

Policy 4030: Nondiscrimination In Employment

Status: ADOPTED

Original Adopted Date: 05/01/2016 | Last Revised Date: 03/2022 | Last Reviewed Date: 03/2022

~~All Personnel – BP 4030(a)~~

NONDISCRIMINATION 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)~~

No district employee shall be discriminated against or harassed by 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, ~~veteran or 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 ~~the district#~~ is required to do so in order~~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:

Hiring

~~1. 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. 2. — Taking of an adverse employment actionsaction,~~ such as termination or ~~the~~ denial of employment, promotion, job assignment, or training

~~3. 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 ~~employee's individual's~~ work performance or creating an intimidating, hostile, or offensive work environment

~~4. 4. — Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:~~

~~— BP 4030(b)~~

~~NONDISCRIMINATION IN EMPLOYMENT (continued)~~

~~a. 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~~

~~(cf. 4033 — Lactation Accommodation)~~

~~(cf. 4119.11/4219.11/4319.11 — Sexual Harassment)~~

~~a. 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

Requiring

~~(cf. 4119.22/4219.22/4319.22—Dress and Grooming)~~

~~b. e.~~ ~~Requirement for a~~ medical or psychological examination of a job applicant, or making 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)~~

~~c. 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, reports an incident, 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 ~~a release of any document that releases~~ the employee's claim or right to file a claim against the district or ~~a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing to disclose~~ information about harassment, discrimination, or other unlawful acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. employment practices. (Government Code 12964.5)

~~—BP 4030(c)~~

~~NONDISCRIMINATION IN EMPLOYMENT~~ (continued)

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 as soon as practical 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 ~~prohibited~~ 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.

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.

The district shall maintain and preserve all applications, personnel, membership, or employment referral records and files for at least four years after the records are initially created or received or, for an applicant or a terminated employee, for four years after the date the employment action was taken. However, when the district is notified that a complaint has been filed with the California Department of Fair Employment and Housing, records related to the employee involved shall be maintained and preserved until the later of the first date after the time for filing a civil action has expired or the first date after the complaint has been fully and finally disposed of and all administrative proceedings, civil actions, appeals, or related proceedings have been terminated. (Government Code 12946)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<u>State</u>	<u>Description</u>
<u>2 CCR 11006-11086</u>	<u>Discrimination in employment</u>
<u>2 CCR 11023</u>	<u>Harassment and discrimination prevention and correction</u>
<u>2 CCR 11024</u>	<u>Required training and education on harassment based on sex, gender identity and expression, and sexual orientation</u>
<u>2 CCR 11027-11028</u>	<u>National origin and ancestry discrimination</u>

[5 CCR 4900-4965](#)

[Civ. Code 51.7](#)

[Ed. Code 200-262.4](#)

[Gov. Code 11135](#)

[Gov. Code 11138](#)

[Gov. Code 12900-12996](#)

[Gov. Code 12940-12952](#)

[Gov. Code 12960-12976](#)

[Pen. Code 422.56](#)

Federal

[20 USC 1681-1688](#)

[28 CFR 35.101-35.190](#)

[29 USC 621-634](#)

[29 USC 794](#)

[34 CFR 100.6](#)

[34 CFR 104.7](#)

[34 CFR 104.8](#)

[34 CFR 106.8](#)

[34 CFR 106.9](#)

[34 CFR 110.1-110.39](#)

[42 USC 12101-12213](#)

[42 USC 2000d-2000d-7](#)

[42 USC 2000e-2000e-17](#)

[42 USC 2000ff-2000ff-11](#)

[42 USC 2000h-2-2000h-6](#)

[42 USC 6101-6107](#)

Management Resources

[CA Dept of Fair Employment and Housing
Publication](#)

[Nondiscrimination in elementary and secondary education
programs](#)

[Freedom from violence or intimidation](#)

[Educational equity; prohibition of discrimination on the basis of
sex](#)

[Unlawful discrimination](#)

