file without salary reduction.
 - 1) The inspecting of materials shall occur at a time, date and place mutually convenient to the employee and the custodian of records (or designee).
 - 2) The inspection of materials shall not be scheduled at a time when an employee is required to render instructional services to the district.
4. An employee may be accompanied by his/her representative at such time as the employee is given an opportunity to review the material in his/her personnel file.
5. The district will furnish a first copy of any material found in an employee's personnel file to the employee. Subsequent copies may be provided at the employee's request.
6. The personnel files shall include those files kept in the personnel office and at the employee's work location.

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

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EMPLOYMENT OF MEMBERS OF THE SAME FAMILY

The following policy shall govern conflict of interest in the employment of all personnel:

1. Persons related by blood or marriage to a governing board member may only be employed following full disclosure of the relationship by the governing board member in a public meeting and sufficient vote of appointment without counting the vote of the related governing board member.
2. Persons related by blood or marriage to a management employee shall not be appointed to a position that is in a line relationship involving supervision and evaluation of the position.
3. Employment of relatives of management employees shall require cabinet level authorization prior to employment. Employment of relatives of cabinet-level management shall require the superintendent's authorization prior to employment.
4. Members of the same family may be employed in the same department or work location when approved in writing by the superintendent or the superintendent's designated representative. (Exception: members of the same family shall not be approved in direct line of supervision.)

It is the intent of these rules to avoid any situation when there can arise a conflict of interest either on the part of a member of the governing board or a member of management.

The term "related by blood or marriage" refers to brother, brother-in-law, daughter, stepdaughter, foster daughter, daughter-in-law, father, stepfather, foster father, father-in-law, granddaughter, grandfather, grandmother, grandson, husband, mother, stepmother, foster mother, mother-in-law, sister, sister-in-law, son, stepson, foster son, son-in-law, wife, or any relative living in the immediate household of the governing board member or management employee.

Legal Reference: Education Code
 35233 *No personal interest in contract*
 35234 *Justifying circumstances*
 35235 *Cases where justifying circumstances not applicable*
 35236 *Contract between district and member's spouse or child*

Ops. Attorney General 5
 228 *Adult child of board member may be hired*
Ops. Attorney General 21
 6 *Minor child may not be hired*

Policy adopted
 by the board: 09.18.78
 revised: 08.16.82

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

RESIGNATION

The Board of Education hereby delegates to the superintendent and/or director-personnel services the authority to accept resignations of persons on the payroll of the district, when in the opinion of the superintendent the immediate acceptance of the resignation is deemed to be in the best interest of the district. Such resignation shall be effective upon receipt by the superintendent, but the acceptance may be rescinded by subsequent board action.

Legal Reference: *Education Code*
 44930 *Acceptance of resignations*
 7 *Delegation of powers*

Policy adopted
by the board: 09.18.78
revised: 02.19.80

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

RIGHTS, RESPONSIBILITIES AND DUTIES

The governing board of the district shall fix and prescribe the duties to be performed by all persons in the service of the school district.

The governing board reserves the right to impose financial penalties for disciplinary reasons when an employee refuses to perform contracted/assigned work without acceptable reason. The superintendent of schools may deduct without further authorization wages reasonably related to the time not worked.

*Legal Reference: Education Code
35020 Duties of employees fixed by governing board*

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

GRIEVANCE PROCEDURE - TITLE IX

The Grievance Procedure provides a means to investigate alleged discriminatory practices on a basis of sex and to reach equitable solutions where appropriate. The primary purpose is to resolve grievances at the earliest possible time and at the lowest possible level.

Definitions

1. "Days" means school attendance days for grievances filed by students or parents and working days for grievances filed by employees.
2. "District" means the ABC Unified School District.
3. "Employee" means a person who is on the payroll of the district.
4. "Supervisor" means the employee's immediate supervisor.
5. "Grievance" is a complaint alleging action by the district in violation of Title IX or the implementing regulations.
6. "Compliance Officer" means the employee designated by the district to coordinate its efforts to comply with and carry out its responsibilities under Title IX and the implementing regulations.
7. "Student" means a person enrolled in one of the schools operated by the district.
8. "Superintendent" means the superintendent of schools or his designee.

Normal channels of communication shall be used wherever possible in seeking solutions to alleged discriminatory policies. Steps for the Grievance Procedure are as follows:

Step One - (informal)

Within thirty (30) days of the time the grievant knew, or would have been expected to know, that he/she had a complaint, the grievant may present the complaint orally to the school principal, if the grievant is a student, parent or guardian, or to the supervisor if the grievant is an employee.

Step Two

If the complaint is not promptly resolved in Step One, the grievant may, within ten (10) days submit to the principal or supervisor a "Statement of Grievance" including all supporting statements and evidence. The principal, or supervisor, shall forward a copy of the statement to the compliance officer.

Within ten (10) days after receipt of the Statement of Grievance, the principal or supervisor shall render a decision and submit a "Response to Grievance" to the grievant and the compliance officer.

GRIEVANCE PROCEDURE - TITLE IX (continued)

Step Three

Within ten (10) days after receipt of the response, the grievant may appeal the decision by submitting a Statement of Grievance to the compliance officer. The compliance officer shall forward a copy of the appeal to the principal or supervisor. Within ten (10) days after receipt of the appeal, the compliance officer shall render a written decision and submit a Response to Grievance to the grievant and the principal or supervisor.

Step Four

Within ten (10) days after receipt of the compliance officer's response, the grievant may appeal the decision by submitting a Statement of Grievance to the superintendent. The superintendent shall forward a copy of the appeal to the compliance officer. Within ten (10) days after receipt of the appeal, the superintendent shall render a written decision and submit a Response to Grievance to the grievant and the compliance officer.

Step Five

Within ten (10) days after receipt of the superintendent's response, the grievant may appeal the decision by submitting a Statement of Grievance to the Secretary of the Board of Education. The secretary shall send copies of the appeal to the superintendent and compliance officer. The appeal shall be placed on the agenda for consideration at the next regular meeting of the Board of Education. A final determination shall be made within thirty (30) calendar days from said meeting. The determination shall be made in writing to the grievant with copies to the compliance officer, superintendent and principal or supervisor.

If adherence to this procedure results in a delay which causes undue hardship to a student or employee, or precludes his/her participation in a specific activity, the student or employee may so advise the parties designated above and request a speedy resolution and special handling of the complaint.

At each step, all parties involved in allegations of discrimination must be notified of the dates of the hearing or review of such allegations.

It shall be the right of the grievant to be represented by counsel at each step of the grievance procedure.

At any step in the grievance procedure, it shall be the right of the grievant, or the responding district official, to meet with all concerned parties to supplement any written documentation.

Legal Reference: Title IX of the Education Amendments of 1972 (Higher Education Act)

**ABC UNIFIED SCHOOL DISTRICT
Board Policy****ALL PERSONNEL****SEXUAL HARASSMENT**

The Governing Board is committed to providing a safe work environment that is free from harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the gender, gender identity, gender expression, or sexual orientation of the victim.

This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the District, such as interns, volunteers, contractors, and job applicants.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal.

(cf. 4117.7/4317.7 - Employment Status Reports)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the District's sexual harassment policy to employees and others to whom the policy may apply

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall annually evaluate the effectiveness of the District's strategies to prevent and address harassment. Such evaluation may involve conducting regular

anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the District's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

SEXUAL HARASSMENT (continued)**Sexual Harassment Reports and Complaints**

Any district employee who feels that he/she has been sexually harassed in the performance of his/her district responsibilities or who has knowledge of any incident of sexual harassment against another employee shall immediately report the incident to his/her direct supervisor, another supervisor, the District's coordinator for nondiscrimination, the Superintendent, or designee. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator or Superintendent.

Complaints of sexual harassment shall be filed and investigated in accordance with the complaint procedure specified in AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023).

*Legal Reference:*EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex, especially:*

GOVERNMENT CODE

12900-12996 *Fair Employment and Housing Act*

12940 *Prohibited discrimination*

12950 *Sexual harassment; distribution of information*

12950.1 *Sexual harassment training*

LABOR CODE

1101 *Political activities of employees*

1102.1 *Discrimination: sexual orientation*

CODE OF REGULATIONS, TITLE 2

11009 *Employment discrimination*

11021 *Retaliation*

11023 *Harassment and discrimination prevention and correction*

11024 *Sexual harassment training and education*

11034 *Terms, conditions, and privileges of employment*

CODE OF REGULATIONS, TITLE 5

4900-4965 *Nondiscrimination in elementary and secondary education programs receiving state financial assistance*

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX prohibition against discrimination*

UNITED STATES CODE, TITLE 42

2000e - 2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 *Nondiscrimination on the basis of sex in education programs or activities*

106.51-106.61 *Nondiscrimination on the basis of sex in employment in education program or activities*

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

SEXUAL HARASSMENT (continued)

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Board policy

Adopted: 12.05.00

Revised: 04.15.03

Revised: 02.19.19

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation**

ALL PERSONNEL

SEXUAL HARASSMENT

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (*Education Code 212.5; Government Code 12940; 2 CCR 11034*)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. Submission to, or rejection of, the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the District.

Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

Examples of actions that might constitute sexual harassment in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors.
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; text messages or social media posts; displaying sexually suggestive objects.
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements.

SEXUAL HARASSMENT (continued)**Training**

The Superintendent or designee shall ensure that all employees receive training regarding the District's sexual harassment policies when hired and annually thereafter. The training shall include how to recognize prohibited or harassing conduct, the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the District's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee. The training shall also include information about processes for employees to informally share or obtain information about harassment without filing a complaint.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 5145.7 - Sexual Harassment)

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position. (*Government Code 12950.1*)

A supervisory employee is any employee having the authority, in the interest of the District, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (*Government Code 12926*)

(cf. 4300 - Administrative and Supervisory Personnel)

The District's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (*Government Code 12950.1; 2 CCR 11024*)

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint

SEXUAL HARASSMENT (continued)

5. The essential elements of the District's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
6. A copy of the District's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance
8. Practical examples of harassment based on gender identity, gender expression, and sexual orientation

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

A copy of the Board policy and this administrative regulation shall: (*Education Code 231.5*)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted;
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired;
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct.

All employees shall receive either a copy of an information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or the District that contains, at a minimum, components on: (*Government Code 12950*)

1. The illegality of sexual harassment;
2. The definition of sexual harassment under applicable state and federal law;
3. A description of sexual harassment, with examples;
4. The District's complaint process available to the employee;
5. The legal remedies and complaint process available through the DFEH and the Equal Employment Opportunity Commission (EEOC);
6. Directions on how to contact DFEH and the EEOC.

SEXUAL HARASSMENT (continued)

7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC.

In addition, the District shall post, in a prominent and accessible location at all work sites, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (*Government Code 12950*)

Regulation
Approved: 11.21.00
Revised: 12.05.00
Revised: 03.18.03
Revised: 02.19.19

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

CONFLICT OF INTEREST

All employees and officers of the district shall perform their duties in an impartial manner, free from bias caused by their own financial interests.

No employee or officer of the district shall accept any emolument, money or other valuable thing, or any inducement to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any equipment, supplies or materials.

No publisher or manufacturer of instructional materials, nor any publisher's or manufacturer's representative shall offer or give any emolument, money, or other valuable thing or any inducement to any school official to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material. Any publisher or manufacturer of instructional materials, or publisher's or manufacturer's representative, or any employee or officer of the district who violates this provision is guilty of a misdemeanor as defined in state law.

Any school employee or officer who violates any of the provisions of this article shall, in addition to any other penalty, be removed from his official position.

Legal Reference: Education Code
60071 *Prohibited offers to influence adoption or purchase of instructional materials.*
60072 *School officials' acceptance of consideration or inducements: prohibition*
60073 *Penalty for violators: Misdemeanor and removal from official position*

*California Administrative Code
Division 20, Chapter 5 (commencing with Section 18600)*

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

ACCEPTANCE OF GIFTS

The offering of any valuable thing to any member of the governing board, or any employee of the district, with the intent to influence the action of the board member or employee in regard to the granting of any teacher certificate, the appointment of any teacher, superintendent or other officer or employee, the adoption of any textbook or the making of any contract to which the board member or employee is a party, or the acceptance by any member of the governing board or employee of any valuable thing with corrupt intent is a misdemeanor under state law.

No employee or officer of the district will accept gifts from any person, group or entity doing (or desiring to do) business with the school district. All business-related gratuities are specifically prohibited except nominal value advertising and items widely distributed.*

No employee or officer of the district shall hold a vested interest in any contract made by the district.

Any contract or appointment obtained from the governing board of the school district by corrupt means is void.

*Generally these will be items such as calendars, inexpensive holiday food packages, an occasional lunch invitation, etc., having a value of less than \$10.

*Legal Reference: Education Code
35230 Corrupt practices is a misdemeanor
35231 Contract procured by corrupt means is void*

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

DUTIES OF PERSONNEL

The governing board of the district shall fix and prescribe the duties to be performed by all personnel in the service of the district.

All employees of the school district are subject to the policies of the governing board, applicable laws and current agreements with exclusive representatives of appropriate units of employees covered by agreements.

A job description shall be established for each type of work to be performed by all personnel.

Job description shall include the following:

1. Job title
2. Duties to be performed
3. Type and extent of training required
4. Other related factors

The job description shall determine the job classification of the employee on the salary schedule. In each instance the employee shall meet the requirements set forth in the job description. Job descriptions for all employees shall be provided by the superintendent and maintained in a separate manual.

*Legal Reference: Education Code
35020 Duties of employees fixed by governing board*

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation****ALL PERSONNEL****FIRST AID PRACTICES**

District personnel in all schools shall use standard first aid procedures as set forth in the "American Red Cross First Aid Manual" and district "Guide- lines for First Aid in Schools" in order to provide uniform handling of student/employee injury or illness. At least one office employee at each school site shall hold a current Red Cross Standard First Aid certificate.

A first aid kit shall be in the possession of or immediately available to any teacher or agent of the school district while conducting a field trip. The "American Red Cross First Aid Manual" shall be a part of all school site first aid kits.

<i>Legal Reference:</i>	<i>Education Code</i>	
	1243 (Title 13)	<i>First aid kits</i>
	32041	<i>Field trips - first aid</i>
	32043	<i>Snake bite kits</i>
	35350	<i>Transportation of students in emergency</i>
	49400	<i>Diligent care</i>
	49407	<i>Liability for treatment</i>

ABC UNIFIED SCHOOL DISTRICT
Board Policy

ALL PERSONNEL

CIVIL AND LEGAL RIGHTS

The Governing Board believes that the personal life of an employee is not an appropriate concern of the district, except as it may directly relate to the employee's performance of his/her duties.

An employee's religious or political activities, or lack thereof, shall not be grounds for any discrimination or disciplinary action by the district, provided that these activities do not violate law, Board policy, or administrative regulation.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

A teacher shall have the right to refuse to submit to any evaluation or survey conducted by the district concerning personal values, attitudes, and beliefs; sexual orientation; political affiliations or opinions; critical appraisals of other individuals with whom the teacher has a family relationship; or religious affiliations or beliefs. (Education Code 49091.24)

Employees do not have a reasonable expectation of privacy with regards to district property under an employee's control including, but not limited to desks, classrooms, offices, file cabinets, computers, or phones. As necessary to protect the health, welfare, or safety of students and staff, school officials may search such items in order to uncover evidence that the employee is violating the law, Board policy, administrative regulation, or other rules of the district or school.

(cf. 3515 - Campus Security)
(cf. 4040 - Employee Use of Technology)

Whistleblower Protection

An employee shall have the right to disclose to a Board member, a school administrator, a member of the County Board of Education, County Superintendent of Schools, or the Superintendent of Public Instruction any improper governmental activity by the district or a district employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. When the employee has reasonable cause to believe that the information discloses a violation of state or federal statute or a violation or noncompliance with a state or federal rule or regulation, he/she has the right to disclose such information to a government or law enforcement agency or to refuse to participate in any such activity. (Education Code 44112, 44113; Labor Code 1102.5)

The Superintendent or designee shall prominently display in lettering larger than size 14 point type a list of employees' rights and responsibilities under the whistleblower laws, including the telephone number of the whistleblower hotline maintained by the office of the California Attorney General. (Labor Code 1102.8)

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce, or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity. (Education Code 44113)

CIVIL AND LEGAL RIGHTS (continuing)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

An employee who has disclosed improper governmental activity and believes that he/she has subsequently been subjected to acts or attempted acts of reprisal shall file a written complaint in accordance with the district's complaint procedures. After filing a complaint with the district, he/she may also file a copy of the complaint with local law enforcement in accordance with Education Code 44114.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

Protection Against Liability

No employee shall be liable for harm caused by his/her act or omission when acting within the scope of employment or district responsibilities. For the protection against liability to apply, the act or omission must be in conformity with federal, state, and local laws and must be in furtherance of an effort to control, discipline, expel, or suspend a student, or to maintain order or control in the classroom or school. (20 USC 6736)

(cf. 3320 - Claims and Actions Against the District)

(cf. 9260 - Legal Protection)

The protection against liability shall not apply when: (20 USC 6736)

1. The employee acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety.
2. The employee caused harm by operating a motor vehicle or other vehicle requiring license or insurance.
3. The employee engaged in activities without the proper license or certificate.
4. The employee was found by a court to have violated a federal or state civil rights law.
5. The employee was under the influence of alcohol or any drug at the time of the misconduct.
6. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the employee has been convicted in a court.
7. The misconduct involved a sexual offense for which the employee has been convicted in a court.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

7050-7058 Political activities of school officers and employees

44040 Discrimination based on employee's appearance before certain boards or committees

44110-44114 Reporting by school employees of improper governmental activity

49091.24 Teacher rights to refuse evaluation/survey of personal life

CIVIL AND LEGAL RIGHTS (continuing)

CIVIL CODE

51 Unruh Civil Rights Act

GOVERNMENT CODE

815.3 Intentional torts

820-823 Tort Claims Act

825.6 Indemnification of public entity

3540.1 Public employment definitions

3543.5 Interference with employee's rights prohibited

12940-12951 Discrimination prohibited; unlawful practices

LABOR CODE

1102.5-1106 Whistleblower protections

UNITED STATES CODE, TITLE 18

16 Crime of violence defined

UNITED STATES CODE, TITLE 20

6731-6738 Teacher liability protection

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

COURT DECISIONS

Garcetti v. Ceballos, (2006) 543 U.S. 1186

O'Conner v. Ortega, (1987) 480 U.S. 709

New Jersey v. T.L.O., (1985) 468 U.S. 325

Management Resources:

WEB SITES

California Attorney General: <http://caag.state.ca.us>

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

PROFESSIONAL STANDARDS

The Governing Board expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees shall engage in conduct that enhances the integrity of the District, advances the goals of the district's educational programs, and contributes to a positive school climate.

(cf. 0200 - Goals for the School District)
(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)

The Board encourages district employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

(cf. 2111 - Superintendent Governance Standards)
(cf. 9005 - Governance Standards)

Each employee is expected to acquire the knowledge and skills necessary to fulfill his/her responsibilities and to contribute to the learning and achievement of district students.

(cf. 4112.2 - Certification)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Inappropriate Conduct

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.7 - Firearms on School Grounds)
(cf. 4158/4258/4358 - Employee Security)

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

PROFESSIONAL STANDARDS (continued)

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child.
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student, including on-line or social media communication.
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time.
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members.
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action.

(cf. 3515.2 - Disruptions)

8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace, on district property, or at a school-sponsored activity.

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 3513.4 - Drug and Alcohol Free Schools)

(cf. 4020 - Drug and Alcohol-Free Workplace)

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

9. Being dishonest with students, parents/guardians, staff, or members of the public, including, but not limited to, falsifying information in employment records or other school records.
10. Divulging confidential information about students, district employees, or district operations to persons or entities not authorized to receive the information.

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities.

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

12. Using district equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity.

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of district technological resources at any time without the employee's consent.

(cf. 4040 - Employee Use of Technology)

PROFESSIONAL STANDARDS (continued)

13. Purposefully causing damage to or engaging in theft of property belonging to students, staff, or the District
14. Wearing inappropriate attire

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

Reports of Misconduct

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the District's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5141.4 - Child Abuse Prevention and Reporting)

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

(cf. 4117.7/4317.7 - Employment Status Reports)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The District prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the District's complaint process shall be subject to discipline.

Notifications

The section(s) of the District's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or district web sites (Education Code 44050).

(cf. 1113 - District and School Web Sites)
(cf. 5145.6 - Parental Notifications)

Legal Reference:**EDUCATION CODE**

200-262.4 Prohibition of discrimination

44050 Employee code of conduct; interaction with students

44242.5 Reports and review of alleged misconduct

48980 Parental notifications

PENAL CODE

11164-11174.4 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of dismissal, resignation and other terminations for alleged misconduct

80331-80338 Rules of conduct for professional educators

PROFESSIONAL STANDARDS (continued)*Management Resources:**COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS**California Professional Standards for Educational Leaders, February 2014**California Standards for the Teaching Profession, 2009**COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS**Professional Standards for Educational Leaders, 2015**NATIONAL EDUCATION ASSOCIATION PUBLICATIONS**Code of Ethics of the Education Profession, 1975**WESTED PUBLICATIONS**Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003**WEB SITES**CSBA: <http://www.csba.org>**Association of California School Administrators: <http://www.acsa.org>**California Department of Education: <http://www.cde.ca.gov>**California Federation of Teachers: <http://www.cft.org>**California School Employees Association: <http://www.csea.com>**California Teachers Association: <http://www.cta.org>**Commission on Teacher Credentialing: <http://www.ctc.ca.gov>**Council of Chief State School Officers: <http://www.ccsso.org>**WestEd: <http://www.wested.org>*

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

All Personnel

Unauthorized Release of Confidential/Privileged Information

The Governing Board recognizes the importance of keeping confidential information confidential. Staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

Disclosure of Closed Session Information

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the Board authorizes disclosure of that information. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet in closed session. (Government Code 54963)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

An employee who willfully or recklessly discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has received training or notice as to the requirements of this policy. (Government Code 54963)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall provide all employees who attend closed sessions a copy of this policy. New employees who may attend closed sessions shall also receive a copy of this policy.

The District shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Board policy, when the employee is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

Unauthorized Release of Confidential/Privileged Information (Continuing)

Other Disclosures

An employee who willfully releases confidential/privileged information about the District, students, or staff shall be subject to disciplinary action.

No employee shall disclose confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

(cf. 4143/4243 - Negotiations/Consultation)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 6164.2 - Guidance/Counseling Services)

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

Legal Reference:

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules

35146 Closed sessions

35160 Authority of governing boards

44031 Personnel file contents and inspection

44932 Grounds for dismissal of permanent employees

44933 Other grounds for dismissal

45113 Rules and regulations for classified service

49060-49079 Pupil records

GOVERNMENT CODE

1098 Public officials and employees: confidential information

6250-6270 Inspection of public records

54950-54963 Brown Act

UNITED STATES CODE, TITLE 20

1232g Family Education Rights and Privacy Act

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

DRUG AND ALCOHOL-FREE WORKPLACE

The Governing Board believes that the maintenance of drug and alcohol-free workplaces is essential to school and district operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in 21 USC 81 at any school district workplace. These prohibitions apply before, during, and after school hours. A school district workplace is any place where school district work is performed, any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function where students are under district jurisdiction; or during any period of time when an employee is supervising students on behalf of the District or otherwise engaged in district business.

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

The Superintendent or designee shall notify employees of these prohibitions. (Government Code 8355; 41 USC 702)

An employee shall abide by the terms of this policy and notify the District, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace. (41 USC 702)

The Superintendent or designee shall notify the appropriate federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

The Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited. A plea or verdict of guilty, a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction. (Education Code 44836, 45123)

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4212 - Appointment and Conditions of Employment)

A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for at least five years. (Education Code 45123)

The Board may take appropriate disciplinary action, up to and including termination, or require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

DRUG AND ALCOHOL-FREE WORKPLACE

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall establish a drug and alcohol-free awareness program to inform employees about: (Government Code 8355)

1. The dangers of drug and alcohol abuse in the workplace.
2. The District policy of maintaining drug and alcohol-free workplaces.
3. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs.

(cf. 4159/4259/4359 - Employee Assistance Programs)

4. The penalties that may be imposed on employees for drug and alcohol abuse violations.

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

Board Policy

Adopted 10.02.90

revised: 4.23.09

ABC UNIFIED SCHOOL DISTRICT
Board Policy

ALL PERSONNEL

CONSULTANTS AND INDEPENDENT CONTRACTORS

The Board of Education may employ consultants or independent contractors, upon the recommendation of the superintendent, when consultants or independent contractors can provide valuable and necessary specialized services.

Definition

Contract consultants or independent contractors include speakers, discussion group leaders, advisors, writers, artists, professionals, technicians, specialists, translators, performing groups and other specialized individuals employed to meet professional and technical requirements of the district.

Contracts

All contracts between the district and consultants, independent contractors or agencies shall conform to prescribed standards as required by law.

All contracts between the district and consultants, independent contractors or agencies shall be prepared under the supervision of the assistant superintendent-business/human resources, and where appropriate, subject to approval of the legal advisor of the district.

Early Retirees

Early retirees are fully eligible for employment by the district as consultants or independent contractors or limited term employees. The compensation of early retirees serving as independent contractors may be determined in accordance with the provisions of policy 4117.1B when recommended by the assistant superintendent-human resources (or designee).

Legal Reference: Government Code
 53060 *Special services and advice*

Education Code
 10400 *Legislative intent (cooperative improvement programs)*
 35010 *Control of districts by board of trustees or board of education*
 35046 *Re school district awarding consultancy contracts to retired certificated employees who have been employed by the district for at least 10 years and who are at least 55 years of age*
 35172(a) *Promotional activities*
 5200.5 *Required procedures for entering into a contract for personal consulting services*

Policy adopted
 by the board: 09.18.78
 Revised: 11.15.88
 Revised: 12.10.96

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation****ALL PERSONNEL****CONSULTANTS AND INDEPENDENT CONTRACTORS**Compensation Classification

Professional staff shall classify each consultant or independent contractor recommended for employment into the appropriate fee payment category based upon the type of service to be rendered, the qualifications of the consultant or independent contractor, the amount of preparation required, the degree of need established for the services of the consultant or independent contractor and the length of service.