[Rules and regulations](#)

[Fair Employment and Housing Act](#)

[Unlawful employment practices](#)

[Unlawful employment practices; complaints](#)

[Definitions, hate crimes](#)

Description

[Title IX of the Education Amendments of 1972](#)

[Americans with Disabilities Act](#)

[Age Discrimination in Employment Act](#)

[Rehabilitation Act of 1973, Section 504](#)

[Compliance information](#)

[Designation of responsible employee for Section 504](#)

[Notice](#)

[Designation of responsible employee and adoption of grievance
procedures](#)

[Dissemination of policy](#)

[Nondiscrimination on the basis of age](#)

[Americans with Disabilities Act](#)

[Title VI, Civil Rights Act of 1964, as amended](#)

[Title VII, Civil Rights Act of 1964, as amended](#)

[Genetic Information Nondiscrimination Act of 2008](#)

[Title IX of the Civil Rights Act of 1964](#)

[Age discrimination in federally assisted programs](#)

Description

[Transgender Rights in the Workplace](#)

<u>CA Dept of Fair Employment and Housing Publication</u>	<u>California Law Prohibits Workplace Discrimination and Harassment</u>
<u>CA Dept of Fair Employment and Housing Publication</u>	<u>Workplace Harassment Guide for California Employers</u>
<u>CA Dept of Fair Employment and Housing Publication</u>	<u>Your Rights and Obligations as a Pregnant Employee</u>
<u>Court Decision</u>	<u>Shephard v. Loyola Marymount, (2002) 102 Cal.Appl 4th 837</u>
<u>Court Decision</u>	<u>Thomson v. North American Stainless LP, (2011) 131 S.Ct. 863</u>
<u>U.S. DOE Office for Civil Rights Publication</u>	<u>Notice of Non-Discrimination, August 2010</u>
<u>U.S. Equal Employment Opportunity Comm Publication</u>	<u>Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999</u>
<u>U.S. Equal Employment Opportunity Comm Publication</u>	<u>EEOC Compliance Manual</u>
<u>Website</u>	<u>California Department of Fair Employment and Housing</u>
<u>Website</u>	<u>U.S. Department of Education, Office for Civil Rights</u>
<u>Website</u>	<u>U.S. Equal Employment Opportunity Commission</u>

Cross References

<u>Code</u>	<u>Description</u>
<u>0410</u>	<u>Nondiscrimination In District Programs And Activities</u>
<u>0470</u>	<u>COVID-19 Mitigation Plan</u>
<u>1113</u>	<u>District And School Web Sites</u>
<u>1113</u>	<u>District And School Web Sites</u>
<u>1113-E(1)</u>	<u>District And School Web Sites</u>
<u>1114</u>	<u>District-Sponsored Social Media</u>
<u>1114</u>	<u>District-Sponsored Social Media</u>
<u>1240</u>	<u>Volunteer Assistance</u>
<u>1240</u>	<u>Volunteer Assistance</u>
<u>1312.1</u>	<u>Complaints Concerning District Employees</u>
<u>1312.1</u>	<u>Complaints Concerning District Employees</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(1)</u>	<u>Uniform Complaint Procedures</u>

<u>1312.3-E(2)</u>	<u>Uniform Complaint Procedures</u>
<u>3312</u>	<u>Contracts</u>
<u>3530</u>	<u>Risk Management/Insurance</u>
<u>3530</u>	<u>Risk Management/Insurance</u>
<u>3580</u>	<u>District Records</u>
<u>3580</u>	<u>District Records</u>
<u>3600</u>	<u>Consultants</u>
<u>4000</u>	<u>Concepts And Roles</u>
<u>4032</u>	<u>Reasonable Accommodation</u>
<u>4033</u>	<u>Lactation Accommodation</u>
<u>4111</u>	<u>Recruitment And Selection</u>
<u>4111.2</u>	<u>Legal Status Requirement</u>
<u>4111.2</u>	<u>Legal Status Requirement</u>
<u>4112.4</u>	<u>Health Examinations</u>
<u>4112.41</u>	<u>Employee Drug Testing</u>
<u>4112.41</u>	<u>Employee Drug Testing</u>
<u>4112.6</u>	<u>Personnel Files</u>
<u>4112.8</u>	<u>Employment Of Relatives</u>
<u>4112.9</u>	<u>Employee Notifications</u>
<u>4112.9-E(1)</u>	<u>Employee Notifications</u>
<u>4113.5</u>	<u>Working Remotely</u>
<u>4114</u>	<u>Transfers</u>
<u>4118</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4118</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4119.1</u>	<u>Civil And Legal Rights</u>
<u>4119.11</u>	<u>Sexual Harassment</u>
<u>4119.11</u>	<u>Sexual Harassment</u>
<u>4119.22</u>	<u>Dress And Grooming</u>
<u>4119.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>

<u>4119.41</u>	<u>Employees With Infectious Disease</u>
<u>4131</u>	<u>Staff Development</u>
<u>4144</u>	<u>Complaints</u>
<u>4144</u>	<u>Complaints</u>
<u>4151</u>	<u>Employee Compensation</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4161.5</u>	<u>Military Leave</u>
<u>4161.8</u>	<u>Family Care And Medical Leave</u>
<u>4211</u>	<u>Recruitment And Selection</u>
<u>4211.2</u>	<u>Legal Status Requirement</u>
<u>4211.2</u>	<u>Legal Status Requirement</u>
<u>4212.4</u>	<u>Health Examinations</u>
<u>4212.41</u>	<u>Employee Drug Testing</u>
<u>4212.41</u>	<u>Employee Drug Testing</u>
<u>4212.6</u>	<u>Personnel Files</u>
<u>4212.8</u>	<u>Employment Of Relatives</u>
<u>4212.9</u>	<u>Employee Notifications</u>
<u>4212.9-E(1)</u>	<u>Employee Notifications</u>
<u>4213.5</u>	<u>Working Remotely</u>
<u>4218</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4218</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4218.1</u>	<u>Dismissal/Suspension/Disciplinary Action (Merit System)</u>
<u>4219.1</u>	<u>Civil And Legal Rights</u>
<u>4219.11</u>	<u>Sexual Harassment</u>
<u>4219.11</u>	<u>Sexual Harassment</u>
<u>4219.22</u>	<u>Dress And Grooming</u>
<u>4219.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4219.41</u>	<u>Employees With Infectious Disease</u>

<u>4231</u>	<u>Staff Development</u>
<u>4244</u>	<u>Complaints</u>
<u>4244</u>	<u>Complaints</u>
<u>4251</u>	<u>Employee Compensation</u>
<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4261.5</u>	<u>Military Leave</u>
<u>4261.8</u>	<u>Family Care And Medical Leave</u>
<u>4311</u>	<u>Recruitment And Selection</u>
<u>4311.2</u>	<u>Legal Status Requirement</u>
<u>4311.2</u>	<u>Legal Status Requirement</u>
<u>4312.4</u>	<u>Health Examinations</u>
<u>4312.41</u>	<u>Employee Drug Testing</u>
<u>4312.41</u>	<u>Employee Drug Testing</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4312.8</u>	<u>Employment Of Relatives</u>
<u>4312.9</u>	<u>Employee Notifications</u>
<u>4312.9-E(1)</u>	<u>Employee Notifications</u>
<u>4313.5</u>	<u>Working Remotely</u>
<u>4319.1</u>	<u>Civil And Legal Rights</u>
<u>4319.11</u>	<u>Sexual Harassment</u>
<u>4319.11</u>	<u>Sexual Harassment</u>
<u>4319.22</u>	<u>Dress And Grooming</u>
<u>4319.23</u>	<u>Unauthorized Release Of Confidential/Privileged Information</u>
<u>4319.41</u>	<u>Employees With Infectious Disease</u>
<u>4331</u>	<u>Staff Development</u>
<u>4344</u>	<u>Complaints</u>
<u>4344</u>	<u>Complaints</u>
<u>4351</u>	<u>Employee Compensation</u>