1. Rates may be negotiated in accordance with the complexity and difficulty of the project and industry standards, for similar work, both within and outside of the school District, and the qualifications and reputation of the individual recommended to do the work. A lower rate for any consultant or independent contractor may be established by the Superintendent.
2. Compensation for consultant or independent contractor services may include normal overhead and other usual costs to the consultant or independent contractor. Reimbursement where essential for unusual expenses not included in normal overhead shall be specifically set forth in the agreement with a maximum dollar limit. Additional reimbursement may be made for actual transportation costs and per diem allowances. Transportation and per diem allowances shall be in accordance with the District policy covering travel expense reimbursement.
3. Consultants or independent contractors employed for less than a full day may be paid at a fractional rate of the full day rate.
4. Normally the board shall consider recommendations for employment of a contractor or independent contractor prior to the date services are to be rendered. However, if unusual circumstances prevent the board from receiving the recommendations prior to the beginning date of service, the Superintendent may enter into agreements with consultants or independent contractors subject to board ratification.

Compensation Rates - Per Project

Consultants or independent contractors such as writers, artists and diagnosticians may be employed to complete a specific task or project.

1. Consultants or independent contractors are not covered by workers' compensation.
2. State and federal taxes are not withheld from pay warrants for consultants or independent contractors.
3. The consultant or independent contractor generally determines when, where and how work is to be done, except as specified in the contract.
4. The District shall engage only consultants or independent contractors who have expertise to perform the specified work without training/supervision from a District employee.
5. Consultants or independent contractors shall not be integrated into the District work force.

CONSULTANTS AND INDEPENDENT CONTRACTORS (continued)

6. Consultants or independent contractors shall provide labor, materials, and be responsible for attainment of the work specified in the contract.
7. Early retirees may provide consultant or independent contractor services to the District in conformity with the guidelines. Following completion of any such contract, the hiring of the early retiree for subsequent consulting/independent contracting is dependent upon satisfactory performance, and is solely at the discretion of the District.

Regulation
approved: 06.16.80
Revised: 12.06.88
Revised: 02.21.17

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

NON-DISCRIMINATION IN EMPLOYMENT

The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with the District to provide services, as applicable.

(cf. 1240 - Volunteer Assistance)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

(cf. 4111/4211/4311 - Recruitment and Selection)

The District shall not discriminate against or permit discrimination or harassment against any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

The District shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that it is necessary to comply with federal immigration law. (2 CCR 11028)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment

(cf. 4151/4251/4351 - Employee Compensation)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status

NON-DISCRIMINATION IN EMPLOYMENT (continued)

(cf. 4033 - Lactation Accommodation)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

- b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the District's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

- c. Requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

- d. Failure to make reasonable accommodation for the known physical or mental disability of an employee, or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

(cf. 4032 - Reasonable Accommodation)

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the District or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the District's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign any document that releases the employee's right to file a claim against the District or to disclose information about harassment or other unlawful employment practices, except as provided for in Government Code 12964.5 or its successor. (Government Code 12964.5)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated district coordinator on the next business day after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The District shall protect any employee who reports such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the District's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other related conduct, how to respond appropriately, and components of the District's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the District's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

NON-DISCRIMINATION IN EMPLOYMENT (continued)

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

*Legal Reference:***EDUCATION CODE**

200-262.4 *Prohibition of discrimination*

CIVIL CODE

51.7 *Freedom from violence or intimidation*

GOVERNMENT CODE

11135 *Unlawful discrimination*

11138 *Rules and regulations*

12900-12996 *Fair Employment and Housing Act*

12940-12952 *Unlawful employment practices*

12960-12976 *Unlawful employment practices; complaints*

PENAL CODE

422.56 *Definitions, hate crimes*

CODE OF REGULATIONS, TITLE 2

11006-11086 *Discrimination in employment, especially:*

11013 *Recordkeeping*

11019 *Terms, conditions and privileges of employment*

11023 *Harassment and discrimination prevention and correction*

11024 *Sexual harassment training and education*

11027-11028 *National origin and ancestry discrimination*

CODE OF REGULATIONS, TITLE 5

4900-4965 *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1681-1688 *Title IX of the Education Amendments of 1972*

UNITED STATES CODE, TITLE 29

621-634 *Age Discrimination in Employment Act*

794 *Section 504 of the Rehabilitation Act of 1973*

UNITED STATES CODE, TITLE 42

2000d-2000d-7 *Title VI, Civil Rights Act of 1964, as amended*

2000e-2000e-17 *Title VII, Civil Rights Act of 1964 as amended*

2000ff-2000ff-11 *Genetic Information Nondiscrimination Act of 2008*

2000h-2-2000h-6 *Title IX, 1972 Education Act Amendments*

6101-6107 *Age discrimination in federally assisted programs*

12101-12213 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 *Americans with Disabilities Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 *Compliance information*

104.7 *Designation of responsible employee for Section 504*

104.8 *Notice*

106.8 *Designation of responsible employee and adoption of grievance procedures*

106.9 *Dissemination of policy*

110.1-110.39 *Nondiscrimination on the basis of age*

COURT DECISIONS

Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863

Shephard v. Loyola Marymount (2002) 102 CalApp.4th 837

NON-DISCRIMINATION IN EMPLOYMENT (continued)*Management Resources:*

*CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
PUBLICATIONS*

California Law Prohibits Workplace Discrimination and Harassment

Transgender Rights in the Workplace

Workplace Harassment Guide for California Employers

Your Rights and Obligations as a Pregnant Employee

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

EEOC Compliance Manual

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by

Supervisors, June 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr>

U.S. Equal Employment Opportunity Commission (EEOC): <http://www.eeoc.gov>

Policy adopted

by the board: 09.18.78

Revised: 05.21.96

Revised: 04.23.09

Revised: 05.21.13

Revised: 06.18.19

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation**

ALL PERSONNEL

NONDISCRIMINATION IN EMPLOYMENT

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or person contracted to provide services to the District shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1240 - Volunteer Assistance)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

(cf. 4032 - Reasonable Accommodation)

The District designates the positions identified below as its coordinator(s) for nondiscrimination in employment (Coordinator) to coordinate the District's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the District's nondiscrimination policies. The coordinator may be contacted at:

Title VI and IX Coordinator
Assistant Superintendent – Human Resources or designee
16700 Norwalk Blvd,
Cerritos, California 90703
(562) 926-5566

Section 504 Coordinator
Assistant Superintendent – Human Resources or designee
16700 Norwalk Blvd,
Cerritos, California 90703
(562) 926-5566

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Display in a prominent and accessible location at every work site where the district has employees and post electronically on computers in a conspicuous location, the California Department of Fair Employment and Housing (DFEH) posters in regard to workplace discrimination and harassment and the rights of transgender employees (Government Code 12950)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

2. Publicize the District's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment

NONDISCRIMINATION IN EMPLOYMENT (continued)

- b. Posting them in all district schools and offices, including staff lounges and other prominent locations
- c. Posting them on the District's web site and providing easy access to them through district-supported social media, when available

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

(cf. 4111/4211/4311 - Recruitment and Selection)

- 3. Disseminate the District's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)
 - a. Printing and providing a copy of the policy to all employees, with an acknowledgment form for each employee to sign and return
 - b. Sending the policy via email with an acknowledgment return form
 - c. Posting the policy on the District intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
 - d. Discussing the policy with employees upon hire and/or during a new hire orientation session
 - e. Any other way that ensures employees receive and understand the policy

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

- 4. Provide to employees a handbook which contains information that clearly describes the District's nondiscrimination policy, procedures for filing a complaint, and resources available to employees who believe they have been the victim of any discriminatory or harassing behavior
- 5. Provide training to employees, volunteers, and interns regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

The District may also provide bystander intervention training to employees that includes information and practical guidance on how to recognize potentially problematic behaviors and motivates them to take action when they observe such behaviors. The training and education

may include exercises to provide employees with the skills and confidence to intervene as appropriate and to provide them with resources they can call upon that support their intervention. (Government Code 12950.2)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

- 6. Periodically review the District's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law

NONDISCRIMINATION IN EMPLOYMENT (continued)

7. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce

Complaint Procedure

Any complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. Notice and Receipt of Complaint: Any complainant may inform a direct supervisor, another supervisor, the coordinator, or the Superintendent. The employee's direct supervisor may be bypassed in filing a complaint where the supervisor is the subject of the complaint.

The complainant may file a written complaint in accordance with this procedure or may first attempt to resolve the situation informally with the employee's supervisor.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the Coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

2. Investigation Process: The Coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The Coordinator shall meet with the complainant to describe the District's complaint procedures and discuss the actions being sought by the complainant in response to the allegation. The Coordinator shall inform the complainant that the investigation of the

allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. The coordinator shall also inform the parties that the investigation will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

If the Coordinator determines that a detailed fact-finding investigation is necessary, the investigation shall begin immediately. As part of this investigation, the Coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

NONDISCRIMINATION IN EMPLOYMENT (continued)

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out the investigation or to protect employee safety, the Coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the District's risk manager.

The Coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents are prevented. The Coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Corrective Action:** No more than 30 business days after receiving the complaint, the Coordinator shall conclude the investigation and prepare a written report of the findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator shall notify the parties and explain the reason for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented. The report shall be presented to the Superintendent or designee.

A summary of the findings shall be presented to the complainant and the person accused.

4. **Appeal to the Governing Board:** The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the Coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 9321 - Closed Session Purposes and Agendas)

Other Remedies

In addition to filing a discrimination or harassment complaint with the District, a person may file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)

NONDISCRIMINATION IN EMPLOYMENT (continued)

3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)

Regulation
approved: 05.18.99
Revised: 05.21.13
Revised: 06.18.19

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

CONFERENCES, CONVENTIONS, WORKSHOPS AND TRAVEL

The Board of Education of the district hereby delegates to the district superintendent authority to authorize travel for employees in accordance with the following policy:

The Board of Education establishes the budget annually for conferences, conventions, workshops and travel as a matter of policy determination. Following the approval of the annual budget for this category of expenditure, the superintendent is specifically delegated authority as follows:

1. Establishment and control of budgetary limitations for conferences, conventions, workshops and necessary travel.
2. Authorization of employees to attend conferences, conventions, workshops or travel in the performance of services to the district, except that out-of-state conferences or those for which the total estimated cost of attendance per individual exceeds \$500, shall require prior approval of the Board of Education.
3. Development and maintenance of administrative guidelines governing the expenditure of district funds by employees for conferences, conventions, workshops and travel, based on actual and necessary expenses.
4. Preparation of an annual report to the board on conference attendance by district employees.
5. Authorization for employees to receive advance payment.
6. General administration of conferences, conventions, workshops and travel policy and regulations.

Inservice Training -- Inservice training for employees and necessary costs in conjunction with such inservice training may be allowed. "Inservice" as used in this policy is intended to mean formal inservice presentations for staff development purposes and is not intended to cover budget meetings or other staff meetings which are a normal operational occurrence. A total maximum cost and breakdown of such estimated costs shall be presented to the Board of Education for pre-approval, with a list of persons or positions authorized to attend.

CONFERENCES, CONVENTIONS, WORKSHOPS AND TRAVEL (continued)

Informal Meetings -- If the board directs an informal meeting be held consisting of selected district employees and/or board members at a designated site or location other than district facilities, meal and mileage expenses are authorized in accordance with other applicable provisions of this policy.

Legal Reference: Education Code

<i>1071</i>	<i>Certain powers relating to promotion of advancement of education</i>
<i>1300</i>	<i>Payment of expenses; advance of funds; direction of travel by governing board</i>
<i>44032</i>	<i>Travel expense payment</i>

Policy adopted
by the board: 12.19.77
revised: 11.15.82

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation**

ALL PERSONNEL

APPROVAL OF CONFERENCE ATTENDANCE

1. General — Attendance at professional conferences, conventions and workshops, fulfills the following objectives:
 - a. Helps strengthen the employee's capacity to perform assigned tasks.
 - b. Provides current information regarding new trends, methods, programs and materials, and assists in the development of criteria for evaluation and improvement.
 - c. Provides materials and learning experiences that may expand knowledge, favorably alter perceptions, and develop valued skills.

Personnel is encouraged to attend conferences, conventions and workshops conducted in the local area, but to be selective about attendance at those which are held in locations where lodging and per diem become expensive items. Out-of-state conferences will be subject to close scrutiny and require special justification, and should show promise of exceptional benefit to the school district.

All requests to attend conferences, conventions and workshops should be submitted at least 14 days in advance in order to provide adequate time for consideration and proper planning of the activity.

All who attend professional activities under this procedure may be required to prepare conference reports.

Travel expenses shall be reimbursed as provided by administrative regulation 4031.4B Conference Expense Allowances.

2. Relationship of Conferences, Conventions and Workshops to Assigned Job — Generally, personnel is advised to attend only those conferences, conventions and workshops which are clearly related to their areas of assigned job responsibility.

The following information is summarized here to help employee and supervisor keep the applications for conferences, conventions and workshops in conformity with district policy. Please take special note of the following points:

- a. It is the intent of the district policy to support participation by personnel as employees of the district.
- b. Personnel should attend only those conferences, conventions and workshops which are clearly job related or related to the areas of assigned educational responsibility.

APPROVAL OF CONFERENCE ATTENDANCE (continued)

- c. Conference, convention or workshop attendance is intended to further the direct contribution of an employee by improving job performance.
- d. Those conferences, conventions and workshops whose primary purpose is the improvement of job performance or the education of pupils, but which also contain sessions on employee organization business, negotiation, etc., may be attended by personnel who apply for the primary purpose of improving their own performance and that of their colleagues in their areas of assigned responsibilities. Employee and supervisor are asked to exercise careful judgment before applying for this type of conference, convention or workshop.

3. Participation in Conferences, Conventions and Workshops

- a. Local Conferences — supervisors are asked to exercise careful judgment before applying for this type of conference, convention or workshop.

Employees are encouraged to take advantage of local activities because of the potential for greater benefit at lower cost.

- b. National or Distant Conference — supervisors are asked to exercise careful judgment before applying for this type of conference, convention or workshop.

Careful consideration of the cost vs. potential benefits should be given before requesting or approving such conferences.

- c. Office Holders — If an employee holds a state or national office in a work-related organization, or has responsibilities at a work-related conference, the employee may be given consideration for attendance at state and local conferences.
- d. Limitations — The superintendent and cabinet-level administrators are expected to exercise the "rule of reason" in authorizing attendance at conferences, conventions and workshops, particularly in regard to the number of people who attend distant and/or expensive conferences where selective, representative attendance would suffice.

4. Conditions Required for Conference Attendance

Conference attendance is authorized in compliance with the following conditions:

- a. Attendance at the conference does not conflict with the applicant's primary assignment in the district.
- b. Attendance meets all requirements established by these administrative regulations.
- c. Funds for attendance are available and included within the framework of the adopted budget.
- d. The attendance of the employee is considered to be of importance or value to the district.

APPROVAL OF CONFERENCE ATTENDANCE (continued)

5. Approval of Conference Attendance — Conference attendance may not be approved when:
 - a. The number of requests made by other employees for attendance at conferences or meetings covering the same period of time is so large that the attendance by additional employees would interfere with the operation of the school district.
 - b. The absence of the employee from duty would interfere with the operation of the school or school system.
 - c. The employee has been absent previously because of convention attendance in excess of a reasonable number of times.
 - d. It is known that the purpose of the trip may be to lobby on a subject before the Legislature or one of its committees in opposition to a definite stand or official action taken by the Board of Trustees.
 - e. Excessive use of district funds for conference attendance may result.
 - f. Absence from assigned responsibility becomes excessive.
6. Administrative Procedures — Conference attendance may be initiated by an employee, or for an employee by a superior. In either case the following procedure shall be followed.
 - a. The employee completes the Conference and Convention Attendance Request form.
 - b. The immediate superior may approve the request if it is found that the employee's attendance will benefit the district, that funding is available and that all conditions of district policy and procedure, above, are fulfilled.
 - c. Final approval is authorized by the appropriate cabinet-level administrator, and is based on the same conditions listed in b. above.

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation**

ALL PERSONNEL

CONFERENCE EXPENSE ALLOWANCES

1. Lodging and Meals — All necessary and reasonable expenses as determined by the immediate supervisor responsible for the appropriate budget.
2. Registration and Transportation and Other Costs — Actual and necessary expenses may be covered by district purchase order or by the employee, to be reimbursed after attendance at conference or convention.
 - a. **Transportation:** Calculations shall be based on the most direct route; and tourist or economy class rates will be used on all flights. If a private automobile is used by the attendee, reimbursement will be at the current rate per mile as established by the Board of Education each year; however, reimbursement shall not exceed direct air fares (coach/economy class) to the conference location.

Mileage reimbursement for employees who receive flat rate mileage will be as follows:

Conference site 1 - 100 miles round trip, no mileage reimbursement; over 100 miles round trip, 100% reimbursement.

Exception: For distances in excess of 120 miles, maximum reimbursement is tourist (coach) air fare.
 - b. **Expenses excluded:** Personal long distance calls; lodging for spouses; laundry; room service charges; auto rental for personal use.
3. Advance payment must be requested at least three (3) weeks prior to the conference. Advance requests shall be granted for only those conferences exceeding a total cost of \$150, excluding transportation or other costs which can be charged to a district purchase order. Advance payments will be limited to amounts in excess of the \$150, but not to exceed \$100 per day.
4. Preregistration, registration and other conference related expenses cannot be charged to imprest or revolving cash accounts.
5. All claims must be turned in within ten (10) days after the conference. Receipts for lodging are required.

Regulation
approved: 12.19.77
revised: 12.06.88

**ABC UNIFIED SCHOOL DISTRICT
Board Policy****ALL PERSONNEL****PUBLICATION OR CREATION OF MATERIALS**

The governing board recognizes that staff members under contract to the school district may, in carrying out their professional responsibilities, develop patentable or copyrightable educational materials for use in the school program. It is understood by the governing board and the staff members that such materials developed as part of regular employment are the properties of the school district.

It is understood that educational materials created by an employee when the employee is not fulfilling his/her contractual duties to the school district are the property of the employee.

This policy also encompasses software.

Legal Reference: Education Code
32360 Copyrights; use of funds
32361 Copyrights; use of employee worktime
35170 Authority to secure copyrights
60076 Inapplicability of article; royalties or other compensation of school officials writing or preparing instructional materials; claim of district to royalty

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

COPYRIGHTS AND PATENTS

The governing board may secure copyrights, in the name of the district, to all copyrightable work developed by the school district, and royalties or revenue from said copyrights are to be for the benefit of the school district.

This policy also encompasses software.

*Legal Reference: Education Code
 35170 Authority to secure copyrights
 60076 Royalties*

Policy adopted
by the board: 09.18.78
revised: 06.03.85

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

Lactation Accommodation

Personnel

The Governing Board recognizes the immediate and long-term health advantages of breastfeeding for infants and mothers and desires to provide a supportive environment for any District employee to express milk for her infant child upon her return to work following the birth of the child. The Board prohibits discrimination, harassment, and/or retaliation against any District employee who chooses to express breast milk for her infant child while at work.

(cf. 4030 - Nondiscrimination in Employment)

The District shall provide a reasonable amount of break time to accommodate an employee each time she has a need to express breast milk for her infant child. (Labor Code 1030)

To the extent possible, such break time shall run concurrently with the break time already provided to the employee. Any additional break time used by a non-exempt employee for this purpose shall be unpaid. (Labor Code 1030; 29 USC 207)

The employee shall be provided a private location, other than a restroom, which is in close proximity to her work area and meets the requirements of Labor Code 1031 and 29 USC 207, as applicable.

Employees are encouraged to notify their supervisor or other appropriate personnel in advance of their intent to make use of the accommodations offered for employees who are nursing mothers. As needed, the supervisor shall work with the employee to address arrangements and scheduling in order to ensure that the employees' essential job duties are covered during the break time.

Lactation accommodations may be denied only in limited circumstances in accordance with law. (Labor Code 1032; 29 USC 207)

Before an employee's supervisor makes a determination to deny lactation accommodations, he/she shall consult the Superintendent or designee. In any case in which lactation accommodations are denied, the Superintendent or designee shall document the options that were considered and the reasons for denying the accommodations.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

CIVIL CODE

43.3 Right of mothers to breastfeed in any public or private location

GOVERNMENT CODE

12940 Discriminatory employment practices

2945 Discrimination based on pregnancy, childbirth, or related medical conditions

LABOR CODE

1030-1033 Lactation accommodation

CODE OF REGULATIONS, TITLE 2

11035-11049 Sex discrimination; pregnancy and related medical conditions

UNITED STATES CODE, TITLE 29

207 Fair Labor Standards Act; lactation accommodation

Lactation Accommodation (continued)

FAIR EMPLOYMENT AND HOUSING COMMISSION DECISIONS

*Department of Fair Employment and Housing v. Acosta Tacos (Chavez), FEHC
Precedential Decision 09-03P, 2009*

Management Resources:

CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

Rest Periods/Lactation Accommodation, Frequently Asked Questions

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH PUBLICATIONS

Minimum Requirements of the California Lactation Accommodation Law

CENTERS FOR DISEASE CONTROL AND PREVENTION PUBLICATIONS

Lactation Support Program Toolkit

FEDERAL REGISTER

*Reasonable Break Time for Nursing Mothers, December 21, 2010, Vol. 75, No. 244,
pages 80073-80079*

OFFICE OF THE SURGEON GENERAL PUBLICATIONS

The Surgeon General's Call to Action to Support Breastfeeding, 2011

HEALTH RESOURCES AND SERVICES ADMINISTRATION PUBLICATIONS

*The Business Case for Breastfeeding: Steps for Creating a Breastfeeding Friendly
Worksite, Toolkit, 2008*

U.S. DEPARTMENT OF LABOR, WAGE AND HOUR DIVISION, PUBLICATIONS

Fact Sheet #3: Break Time for Nursing Mothers under the FLSA, rev. December 2010

WEB SITES

*California Department of Industrial Relations, Division of Labor and Standards
Enforcement: <http://www.dir.ca.gov/dlse>*

California Department of Public Health: <http://www.cdph.ca.gov>

California Women, Infants and Children: <http://www.wicworks.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Health Resources and Services Administration: <http://www.hrsa.gov>

Office of the Surgeon General: <http://www.surgeongeneral.gov>

*U.S. Department of Labor, Wage and Hour Division, Break Time for Nursing Mothers:
<http://www.dol.gov/whd/nursingmothers>*

**ABC UNIFIED SCHOOL DISTRICT
Board Policy****ALL PERSONNEL****TRAVEL EXPENSES -- EMPLOYEES**

It shall be the policy of the Board of Education to provide for the payment of the actual and necessary expenses, including traveling expenses, of any certificated or classified employee of the district incurred in the course of performing services for the district, whether within or outside the district.

Employees of the district who use their automobiles in the performance of their regularly assigned duties shall be reimbursed on a mileage basis.

The Board of Education delegates to the superintendent the authority to perform all powers described in this policy provided that funds expended pursuant to this delegation shall not exceed the amount budgeted for such purposes. The board establishes the budget annually for travel expense payment as a matter of policy determination. Following the approval of the annual budget for this category of expenditure, the superintendent is directed to:

1. Establish and control budgetary limitations for travel expense payments.
2. Authorize the payment of traveling expenses of any employee of the district incurred in the course of performing services for the district.
3. Authorize employees to receive advance payment.
4. Administer travel expense payments, policies and regulations.

Legal Reference: Education Code
44032 Travel expense payment
44033 Automobile allowances

(Supercedes policies 4133 and 4233)

Policy
adopted: 11.15.82

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

AUTOMOBILE ALLOWANCES

1. Monthly Automobile Allowance:
 - a. Monthly automobile allowance is provided for positions on the Schedule of Monthly Automobile Allowances as approved by the superintendent.
 - b. Consideration will be given to all management and confidential employees who are required to use their personal cars on a regular basis.
 - c. Payment will be made at the rate established for each full month of service*. A full month of service is defined as any calendar month wherein the employee is on duty at least fifty percent (50%) of the working days. In no case will double payment be made for the number of days a substitute had been authorized to receive mileage reimbursement for the same service. An employee on a percentage contract will receive their contract percentage of the flat rate established.
 - d. All twelve-month employees qualifying for flat rate mileage will receive no more than eleven (11) months reimbursement.
 - e. All eleven-month employees qualifying for flat rate mileage will receive no more than ten (10) months reimbursement.
 - f. All ten-month employees qualifying for flat rate mileage will receive no more than ten (10) months reimbursement.
2. Mileage Allowance:

Other management or confidential employees using their private cars on school business authorized by the appropriate supervisor will be reimbursed at the rate per mile established by the board each year.
3. The superintendent shall prepare an annual report to the board on monthly automobile allowance.

"No reimbursements will be made for the number of days of vacation earned each year. Twelve-month employees will receive eleven (11) monthly payments for a full year of service' and eleven-month employees will receive ten (10) monthly payments for a full year of service.

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation**

ALL PERSONNEL

AUTOMOBILE ALLOWANCE

Schedule of Monthly Automobile Allowances

The herein below named positions are approved in accordance with Sections 44032 and 44033 of the Education Code, policy 4333.1, to receive an automobile allowance on a monthly basis as listed.

Position	Monthly Allowance	Number of Months
Superintendent	\$300.00	11
Deputy Superintendent	90.00	11
Assistant Superintendent	90.00	11
Coordinator-CETA Projects	90.00	11
Bilingual/Bicultural Program Aide	85.00	11
Community Aide, Title VII	83.00	10
Supervisor-Child Welfare Attendance	80.00	10
Assistant Director-Adult School	80.00	11
Program Coordinator-Adult School	75.00	11
Zone Administrator	70.00	11
Director-Personnel, Curriculum Services, Adult School. Director-Employee Relations	70.00	11
School/Family Counselor	70.00	10
Coordinator-Curriculum Services	65.00	11
Zone Music Teacher	60.00	10
ESAA Community Aide	60.00	11
Curriculum Coordinator	60.00	11
Director-ESSA Projects	57.00	11
Supervisor-Career & Vocational Education	55.00	11
Supervisor-Children's Center	55.00	11
Director-Data Processing	50.00	11
Supervisor-Special Education	48.00	11
Coordinator-Consolidated Projects	48.00	11
Coordinator-Special Projects Development	48.00	11
Coordinator-Staff Development	48.00	11
Assistant Supervisor-Special Education	45.00	10
Coordinator-Research, Planning & Evaluation	45.00	11
Principal - all Principals	40.00	11
New Careers Team Leaders	40.00	11
Community Aide Title I	35.00	10
Public Information Officer	35.00	11
Coordinator-Health Services	30.00	10
ESAA Building Leaders	30.00	10
Classified Personnel Administrator	30.00	11
Personnel Assistant	30.00	11
Psychologist	28.00	10
Nurse	25.00	10
Home Teacher	25.00	10
Educacion En Marcha Program-Counselors	23.00	10

NOTE: Eleven and twelve-month employees reduced one month for earned vacation period.