<u>4354</u>	<u>Health And Welfare Benefits</u>
<u>4354</u>	<u>Health And Welfare Benefits</u>
<u>4361.5</u>	<u>Military Leave</u>
<u>4361.8</u>	<u>Family Care And Medical Leave</u>
<u>9000</u>	<u>Role Of The Board</u>
<u>9321-E(1)</u>	<u>Closed Session</u>
<u>9321-E(2)</u>	<u>Closed Session</u>
<u>9321</u>	<u>Closed Session</u>

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

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

Legal Reference: (see next page)

~~BP 4030(d)~~

~~NONDISCRIMINATION IN EMPLOYMENT~~ (continued)

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, especially:~~

~~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 of the Civil Rights Act of 1964~~

~~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~~

Legal Reference continued: (see next page)

~~BP 4030(e)~~

~~**NONDISCRIMINATION IN EMPLOYMENT** (continued)~~

~~*Legal Reference: (continued)*~~

CODE OF FEDERAL REGULATIONS, TITLE 34 (continued)

~~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 Cal.App.4th 837~~

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.dfch.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: <http://www.eeoc.gov>~~

Policy
adopted:

CSBA POLICY MANUAL UPDATE ~~MAINTENANCE SERVICE~~

March ~~2022~~2019

Exhibit 4112.9-E(1): Employee Notifications

Status:
ADOPTED

Original Adopted Date: 05/01/2016 | Last Revised Date: 03/01/2022 | Last Reviewed Date: 03/01/2022

~~All Personnel – E 4112.9(a)~~

_____ 4212.9

EMPLOYEE NOTIFICATIONS _____ 4312.9

Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
<u>I. To All Employees</u>			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950	AR _____ 4219.11 4319.11	4119.11 The district's policy on sexual harassment, legal remedies, complaints
Annually, and 72 hours before pesticide application information	Education Code 17612	AR _____	3514.2 Use of pesticide product, active ingredients, Internet address to access information on pesticides
Prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
Prior to implementing alternative schedule	Education Code 46162	BP 6112	Public hearing on alternative schedule in secondary grades
Annually	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460	Uniform complaint procedures, appeals, civil law remedies, BP 3260 coordinator,
complaints about			

_____ student fees and
 local control _____
 _____ and
 accountability plan _____

Annually_ Education Code_ AR 5141.21_ Request for volunteers to be
 - 49414_ _____ trained to
 administer _____
 _____ epinephrine auto-
 injectors _____

At least once per year_ Education Code_ AR 5141.21_ Request for volunteers to be
 - 49414.3_ _____ trained to
 administer opioid _____
 - _____ antagonist

To all employees_ Government Code_ BP_ _____ 4136_ Prohibition of activities
 that _____ 1126_ _____ 4236_ are inconsistent,
 - incompatible, _____ 4336_ in conflict with,
 _____ or inimical to _____
 _____ duties;
 discipline; appeal _____

_____ E 4112.9(b)

_____ 4212.9

_____ 4312.9

EMPLOYEE NOTIFICATIONS (continued)

	Education or	Board Policy/	
When/Whom	Other Legal	Administrative	
to Notify	Code	Regulation #	Subject

I. To All Employees: (continued)

To all employees_	Government Code_	BP_ _____	4020_ District's drug- and
alcohol-			
-	8355; 41 USC 8102;_	BP_ _____	4159_ free workplace; actions to
be			
-	34 CFR 84.205, _____		4259_ taken if violated; available
-	84.210_ _____		4359_ employee assistance programs