Regulation

approved: 09.18.78

revised: 11.19.79

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

PERSONNEL - CERTIFICATED PERSONNEL

ORGANIZATIONS/UNITS

"Employee organization" shall mean any organization which includes employees of the district and which has as one of its primary purposes representing employees of the district in their relations with the district.

"Exclusive representative" shall mean the employee organization recognized or certified as the exclusive negotiating representative of certificated or classified employees in an appropriate unit of the district.

District employees shall have the right to form, join and participate in activities of employee organizations of their choosing for the purpose of representation on all matters of employer--employee relations. District employees shall also have the right to refuse to join or participate in activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the district, except that once the employee is in an appropriate unit has selected an exclusive representative and has been recognized pursuant to Section 3544.1 or certified pursuant to Section 3544.7, no employee in that unit may meet and negotiate with the district.

Legal Reference:

	<i>Government Code, Division 4 of Title I</i>
<i>3540</i>	<i>Article 1. General provisions</i>
<i>3543</i>	<i>Article 4. Rights, obligations, prohibitions, and unfair practices</i>
<i>3544</i>	<i>Article 5. Employee organizations: representation, recognition, certification, and decertification</i>

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

USE OF MAIL SERVICE AND MAIL BOXES

Employee organizations may use the district mail service and employee mail boxes for written communications to employees.

Employee organizations shall submit copies of all communications to the superintendent (or designee) at the time of the entrance of such communications into the district mail system.

*Legal Reference: Government Code, Division 4 of Title I
3543 Article 4. Rights, obligations, prohibitions, and unfair practices*

Policy adopted
by the board: 09.18.78

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

NEGOTIATIONS/CONSULTATION

"Meeting and negotiating" shall mean meeting, conferring, negotiating and discussing by the exclusive representative and the district in a good faith effort to reach agreement on matters within the scope of representation and the execution if requested by either party, of a written document incorporating any agreements reached, which document shall, when accepted by the exclusive representative and the public school employer, become binding upon both parties and notwithstanding Section 3543.7, shall not be subject to subdivision 2 of Section 1667 of the Civil Code. The agreement may be for a period not to exceed three (3) years.

Consultative subjects shall be those items of representation in which the exclusive representative of certificated personnel may consult. The items include:

1. Definition of educational objectives.
2. The determination of course content and curriculum.
3. Selection of textbooks.

All matters not specifically listed as mandatory subjects of negotiations or consultative subjects are reserved to the school board and may not be a subject of meeting and negotiating. However, nothing in the scope of negotiations may be construed to limit the employer to consult with any employee or organization on any matter outside the scope of negotiations.

Legal Reference: *Government Code, Division 4 of Title I*
 3540 *Article 1. General provisions*
 3543 *Article 4. Rights, obligations, prohibitions, and unfair practices*

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

PUBLIC NOTICE

All initial proposals of the exclusive representatives and of the district, which relate to matters within the scope of representation, shall be presented at a public meeting of the district and thereafter shall be public records.

Meeting and negotiating shall not take place on any proposal until a reasonable time has elapsed after the submission of the proposal to enable the public to become informed and the public has the opportunity to express itself regarding the proposal at a meeting of the governing board of the district.

After the public has had the opportunity to express itself, the governing board of the district shall at a meeting which is open to the public adopt its initial proposal.

*Legal Reference: Government Code, Division 4 of Title I
3547 Article 8. Public notice*

Policy adopted
by the board: 09.18.78

ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation

ALL PERSONNEL

PUBLIC NOTICE

Collective Bargaining Procedures

1. Procedures for Initial Negotiating Proposals Within the Meaning of Government Code Sections 3543.2 and 3547
 - a. Prior to meeting and negotiating, initial negotiating proposals of the exclusive representative of the Board of Education, within the meaning of Government Code Sections 3543.2 and 3547, shall be made available to the public. After a reasonable time, the Board of Education at a public meeting shall provide the public an opportunity to comment regarding the initial proposals.
 - b. Initial negotiating proposals in response to proposals processed under paragraph (a.) above, within the meaning of Government Code Sections 3543.2 and 3547, shall be made available to the public. After a reasonable time, the Board of Education at a public meeting shall provide the public an opportunity to comment regarding the initial responsive proposals.
2. Procedures for New Subjects of Meeting and Negotiating Within the Meaning of Government Code Sections 3543.2 and 3547 After the Presentation of Initial Negotiating Proposals
 - a. New subjects of meeting and negotiating, within the meaning of Government Code Sections 3543.2 and 3547, arising after the presentation of initial negotiating proposals shall be made public within twenty-four (24) hours by posting copies at the district office and school site principal offices in a conspicuous area frequented by the public.
 - b. If any vote is taken by the Board of Education on a new subject of negotiations, the board shall make the roll call vote available as a matter of public record within twenty-four (24) hours of the time of the vote.

Legal Reference: *Government Code*
 3543.2 *Scope of representation*
 3547 *Proposals relating to representation*

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

MEETINGS

In accordance with the power and authority of the governing board to fix and prescribe the duties to be performed by all persons in the service of the district, the superintendent (or designee) is authorized to call and conduct such meetings of the staff as are necessary to conduct properly the business of the district.

*Legal Reference: Education Code
 35029 Duties of employees fixed by governing board*

Policy adopted
by the board: 09.18.78

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

COMPENSATION AND RELATED BENEFITS

The governing board of the district shall fix and order paid the compensation of all persons employed by the board.

For those members of the staff who are part of a bargaining unit, only the exclusive representative can bargain over salaries.

<i>Legal Reference:</i>	<i>Education Code</i>
	45022 <i>Governing board to fix compensation</i>
	45160 <i>Power of governing board to fix compensation</i>
	3543.1 <i>Employee representation by an exclusive representative</i>

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

EMPLOYEE USE OF TECHNOLOGY

The Governing Board recognizes that technological resources can enhance employee performance by offering effective tools to assist in providing a quality instructional program; facilitating communications with parents/guardians, students, and the community; supporting district and school operations; and improving access to and exchange of information. The Board expects all employees to learn to use the available technological resources that will assist them in the performance of their job responsibilities. As needed, employees shall receive professional development in the appropriate use of these resources.

(cf. 0440 - District Technology Plan)
(cf. 1113 - District and School Web Sites)
(cf. 4032 - Reasonable Accommodation)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6163.4 - Student Use of Technology)

Employees shall be responsible for the appropriate use of technology and shall use the District's technological resources for purposes related to their employment.

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

Employees shall be notified that computer files and electronic communications, including email and voice mail, are not private. Technological resources shall not be used to transmit confidential information about students, employees, or district operations without authority.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

Online/Internet Services

1. Protection

The Superintendent or designee shall ensure that all district computers with Internet access have a technology protection measure that prevents access to visual depictions that are obscene or pornographic and that the operation of such measures is enforced. The Superintendent or designee may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. (20 USC 6777; 47 USC 254)

2. Monitoring of Technology Resource Usage

To ensure proper use, the Superintendent or designee may monitor employee usage of technological resources, including the accessing of email, instant messaging, web site histories, and stored files. Monitoring may occur at any time without advance notice or consent. When passwords associated with district provided technology resources are utilized, they must be known to the Superintendent or designee so that he/she may have system access.

EMPLOYEE USE OF TECHNOLOGY (continued)3. Administrative Regulations and Acceptable Use Agreement

The Superintendent or designed director(s) shall establish administrative regulations and an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of district technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all employees who use the District's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the District's Acceptable Use Agreement.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

Use of Cellular Phone or Mobile Communications Device

An employee shall not use a cellular phone or other mobile communications device for personal business while on duty, except in emergency situations and/or during scheduled work breaks.

1. Employees on Duty

Employees on duty are not to operate mobile communications devices while driving a motor vehicle, with or without a hands free device. Employees on duty must safely pull their motor vehicle over to a stop prior to using such device(s).

2. Exceptions for Use of Cellular Phone

- a. When making an emergency call to law enforcement, health care provider, fire department, or other emergency services.
- b. School bus drivers may use a two-way radio for district business operated by a "push-to-talk" feature.

Any employee that uses a cell phone or mobile communications device in violation of law, Board policy, or administrative regulation shall be subject to discipline and may be referred to law enforcement officials as appropriate.

(cf. 3513.1 - Cellular Phone Reimbursement)

(cf. 3542 - School Bus Drivers)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement)

*Legal Reference:*EDUCATION CODE

51870-51874 Education technology

52270-52272 Education technology and professional development grants

52295.10-52295.55 Implementation of Enhancing Education Through Technology grant program

GOVERNMENT CODE

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation**

ALL PERSONNEL

EMPLOYEE USE OF TECHNOLOGY

Online/Internet Services: User Obligations and Responsibilities

Employees are authorized to use district equipment to access the Internet or other online services and district network services in accordance with Board policy, the District's Acceptable Use Agreement, and the user obligations and responsibilities specified below.

1. The employee is responsible at all times for the proper use of district network access and district issued application accounts, and all personal online accounts that have been approved as district affiliated. Employees shall maintain as private and not share with others all such account user names and passwords or associated academic and confidential information such as home addresses and telephone numbers. Employees shall use such accounts only under the account number to which they have been assigned.
2. Employees shall use the system safely, responsibly, and for work-related purposes.
3. Employees shall not access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, ethnicity, national origin, sex, gender, sexual orientation, age, disability, religion, or political beliefs.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

4. Employees shall not use the system to promote unethical practices or any activity prohibited by law, Board policy, or administrative regulations.

(cf. 4119.25/4219.25/4319.25 - Political Activities of Employees)

5. Employees shall not use district technology to engage in commercial or other for-profit activities, or any non-work related advertising or solicitation without permission of the Superintendent or designee.
6. Copyrighted material shall be posted online only in accordance with applicable copyright laws.

(cf. 6162.6 - Use of Copyrighted Materials)

7. Employees shall not intentionally interfere with other users' ability to send or receive email, nor shall they attempt to read, delete, copy, modify, or forge other users' email. In addition, employees should not access nor interfere with any others' network access, network and online accounts, or digitally stored files.

EMPLOYEE USE OF TECHNOLOGY (continued)

8. Employees shall not develop any classroom or work-related web sites, blogs, forums, or similar online communications representing the District or using district equipment or resources without permission of the Superintendent or designee. Such sites shall be subject to rules and guidelines established for district online publishing activities including, but not limited to, copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Because of the unfiltered nature of blogs, any such site shall include a disclaimer that the District is not responsible for the content of the messages. The District retains the right to delete material on any such online communications.

(cf. 1113 - District and School Web Sites)

9. Users shall report any security problem or misuse of the services to the Superintendent or designee.
10. Employees shall not intentionally or negligently upload, download or create computer viruses and/or maliciously attempt to harm or destroy district equipment or materials or the data of any other users, including so-called "hacking."
11. If an employee's misuse of the District's network, hardware, or software results in loss or damage, the cost of repair may be charged to the employee with the approval of the Superintendent or designee.
12. Only district owned devices may be connected to the district network. Any employee wishing to use a personal or donated computer on the network, must receive permission from the Information and Technology Department. Personal and donated computers must be imaged to meet district standards. District files, records, or systems shall not be copied or transferred from any district device to any privately owned equipment or service except where authorized by the Superintendent or designee.
13. All network technology (computers, printers, wireless routers, network cameras, and other devices) will be installed and maintained by authorized Information and Technology staff, or designees, in communication with the site administrators. Unauthorized equipment may be removed from the network by the Information and Technology Department.
14. Employees shall not remove any district equipment (i.e. laptop computer) from district work locations without the informed consent of their site/department manager. Informed consent means that the supervisor knows what equipment is leaving, what data it contains, and for what purpose it will be used.
15. Employees and agents working on behalf of the District may be granted access to secured electronic files, records or systems from locations outside the District only with the knowledge and approval of the Superintendent or designee.
16. Employees shall not remove nor distribute any district data (information) outside of the confines of the district network, confidential or otherwise, without permission from the Superintendent or designee.
17. Employees shall protect all student, staff and district confidential information.

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

PAYROLL DEDUCTIONS

Employee organizations shall have the right to have membership dues deducted pursuant to applicable sections of the Education Code until such time as an employee organization has been recognized as the exclusive representative for any of the employees in an appropriate unit. At such time, membership dues deductions shall not be permissible except to the exclusive representative.

Employees in an appropriate unit shall be entitled to have payroll deductions, without charge, for health, dental and life insurance, and salary/income protection provided under the district fringe benefit program. Payroll deductions for employees in an appropriate unit shall not be available for any other health or welfare plans.

*Legal Reference: Government Code
3543.1(d) Rights of employee organizations to have membership dues deducted*

*Education Code
45060 Deductions for organization dues
44041 Deductions in salary payment as requested by employee
44042 Payroll deduction for collection of insurance premium*

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation**

ALL PERSONNEL

FRINGE BENEFITS PROGRAM

Health and Welfare Benefits

1. Group Insurance Plans

a. Group insurance plans available to eligible district employees include:

- (1) Hospital and Major Medical Health Insurance - Employees eligible to receive a district contribution above the fifty percent (50%) level of benefits shall be enrolled in one of the health plans offered within the district's fringe benefit program.
 - (a) If employees are covered as dependents under one of the health insurance plans offered by the school district, they are exempt from this requirement upon presentation of a copy of an identification card for the insurance and the signing of a "waiver form."
 - (b) If employees are hired at the fifty percent (50%) level of benefits, they may enroll in a health plan, but are not required to do so. However, if they wish to participate in the annuity program, they must enroll in a dental plan and the district's offered life insurance plan.
- (2) Dental Insurance - All eligible employees shall be enrolled in one of the district's plans. If covered as a dependent under a group plan offered by the school district, they are exempt from this requirement upon presentation of a copy of an identification card for the insurance and the signing of a "waiver form."
- (3) Life Insurance - If eligible employees shall be enrolled in the district's offered plan.
- (4) Vision Insurance - All eligible employees may enroll in the district's vision plan. Employee who enroll in the Crown medical plan are required to also enroll in the Crown vision plan.

2. Benefit Period

- a. The period of benefit coverage for health, dental, vision and life insurance shall begin July 1 and terminate June 30 of the next ensuing year.
 - (1) Employees who receive a district contribution and who work through the end of the school year shall have coverage through July 31.

FRINGE BENEFITS PROGRAM (continued)

- (2) Employees participating in the district's fringe benefit program who terminate their employment prior to the close of the school year shall have coverage through the last day of the month for which insurance premiums have been paid.
3. Eligible Participants (Unless otherwise noted, district contribution shall be in accordance with item 5, table of benefits.)
 - a. Certificated employees hired under a contract of fifty percent (50%) or more.
 - b. Certificated hourly employees:
 - (1) Those serving eighteen (18) hours or more per week on or after July 1, 1977.
 - (2) Those serving fifteen (15) hours or more per week who participated in the fringe benefit program during the 1976-77 school year.
 - c. Certificated retirees participating in the early retirement incentive program (health insurance only).
 - d. Certificated employees opting for reduced services employment.
 - e. Classified employees working twenty (20) hours or more per week.
 - f. Classified employees opting for early retirement in accordance with district regulations (health insurance only).
 - g. Employees on unpaid leave of absence (premiums to be paid by employee).
 - h. Employees on paid leave of absence including sabbatical leave (district's contribution to be paid in accordance with the level of benefits held at time of leave).
 - i. Retirees who, at the time of retirement, opt to make full premium payments for continuing group coverage (health and/or dental insurance only).
 - j. Members of the Board of Education.
 - k. Professional experts (if part of hiring agreement).
4. Ineligible Employees

The following employees are ineligible for participation in the fringe benefit program:

 - a. Substitutes.
 - b. Employees hired on an "as-needed" basis.

FRINGE BENEFITS PROGRAM (continued)

- c. Casual or consultant employees.
- d. Employees who are not part of the classified service including, but not limited to:
 - (1) Limited term employees (temporary and/or short term--whatever name).
 - (2) Playground supervisors (by whatever name).
 - (3) Student helpers.
- e. Employees eligible for district contribution who fail to enroll in one of the district's health plans (unless exempt) or who fail to enroll in the district's dental and life plans.

5. Table of Benefits

- a. Certificated employees:

Certificated Contract Employees	Table #1 Certificated Hourly Employees Eligible for Benefits During the 1976-77 School Year	Table #2 Certificated Hourly Employees Eligible for Benefits On or After July 1, 1977	Level of Benefits (%)
1/2 Contract	15-18 hours per week	18-22 hours per week	50
5/8 Contract	19-22 hours per week	23-26 hours per week	62-1/2
6/8 Contract	23-26 hours per week	27-31 hours per week	78
7/8 Contract	27-30 hours per week	32-35 hours per week	87-1/2
8/8 Contract	Over 30 hours per week	Over 35 hours per week	100

- b. Classified Employees

Classified Employees Work Week	Level of Benefits (%)
20-24 hours per week	50
25-29 hours per week	62-1/2
30-34 hours per week	75
35-39 hours per week	87-1/2
Over 40 hours per week	100

- c. The table of benefits (former table of equivalents) became effective July 15, 1974 for all new employees. Those employed prior to that date and who received fringe benefits will continue to do so (without proration) as long as they remain eligible to receive benefits.

FRINGE BENEFITS PROGRAM (continued)

- (1) Those employees who opt to change to positions with fewer number of work hours, or those employees who opt to work less number of hours in the same position, will have their benefits prorated in accordance with table #1 of the above table of benefits.
 - d. The table of benefits (former table of equivalents) were revised on August 4, 1975 to include hourly certificated employees. Table #1 shall continue to be applicable to those hourly employees who participated in the district's fringe benefit program during the 1976-77 school year.
 - e. Table #2 is applicable and effective for those hourly certificated employees eligible for benefits on or after July 1, 1977.
6. Change of Employment Status - Employees whose employment status changes during the school year (additional or less time) will have their level of benefits adjusted on the first of the following month, if the change occurs during the first half of a calendar month, or on the first of the second succeeding month, if the change occurs during the second half of a calendar month.
7. Enrollment
- a. Medical Insurance
 - (1) All employees eligible to receive a district contribution toward fringe benefits above the fifty percent (50%) level of benefits shall enroll in one of the health plans offered within the district's fringe benefit program.
 - (2) Those employees whose spouse covers them elsewhere under a group plan also offered by the school district shall sign a "waiver form" and present their identification card in order to be exempted from enrolling in one of the district's health plans.
 - (3) Those employees hired at the fifty percent (50%) level of benefits may enroll in a health plan, but are not required to do so.
 - b. Dental and Life Insurance - All employees eligible to receive a district contribution toward fringe benefits shall enroll in the district-approved life insurance program and one of the district-approved dental plans. (If covered as a dependent under one of the district's offered dental plans, verification of this coverage must be presented in order to be exempt.)
 - c. Vision Insurance - All eligible employees may enroll in the district's vision plan. Employees who enroll in the Crown health plan are required to also enroll in the Crown vision plan.
 - d. Open Enrollment Period - Each year there will be an open enrollment period during which new employees eligible for insurance coverage may enroll in district- approved insurance programs and continuing eligible employees may make changes in dependent coverage or insurance programs. All initial enrollment and changes shall be subject to the underwriting requirements of the various insurance carriers.

FRINGE BENEFITS PROGRAM (continued)

- e. Employees Hired After the Open Enrollment Period - Employees hired after the open enrollment period shall enroll in the district-approved insurance programs within thirty (30) days of employment.
 - f. Re-enrollment After Leave of Absence - Eligible employees must complete re-enrollment in district-approved insurance programs within thirty (30) days after return from leave, if benefits were not maintained under 3-g or 3-h above.
 - g. Enrollment of Dependents Due to Change of Personal Status - Eligible employees may enroll dependents at the time of initial employment, at the open enrollment period, and/or when a change of personal status such as marriage, birth, or adoption occurs. Enrollment must be completed within thirty (30) days of a change in personal status.
 - h. Employees failing to comply with provisions of 7-a and 7-b above shall be ineligible for participation in the district's fringe benefit program and shall forfeit the district's contribution toward health, dental, and life insurance.
8. Direct Payment of Premiums While on Leave or When Retired
- a. It shall be the employee's responsibility to pay premiums when due in order to assure continued coverage. Continuation in the plans is subject to the rules and regulations of the various insurance carriers. Employees opting to participate in the early retirement incentive program, the reduced-services employment, taking unpaid leave of absence, or retiring from the district shall notify the personnel office at the time of initiation of such programs or leave or retirement of their desire to continue coverage.
 - (1) Early Retirement Incentive Program Participants (Certificated) - Eligible participants may continue group health coverage for eligible dependents enrolled in the plan, at the time of early retirement. The district will pay for the early retiree's health coverage for the length of time specified by regulation, at the time of early retirement; the early retiree shall pay the premiums for dependent coverage, if required by the rate structure. The early retiree may continue dental coverage if desired, and shall pay the premium for the entire insurance year. Failure to pay for the entire dental insurance shall disqualify the retiree from a participating in the district's fringe benefit program.
 - (2) Reduced Services Employees - The district will continue to pay the full amount of the employee's health and welfare benefits. If a reduced-services employee desires to continue dependent and/or spouse coverage under the group plan, the reduced-services employee shall make full payment for any premiums due.
 - (3) Early Retirement (Classified) - Those classified employees opting for early retirement in accordance with district regulations shall have their health insurance paid by the district for the length of time specified in regulation, at the time of early retirement. If dependent and/or spouse coverage is desired to be continued under the group plan, the early retiree shall make full payment for any premium due. A dental plan is available at the early retiree's cost. The early retiree must agree to carry the dental plan for the entire insurance year. Failure to pay for the entire dental insurance year shall disqualify the retiree from participating in the district's fringe benefit program.

FRINGE BENEFITS PROGRAM (continued)

- (4) While on Unpaid Leave Absence - Employees participating in the district's group insurance plans may continue while on leave for the length of time specific by the various carriers. Employees on unpaid leaves of absence shall make full payment for any premiums due.
 - (5) While on Paid Leave of Absence - Eligible employees will continue to receive the district's contribution for fringe benefits while on paid leave, but they shall pay premiums for additional dependent coverage, if any.
 - (6) Retirement - Retirees may continue under the district's group health insurance plan and may continue coverage of eligible dependents enrolled in the plans, at time of retirement, subject to the underwriting requirements of the insurance carrier. Retirees shall submit premium payments for self and dependents to the district. Early retirees may continue with health and/or dental insurance after early retirement time has been completed. However, the district will no longer pay the premiums, and the former early retirees shall be responsible for submitting premiums on time to the school district.
9. Termination From Plans - Termination from the plans will occur for the following reasons:
- a. Termination of employment.
 - b. Failure by employee to pay the employee portion of any premiums due.
 - c. Submission of cancellation forms to companies involved.
 - d. Failure to notify district of desire to continue coverage while on leave, early retirement, reduced services employment, early retirement incentive program, or retirement.
 - e. Loss of eligibility.
 - f. Termination of a group policy by the district.
10. Conversion
- a. Employees who are enrolled in the fringe benefit plan and terminate will be notified of the opportunity to exercise the right of conversion to special coverage outside the district's program. Such conversions will be under the terms and conditions provided by the plans in which employees have been previously enrolled.
 - b. It shall be the full responsibility of individual employees to exercise conversion rights.
 - c. The District will assist employees in the procedural aspects of conversion, but shall not be responsible for sending notification of eligibility, filing of applications for conversion, meeting time limitations, or determination of eligibility.

FRINGE BENEFITS PROGRAM (continued)

11. Group Health Coverage Continuation Rights - Employees who leave the district's employment other than retirement will be notified of the opportunity to exercise the right of continuation to special coverage outside the district's program for themselves and dependents (at their own expense) if they fall under the "specific qualifying events" listed below.
- a. Employees may elect up to eighteen (18) months of continued group health coverage for themselves and their dependents if their coverage would otherwise have ended due to the following:
 - (1) Voluntary or involuntary termination of employment (unless for gross misconduct).
 - (2) A reduction in your work hours to less than the minimum required to remain covered by the district.
 - b. Dependents may elect up to thirty-six (36) months of continued group health coverage for themselves if they are an employee's dependent whose coverage would otherwise have ended due to:
 - (1) The employee's death.
 - (2) The employee's divorce or legal separation from his or her spouse.
 - (3) The employee's eligibility for Medicare.
 - c. Dependents may elect up to 36 months of continued health expense coverage for themselves if they are an employee's child whose coverage would otherwise end because they no longer qualify as the employee's dependent under a group health plan.
 - d. These continuation rights apply to health, dental and vision coverages as a package. Life, accidental death, dismemberment or loss of income or any other type of coverage provided by our employee benefit plan is not included in these continuation rights.
 - e. The continued health expense coverage will at all times be the same as the group health plans for similarly situated, employees or dependents who are not on continuation.
12. Administration of Fringe Benefits Program - The business services office shall be responsible for the administration, interpretation and application of rules and regulations governing the fringe benefit program including the group insurance plans.

Regulation

approved: 11.07.77

revised: 12.06.88

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation**

ALL PERSONNEL

TAX SHELTERED ANNUITY PLAN

This plan is hereby adopted by the ABC Unified School District (hereinafter called the district), a political subdivision of the State of California.

1. Definitions

- a. "Code" means the United States Internal Revenue Code of 1954, as amended to date, and the California Revenue and Taxation Code Section 17512.
- b. "Plan" means this tax sheltered annuity plan.
- c. "Annuity" shall have the meaning set forth in article 5 herein.
- d. "Participant" means any employee of the district who elects to participate in this plan.
- e. "Includable compensation" shall have the meaning set forth in Internal Revenue Regulation Section 403(b)(e).
- f. "Years of service" shall have the meaning set forth in Internal Revenue Regulation Section 403(b)(1)(f).
- g. "Nontransferability" shall have the meaning set forth in Section 401(g) of the Internal Revenue Code of 1954, as amended.

2. Purpose - The district intends by this plan to make available to its employees the provisions of Internal Revenue Code Section 403(b) and the California Revenue and Taxation Code Section 17512. It is not the purpose of the district, by adoption of this plan, necessarily to recommend its use by any individual employee. Use of the plan by an individual employee shall be left to the discretion of the employee.

3. Participation - Any employee of the district may elect to become a participant under this plan by amendment of the employment contract. An example of the contract amendment is annexed hereto and forms a part of this plan. Such election to participate shall be applicable to the school year to which such amendment applies and to each succeeding school year as per paragraph (4) of said contract amendment.

4. Contributions to the Plan

- a. The district shall contribute to the plan on behalf of each participant such amount as the participant may elect, in the Amendment of Employment Contract form, but not in excess of the exclusion allowance.