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
Upon employment _____ service credit for military _____ service performed prior to _____ public employment _____	Government Code _____	None _____ 21029 _____	Right to purchase PERS _____
Upon placement of automated _____ location external defibrillator (AED) in _____ campus, school, and annually thereafter _____ cardiac arrest, school's _____ _____ emergency response plan	Health and Safety _____ Code 1797.196 _____	AR _____ 5141 _____	Proper use of AED; _____ of all AEDs on _____ sudden _____
If the district receives _____ schools Tobacco-Use Prevention _____ Education funds _____	Health and Safety _____ Code 104420 _____	AR _____ 3513.3 _____	District's tobacco-free _____ policy and enforcement _____ procedures _____
Annually, or more frequently _____ if there is new information _____ _____ including methods to prevent _____ _____ 120880 _____	Health and Safety _____ Code 120875, _____ _____ 120880 _____	BP 4119.43 _____ _____ 4219.43 _____ _____ 4319.43 _____	AIDS and hepatitis B, _____ 4219.43 _____ 4319.43 _____ exposure _____
To new employees upon _____ hire and other employees _____ 230-230.1 pertaining _____ upon request, in districts with _____ 25 or more employees _____ _____ accommodations for victims _____ _____ or abuse _____	Labor Code 230.1 _____	AR 4161.2 _____ _____ 4261.2 _____ _____ 4361.2 _____	Rights pursuant to Labor _____ 4261.2 _____ Code _____ 4361.2 _____ to leaves and _____ _____ of crime _____
With each paycheck _____ _____ Amount of sick leave available _____ _____ _____	Labor Code 246 _____	AR _____ 4161.1 _____ _____ 4361.1 _____ _____ AR _____ 4261.1 _____ _____ 4361.1 _____	
Upon hire, in employee _____	Labor Code _____	BP 4033 _____	The district's policy on _____

handbook, and upon request_ 1034_ lactation
 accommodation
 for parental leave

To covered employees and_ Labor Code_ AR_ 4154_ Availability of COBRA/
 former employees_ 2800.2_ 4254_ Cal-COBRA continuation
 coverage; 4354_ and conversion
 encouraging careful statement
 options before examination of
 declining coverage

~~E 4112.9(e)~~

~~4212.9~~

~~4312.9~~

EMPLOYEE NOTIFICATIONS (continued)

Education or	Board Policy/		
When/Whom	Other Legal	Administrative	
to Notify	Code	Regulation #	Subject

~~I. To All Employees~~ (continued)

To employees participating_ Labor Code_ None_ Deadline to withdraw funds
 in a flexible spending account_ 2810.7_ from account
 before the end of the plan year

To every new employee, either_ Labor Code_ AR 4157.1_ Workers' compensation
 at the time employee is hired_ 3551_ 4257.1
 benefits, how to obtain medical
 or by end of first pay period_ 4357.1_ care, role of primary physician,
 form for reporting personal
 physician/chiropractor

When/Whom	Education or	Board Policy/	
to Notify	Other Legal	Administrative	
	Code	Regulation #	Subject

I. To All Employees (continued)

Within one day of receiving notice of potential exposure to COVID-19, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted district's employees as applicable

Labor Code 6409.6 AR 4157

Potential exposure to COVID-19; employees may be entitled to available leave options; protection against discrimination; retaliation; disinfection and safety plan

Prior to beginning employment as a reporter of child abuse, reporting obligations, confidentiality

Penal Code AR 5141.4

11165.7, 11166.5

Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law

Upon employment, and when employee goes on leave for specified reasons

Unemployment Insurance Code 2613 AR 4154 4254 4354

Disability insurance rights benefits

To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when principal believes needs the information for the protection of self or others when working with student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses

Welfare and Institutions Code 827 AR 4158 4258 4358

Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

To all employees and job applicants

2 CCR 11023; 34 CFR 104.8, 106.9 BP_0410 AR 4030

District's policy on nondiscrimination and related complaint procedures

To all employees via employee handbook, or to each new

2 CCR 11091, 11095; 29 CFR AR_4161.8

Benefits through Family and Medical Leave Act (FMLA)

employee_ 825.300 _____ 4361.8 and California Family
Rights

Act (CFRA); obligation

to provide 30 days' notice of

need for leave when possible

To all employees_ 8 CCR 3203_ AR 4157_ The right and procedure to 4257
access the injury and illness 4357
prevention program