TAX SHELTERED ANNUITY PLAN (continued)

- b. Contributions by the district with respect to any participant shall be by means of reduction in compensation otherwise payable under the employment contract, the amount of such reduction being that set forth in such participant's amendment to employment contract upon election to participate in the plan. Such reduction shall only be with respect to services to be rendered by the participant to the district subsequent to the date of election to participate.
- c. A participant's "exclusion allowance" shall, for any taxable year of such participant, be an amount not in excess, if any, of the limitations specified by Internal Revenue Code Sections 403(b) and 415.
- d. If for any taxable year of a participant, this plan applies to two or more annuities, such annuities shall be treated as one annuity for purposes of computing the maximum contribution on behalf of such participation by the district.

5. Annuities

- a. All contributions to the plan shall be invested in annuities on the life of the participant with respect to whom such contributions are made.
- b. For the purposes of this plan, the terms "annuity" or "annuities" shall mean, either:
 - (1) A fixed or variable annuity contract issued by a life insurance company on either an individual or a group basis, but without a life insurance element. The contract shall be nontransferable and the participant's rights shall be nonforfeitable except for failure to pay future premiums; or
 - (2) A custodial account established to meet the requirements of Internal Revenue Code Section 403(b) (7) to invest contributions in regulated investment company stock shares; or
 - (3) An additional deposit, in the name of the member, with the State Teachers' Retirement System in accordance with the provisions of Section 22812 of the California Education Code and in accordance with the regulations and procedures adopted by the State Teachers' Retirement Board.
- c. Each participant shall be entitled to elect one or more of the three (3) above forms of annuity to be purchased with contributions made on behalf of the participant, provided that only those participants who are members of the State Teachers' Retirement System may elect the third form.

- 6. Non-Recovery of Contributions - Contributions made by the district to this plan shall not be recoverable by it but shall irrevocably vest in the participants through their annuities.
- 7. Administration - The board hereby authorizes the district superintendent or its representative to act in its behalf in respect to the purchase and administration of these annuity contracts. Such procedures, as may be necessary or advisable in effecting proper administration by the said superintendent, is likewise authorized.

TAX SHELTERED ANNUITY PLAN (continued)

8. Disbursing Agent of District - The board hereby authorizes the Los Angeles County Superintendent of Schools to:
 - a. Designate one or more national or state banks having its principal office in this state, provided its deposits are insured by the Federal Deposit Insurance Corporation, to act as tax sheltered annuity disbursing agents for the district pursuant to Sections 1340, 42649, and 85265 of the California Education Code. The county superintendent of schools may draw orders and requisitions upon the funds of the district for the purchase of authorized tax sheltered annuities, in favor of such banks. Such disbursing banks shall be deemed to be agents of the district for the purchase of tax sheltered annuities on behalf of its employees, and the monies received by the banks shall be deemed deposits of the district; or
 - b. Act as tax sheltered annuity disbursing agent for the district. The county superintendent of schools may draw orders and requisitions upon the funds of the district for the purchase of authorized tax sheltered annuities and shall disburse such payments to the companies entitled thereto within a reasonable time after the orders and requisitions are drawn, which time period shall not exceed ten (10) working days. When acting as tax sheltered annuity disbursing agent, the county superintendent of schools shall be deemed to be the agent of the district for the purchase of tax sheltered annuities on behalf of its employees.
9. Authorized Companies - Each insurance or investment company offering to provide tax sheltered annuities in accordance with this plan and approved by the district shall be required to execute a company agreement in a form approved by the district.
10. Solicitation and District Directives - Employees of the district may be contacted by mail and through group meetings approved by the superintendent. No contact of employees shall be made on the premises of the district except as approved by the superintendent or his designee. In no event shall employees be contacted on premises of the district except before school, during lunch hour, or after school hours.
11. Amendment or Termination - This plan may be amended or terminated by the governing board of the district at any time, except that no amendment or termination shall be effective to recover for the district any contribution made to the plan.
12. Any tax sheltered annuity plan now in effect in the district shall remain in effect except insofar as amended by this plan. In the event there is a conflict between the provisions of the existing plan and this plan, the provisions of this plan shall be controlling.

TAX SHELTERED ANNUITY PLAN (continued)*Legal Reference: Education Code*

- 1340 *Payments to companies providing tax sheltered annuities*
- 22809 *Annuity contributions for additional benefits*
- 22810 *Election to make tax sheltered annuity contributions*
- 22811 *Limitation on amount of tax-sheltered contributions*
- 22812 *Remittance of tax sheltered contributions*
- 42649 *Payments to companies providing tax sheltered annuities*
- 85265 *Payment to companies providing tax sheltered annuities to employees*

California Insurance Code

- 770.3 *State department or agency; prohibition against negotiating life or disability insurance through particular agent; exceptions; inclusion of school districts*

Government Code

- 20022 *Compensation*
Administrative Code, Title 5
- 20547 *Tax sheltered annuity contributions, resolution*
- 20548 *Tax sheltered annuity contributions, amendment of employment contract, procedure*
- 20549 *Transmittal of tax sheltered annuity contributions*
California Revenue & Taxation Code
- 17512 *Retirement annuities; nonforfeitable rights; employer's contributions; exclusion allowance; inclusion of excess in employee's gross income*

Internal Revenue Code of the United States

- 401(g) and 403(b)

Regulation

approved: 07.15.74

revised: 10.16.78

TAX SHELTERED ANNUITY PLAN (continued)Exhibit #1AMENDMENT OF EMPLOYMENT CONTRACT

In accordance with Education Code Sections 13855, 14033, 14034, 14035, Government code Section 20022, 5 Cal. Admin. Code Sections 20547, 20548, and for the purpose of qualifying under the provisions and for the benefits of Section 403(b) of the Internal Revenue Code of 1954, as amended, and Section 17512 of the California Revenue and Taxation Code and of the Plan adopted by the Governing Board of the ABC Unified School District, hereinafter called the District:

IT IS HEREBY AGREED BY THE DISTRICT AND:

NAME _____ SOCIAL SECURITY # _____

ADDRESS _____

hereinafter called the Employee, that the certain valid and existing employment contract made and entered into by and between the District and Employee be amended in the following manner, and that this amendment be incorporated therein by reference and made a part thereof as if set out therein in full, as of the date of this amendment.

1. The salary to be paid to the employee by the District shall be reduced by the sum of \$ _____ per regular pay period beginning with the salary warrant payable on _____, 19____.

Such reduction shall be amended to \$ _____ per regular pay period beginning with the salary warrant payable on _____, 19____.

2. These sums shall be transmitted by the District in accordance with the District's Tax Sheltered Annuity Plan in the following manner:

_____ To Crocker National Bank, as premium depository, for the selected life insurance company in accordance with such plan as a premium on one or more annuity contracts on the life of the employee. (_____)
Company

_____ To the State Teachers' Retirement System as an additional deposit, in accordance with such plan, for and in the name of the employee in accordance with the provisions of Education Code Section 14035 and in accordance with the regulations and procedures adopted by the State Teachers' Retirement Board. (Must be in multiples of \$25.00.)

3. The Employee released any and all rights, present and future, to receive payment of the sums, from the District, resulting from such salary reduction in any form except (1) the right of the Employee's estate to receipt of sums so paid upon his death, or (2) the right of the Employee upon termination of employment by reason other than death personally to receive all or any part of the amount specified for which service has been rendered but which has not been transmitted to a life insurance company or to the State Teachers' Retirement System.
4. This amendment of employment contract shall automatically apply to the employment contract entered into between the District and the Employee for each succeeding school year unless amended or terminated by a thirty (30) day written notice to the School District. I understand that no more than one salary reduction agreement can be made with the District during any taxable year.

TAX SHELTERED ANNUITY PLAN (continued)

- 5. The Employee agrees that the District shall have no liability whatsoever for any loss suffered by the Employee with regard to his selection of an insurance company, or the solvency of, operation of, or benefits provided by said insurance company. The Employee further agrees that the District shall have no liability whatsoever for any loss suffered by the Employee by reason of the District's transmittal of funds in the manner authorized by its Tax Sheltered Annuity Plan.
- 6. It is the purpose of the District in executing this amendment of employment contract to provide its employees an opportunity to participate in an annuity program which satisfies the provisos of Section 403(b) of the Internal Revenue Code of 1954, as amended, of the United States.

The District does not necessarily recommend to any individual employee that he participate in any such annuity program.

The District does not warrant any particular tax consequence to the employees who elect to participate.

The Employee agrees that all computations in connection with the determination of the amount of the salary reduction hereby authorized, including but not limited to the amount of exclusion allowance, includable compensation and years of service pursuant to Section 403(b) of the Internal Revenue Code shall be the responsibility of the individual employee, or, should the broker, agent or insurance or annuity company undertake such commitment, of said broker, agent, or company, or of both such employee and broker, agent, or insurance or annuity company. Such computations shall not be the responsibility of the District, the Governing Board of the District, nor of any officer or employee of the District assigned any duties in connection with the District Tax Sheltered Annuity Plan.

IN WITNESS WHEREOF, this amendment has been executed by and on behalf of the parties hereto this _____ day of _____, 19____.

ABC UNIFIED SCHOOL DISTRICT

Employee

By: _____

Title

TAX SHELTERED ANNUITY PLAN (continued)

Exhibit #2

ABC UNIFIED SCHOOL DISTRICT

TAX SHELTERED ANNUITY PLAN

"SOLICITATION AGREEMENT"

The Company, its agents and representatives, and/or the Agency, its agents and representatives, shall comply with the following conditions regarding the solicitation of employees of the Board of Education, ABC Unified School District, for the purpose of sale or purchase of Tax Sheltered Annuities.

1. NO agent may solicit employees for the purchase of tax sheltered annuities on school district property.
2. The use of school district telephone facilities to arrange appointments or discuss any phase of annuity plans is prohibited to all companies and employees.
3. The use of district mail services to solicit, arrange appointments or advertise any phase of the annuity program is prohibited to all companies and employees.
4. Employees of DISTRICT may not act as representatives in reference to the solicitation of tax sheltered annuity contracts from employees of DISTRICT.
5. A broker, agent or company representative shall discuss tax sheltered annuity plans only with employees who request such information from him, and in a location other than school property.

VIOLATIONS:

Violations of any of the above conditions will result in cancellation of the authorization for such offending agent or broker for purposes of any further sales of annuities. Such violation may also result in the filing of a formal complaint with the Insurance Commissioner of the State of California.

Company or Agency _____

By _____

Title _____

Authorized Officer

Address _____

City & Zip Code _____

Telephone Number _____

Date _____



(Please attach business card here)

**ABC UNIFIED SCHOOL DISTRICT
Board Policy****ALL PERSONNEL****EMPLOYEE RECOGNITION**

Employees are the greatest asset in a service organization such as the ABC Unified School District. Because expectations are high for staff members to provide quality service and continue to develop professional excellence, the ABC Board of Education is committed to formally and publicly recognizing employees for their efforts and achievements. The board believes that employee recognition is not only desirable for acknowledging outstanding work, it is an essential element in improving staff morale, enhancing teamwork, and sharing with the public the professional accomplishments and successes of both certificated and classified personnel.

A formal process for recognizing employees in the district will be established by the superintendent or his/her designee.

Legal Reference: *Education Code*
 44015 Awards to employees

Policy adopted
by the board: 01.21.85

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation**

ALL PERSONNEL

EMPLOYEE RECOGNITION

1. Employee Recognition Award

a. Eligibility

- 1) All employees in the district are eligible for the recognition award including full-time and part-time certificated, classified, confidential and management employees.
- 2) There is no limit to the number of employees who can receive the award.

b. Criteria - To receive a recognition award, an employee must have performed one or more of the following:

- 1) A special deed or consideration, program or activity that is within the scope of an employee's responsibilities that has been performed to such a degree of excellence that it warrants special recognition.
- 2) A special deed, program or activity that is not part of the employee's regular job duties, that contributes to the educational improvement or efficiency, and/or operational or economic improvement of the district, or improves public confidence in the district.
- 3) A special act or service in the public interest.
- 4) A display of competence or courage in an emergency situation.

c. Nominations

- 1) Nominations for the award can be submitted by colleagues, supervisors, or administrators.
- 2) Nominations must be in writing on the official nomination form to be available in each school and department.
- 3) Nominations shall be confidential and submitted to the Public Information Office.

d. Selection

- 1) Nominations shall be accepted throughout the year by the superintendent or his/her designee and submitted to the superintendent's cabinet for review.
- 2) Each nomination shall be screened by a committee of three teachers, (one from each level), two classified employees (one from each bargaining unit), two certificated administrators, one classified administrator and the public information officer. The committee will meet monthly or as needed.
- 3) The names of those chosen as recipients will be submitted to the superintendent's cabinet as an information item prior to board recognition.

EMPLOYEE RECOGNITION (continued)

- 4) Employees shall be notified by letter of their receipt of the award. The letter shall include an invitation to a Board of Education meeting which is to take place at least one week from the date of the letter.
- e. Recognition
- 1) Recipients of the recognition award shall be formally recognized in a public meeting of the Board of Education. Each shall be presented with a certificate and pin.
 - 2) Announcements of the award recipients shall appear in the district's staff newsletter and other publications as deemed appropriate by the public information officer.
 - 3) An annual activity shall be planned for the award recipients.
2. Employee Service Awards
- a. Eligibility
- 1) All employees in the district are eligible for the service award including full-time and part-time certificated, classified, confidential and management employees.
 - 2) Service will be awarded to employees for the number of years employed in the ABC Unified School District whether the years are consecutive or accumulation of years before and after a break in service.
- b. Criteria
- 1) Employees who have been employed in the ABC Unified School District for 25 years or more are eligible for the ABC service award in 1986.
 - 2) Employees who have been employed in the district for 20-24 years, 25 years, 30 years and 35 years are eligible for the ABC service award in 1987.
 - 3) Employees who have been employed in the district for 20, 25, 30 and 35 years are eligible for the ABC service award in 1988 and on.
- c. Determination of Eligibility
- 1) The eligibility list for employees who are to receive the service award will be compiled from computer printouts supplied by the district data processing department.
 - 2) A list of those to receive the award will be sent to each site for additions and spelling checks.
- d. Recognition
- 1) Recipients of the service award will be formally recognized at a special reception at the end of each school year. Each will be presented with a service award certificate.

Regulation
 approved: 01.21.85
 revised: 02.24.86

**ABC UNIFIED SCHOOL DISTRICT
Board Policy**

ALL PERSONNEL

FAMILY CARE AND MEDICAL LEAVE

In accordance with the Family and Medical Leave Act of 1993 and state and federal law, the Governing Board shall grant family care and medical leave to eligible employees, without discrimination.

Legal Reference: Department of Labor's Wage and Hour Division
19 CFR Part 825, FMLA Regulations

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation**

ALL PERSONNEL

FAMILY CARE AND MEDICAL LEAVE

Eligibility

Any employee who has completed one (1) year of service with the District and who has at least 1,250 hours of service with the District during the previous twelve-month period, shall be eligible to take unpaid family care or medical leave under the provisions of this Administrative Regulation. For eligibility purposes, full-time teachers and six hour employees are deemed to meet the 1,250 hours.

Family care and medical leave may be used for the following reasons:

1. Because of the birth of the employee's child and in order to care for the child.
2. Because of the placement of a child with the employee for foster care or in connection with the employee's adoption of the child.
3. To care for the employee's child, parent or spouse with a serious health condition.
4. Because of the employee's own serious health condition that makes the employee unable to perform the functions of his/her position.

Definitions

For purpose of this Administrative Regulation, "child" means a biological, adopted or foster son or daughter, a stepson or stepdaughter, a legal ward or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child.

"Parent" means a biological, foster or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to an employee when the employee was a child.

"Serious health condition" means an illness, injury, impairment or physical or mental condition that involves either: Inpatient care in a hospital, hospice, or residential health care facility; or continuing treatment or continuing supervision by a health care provider.

Duration of Leave

Family care and medical leave shall not exceed 12 work weeks during any 12 month period. The 12 month period for calculating leave entitlement shall commence on the date the employee's first family care or medical leave begins. The 12 weeks of family care and medical leave to which an employee is entitled under state law shall run concurrently with the 12 weeks of family care and medical leave to which an employee is entitled under federal law, except for any leave taken under federal law for disability on account of pregnancy, childbirth, or related medical conditions.

Leave taken for a birth, or placement for adoption or foster care, must be concluded within one year of the birth or placement.

Terms of Leave

During the period of family care or medical leave, the employee shall use his/her accrued vacation leave, other accrued time off, or any other paid or unpaid time off negotiated with the District.

FAMILY CARE AND MEDICAL LEAVE (continued)

If an employee takes a leave because of the employee's own serious health condition, the employee shall substitute accrued sick leave and/or differential leave during the period of leave taken pursuant to this Administrative Regulation.

In certain cases, this leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

Maintenance of Benefits

During the period of family care or medical leave, the employee shall continue to be entitled to participate in the District's health plan and the District shall continue to pay health care premiums under such plan on the same terms as if the employee had continued to work during the period of the leave. Any premium payments required to be made by the employee must be paid at the same time as they would have been due by payroll deduction.

The District may recover health insurance premiums paid on behalf of the employee during the period of the family care or medical leave, if both of the following conditions occur: The employee fails to return from leave after the period of leave to which the employee is entitled has expired and the employee's failure to return from leave is for a reason other than the continuation, recurrence, or onset of a serious health condition that entitles the employee leave under state or federal law or other circumstances beyond the control of the employee.

Advance Notice of Leave

The employee shall give the District at least 30 days' advance written notice of his /her need for family care or medical leave. If the employee learns of the need for family care or medical leave fewer than 30 days in advance, he/she shall provide such notice as soon as practicable.

If leave is needed for a planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of District operations. If leave is taken intermittently or on a reduced leave schedule, the District may temporarily transfer the employee as permitted by law.

Certifications

An employee request or leave because of a serious health condition of the employee or to care for a child, spouse or parent who has a serious health condition shall be supported by a certification from the health care provider of the person requiring care. This certification shall include:

1. The date, if known, on which the serious health condition began; and
2. The probable duration of the condition.

In addition, if the request for leave is to care for a family member, the certification shall include an estimate of the amount of time the employee needs to care for the person requiring care and a statement that the serious health condition warrants the participation of a family member to provide care during the period of the leave. If the request for leave is based on the employee's own serious health condition, the certification shall include a statement that, due to the serious health condition, the employee is unable to perform the functions of his/her position.

FAMILY CARE AND MEDICAL LEAVE (continued)

If the employee is requesting leave for intermittent treatment or leave on a reduced leave schedule for planned medical treatment, the certification must also state the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of the treatment and the expected duration of the leave.

In any case in which the District has reason to doubt the validity of any certification provided to support an employee's request to take leave because of the employee's own serious health condition, the District may require the opinion of a second and third health care provider consistent with state and federal law.

Reinstatement/Non-Discrimination

Upon granting the employee's request for family care or medical leave, the District shall guarantee to reinstate the employee in the same or a comparable position when the leave ends to the extent required by law. The leave shall not constitute a break in service for purposes of longevity or seniority.

Notifications

In accordance with law, the District shall notify employees of their right to request family and medical leave.

Legal Reference: Department of Labor's Wage and Hour Division
19 CFR Part 825, FMLA Regulations

**ABC UNIFIED SCHOOL DISTRICT
Board Policy****ALL PERSONNEL****EMPLOYEE SECURITY**

The Governing Board desires to provide a safe, orderly working environment for all employees. As part of the district's comprehensive school safety plan, the Superintendent or designee shall develop strategies for protecting employees from potentially dangerous persons and situations and for assisting them in the event of an emergency situation.

(cf. 0450 - *Comprehensive Safety Plan*)

(cf. 3515 - *Campus Security*)

(cf. 5131.4 - *Student Disturbances*)

The Superintendent or designee shall ensure that employees are informed, in accordance with law, regarding crimes and offenses by students who may pose a danger in the classroom.

When violence is directed against an employee by any individual and the employee so notifies the Superintendent or designee, the Superintendent or designee shall take steps to ensure that appropriate legal measures are instituted. When the employee notifies the Superintendent or designee of a threat of bodily harm, the district shall take appropriate measures to enable the employee to request assistance if a threat occurs on school grounds.

The Superintendent or designee shall ensure that employees are trained in crisis prevention and intervention techniques in order to protect themselves and students. Staff development may include training in classroom management, effective communication techniques and crisis resolution.

(cf. 4131 - *Staff Development*)

(cf. 4231 - *Staff Development*)

(cf. 4331 - *Staff Development*)

The Board recognizes that access to two-way communications devices allows employees to call for assistance from their supervisor or law enforcement in the event of a threat of violence or medical emergency. The district shall provide such communications devices in classrooms to the extent possible.

(cf. 5141 - *Health Care and Emergencies*)

Employees may not carry or possess pepper spray on school property or at school activities. On a case-by-case basis, however, the Superintendent or designee may allow the possession of a pepper spray weapon that meets the requirements of Penal Code 12403.7 when justified by unusual dangerous circumstances. Any employee who is negligent or careless in the possession or handling of pepper spray shall be subject to appropriate disciplinary measures.

(cf. 4118 - *Suspension/Disciplinary Action*)

(cf. 4218 - *Dismissal/Suspension/Disciplinary Action*)

Reporting of Injurious Objects

The Board requires school employees to take immediate action upon being made aware that any person is in possession of an injurious object on school grounds or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the dangerousness of the situation and, based upon this analysis, shall do one of the following:

EMPLOYEE SECURITY (Continuing)

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

(cf. 5131.7 - *Weapons and Dangerous Instruments*)

(cf. 5144 - *Discipline*)

(cf. 5144.1 - *Suspension and Expulsion/Due Process*)

(cf. 5144.2 - *Suspension and Expulsion/Due Process (Students with Disabilities)*)

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

Legal Reference:

EDUCATION CODE

32210-32212 *Willful disturbance, public schools or meetings*

32225-32226 *Communication devices*

35204 *Contract with attorney in private practice or use of administrative advisor*

35205 *Contract for legal services*

35208 *Liability insurance*

35213 *Reimbursement for loss, destruction or damage of school property*

44014 *Report of assault by pupil against school employee*

44807 *Duty concerning conduct of students*

48201 *Transfer of student records*

48900-48926 *Suspension or expulsion Grounds for suspension or expulsion*

49079 *Notification to teacher; student who has engaged in acts constituting grounds for suspension or expulsion*

49330-49335 *Injurious objects*

CIVIL CODE

51.7 *Freedom from violence or intimidation*

CODE OF CIVIL PROCEDURE

527.8 *Workplace violence safety act*

GOVERNMENT CODE

995-996.4 *Defense of public employees*

3543.2 *Scope of representation*

PENAL CODE

71 *Threatening public officers and employees and school officials*

240 *Definition of assault*

241.2 *Assault on school or park property against any person*

241.3 *Assault against school bus drivers*

241.6 *Assault on school employee includes board member*

242 *Definition of battery*

243 *Battery; definition of "injury" and "serious bodily injury"*

243.2 *Battery on school or park property against any person*

243.3 *Battery against school bus drivers*

243.6 *Battery against school employee includes board member*

245.5 *Assault with deadly weapon; school employee includes board member*

290 *Registration of sex offenders*

601 *Trespass by person making credible threat*

626.9 *Gun-Free School Zone Act of 1995*

626.10 *Exceptions to bringing weapons on school grounds*

646.9 *Stalking*

EMPLOYEE SECURITY (Continuing)

12403.7 Weapons approved for self defense

WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

Management Resources:

CDE CORRESPONDENCE

0401.01 Protecting Student Identification in Reporting Injurious Objects

WEB SITES

CDE, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety/safetyhome>

CSBA: <http://www.csba.org>

**ABC UNIFIED SCHOOL DISTRICT
Administrative Regulation**

ALL PERSONNEL

EMPLOYEE SECURITY

An employee may use reasonable and necessary force when necessary for self-defense, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects on or within the control of a student. (Education Code 44807, 49001)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144 - Discipline)

Employees shall promptly report to their principal or other immediate supervisor any attack, assault or physical threat made against them by a student.

Both the employee and the principal or other immediate supervisor shall promptly report such instances to the appropriate local law enforcement agency. (Education Code 44014)

In addition, employees shall promptly report to their principal or supervisor, and may report to law enforcement, any attack, assault or threat made against them on school grounds by any other individual.

(cf. 3515.2 - Disruptions)

Reports of attack, assault or threat also shall be forwarded immediately to the Superintendent or designee.

An employee whose person or property is injured or damaged by willful misconduct of a student may ask the district to pursue legal action against the student or the student's parent/guardian. (Education Code 48905)

(cf. 3515.4 - Recovery for Property Loss or Damage)

Notice Regarding Student Offenses Committed While Under School Jurisdiction

The Superintendent or designee shall inform the teacher of each student who has engaged in, or is reasonably suspected of, any act during the previous three school years which could constitute grounds for suspension or expulsion under Education Code 48900, with the exception of the possession or use of tobacco products, or Education Code 48900.2, 48900.3, 48900.4, or 48900.7. This information shall be based upon district records maintained in the ordinary course of business or records received from a law enforcement agency. (Education Code 49079)

(cf. 5125 - Student Records)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Upon receiving a transfer student's record regarding acts committed by the student that resulted in his/her suspension or expulsion, the Superintendent or designee shall inform any of the student's teacher(s) that the student was suspended from his/her former district and of the act that resulted in the suspension or expulsion. (Education Code 48201)

EMPLOYEE SECURITY (Continuing)

Information received by teacher(s) shall be received in confidence for the limited purpose for which it was provided and shall not be further disseminated by the teacher. (Education Code 49079)

Procedures to Maintain Confidentiality of Student Offenses

In order to maintain confidentiality when providing information about student offenses to counselors and teachers of classes/programs to which a student is assigned, the principal or designee shall send the staff member a written notification requesting him/her to review a student's file in the school office as soon as practicable. This notification shall not name or otherwise identify the student. The staff member shall be asked to initial the notification and return it to the principal or designee.

The staff member shall also initial the student's file when reviewing it in the school office. Once the district has made a good faith effort to comply with the notification requirement of Education Code 49079 and Welfare and Institutions Code 827, an employee's failure to review the file constitutes district compliance with the requirement to provide notice to the teacher.

Use of Pepper Spray

Employees wishing to carry pepper spray on school property or to a school-related activity shall submit to the Superintendent or designee a written request setting forth the need for the pepper spray. Should the Superintendent or designee determine that the employee may not carry pepper spray, the employee shall receive a written statement of the reason for this determination.

Employees who are granted permission to possess pepper spray on school property shall be notified of but not limited to, the following conditions:

1. The pepper spray shall be used only in self-defense.
2. An employee who uses pepper spray other than in self-defense shall be subject to disciplinary action by the district and, in accordance with law, a fine and/or imprisonment.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

3. The employee shall ensure that the pepper spray is stored in a secure place and not accessible to students or other individuals. An employee who is negligent in the storage of pepper spray may be subject to disciplinary action.