To all employees working with 42 USC 11432 AR 6173 Duties of district liaison for
homeless families homeless students
E 4112.9(d)

4212.9

4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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I. To All Employees -(continued)

To all employees_	34 CFR 106.8_	AR 4119.11_	Nondiscrimination on the 4219.11_ basis of sex; contact 4319.11_ information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights
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Annually_	40 CFR 763.84, 763.93_	AR_3514_	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress
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<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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II. To Certificated Employees

To eligible certificated_ employees in a timely manner_	Education Code _ 22455.5_	AR_4121_	Criteria for membership in retirement system; right to
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and to part-time and substitute _____ elect membership at any time
 certificated employees _____
 within 30 days of hire _____

Upon employment of a _____ Education Code _ AR_4117.14_ Postretirement earnings
 retired certificated individual _ 22461 _____ 4317.14 limitation or employment

 restriction; monthly report of

 compensation

To certificated employees _ Education Code _ AR_ _____ 4115 District regulations related to
 _ 35171_ BP_4315_ performance evaluations

30 days before last day of _ Education Code _ AR_4115_ Copy of employee's evaluation
 school year for instructional
 staff, or by June 30 for
 noninstructional certificated
 staff, in any year in which
 employee is evaluated

To a certificated employee _ Education Code _ AR_ _____ 4115 Notice and description of the
 with unsatisfactory evaluation, 44664 unsatisfactory performance
 once per year for probationary
 employee or at least once every
 other year for permanent employee

~~E 4112.9(e)~~
 _____ 4212.9
 _____ 4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom	Education or	Board Policy/	Other Legal	Administrative
to Notify	Code	Regulation #	Regulation #	Subject

~~H. To Certificated Employees (continued)~~

By May 30, if district issues reemployment notices to certificated employees _____	Education Code 44842	AR 4112.1 _____	Request that the employee notify district of intent to remain in service next year
To probationary and temporary certificated employees upon employment, and every July	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary

thereafter

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
To probationary employee, by March 15	Education Code 44929.21, 44929.23, 44948.5	BP 4116	Whether or not employee is reelected for next school year
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing
To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second-year probationary employee	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal

~~E 4112.9(f)~~

~~4212.9~~

~~4312.9~~

~~EMPLOYEE NOTIFICATIONS (continued)~~

<u>When/Whom</u>	<u>Education or Other Legal</u>	<u>Board Policy/ Administrative</u>
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due to alleged misconduct or _____
 while allegation is pending

Teacher Credentialing

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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III. To Classified Employees

When classified employee is subject to disciplinary action for cause, in nonmerit district _____ Education Code 45113 _____ AR _____ 4218 Notice of charges, right to hearing, timeline for requesting hearing

By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15 Education Code 45117 AR 4217.3 Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds Education Code 45117 AR 4217.3 District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

At least 60 days prior to the layoff date, or by April 29 for effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program that expires at end of school year Education Code 45117 AR _____ 4217.3 Notice of layoff and reemployment rights displacement and reemployment rights

Upon employment and upon specification, _____ each change in classification _____ duty hours, _____ Education Code 45169 _____ AR _____ 4212 Employee's class salary data, assignment or work location, prescribed workweek

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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III. To Classified Employees

To permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1, 4261.11	Exhaustion of leave, opportunity to request additional leave
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~~E 4112.9(g)~~

~~4212.9~~

~~4312.9~~

EMPLOYEE NOTIFICATIONS (continued)

	Education or	Board Policy/	
When/Whom	Other Legal	Administrative	
to Notify	Code	Regulation #	Subject

~~III. To Classified Employees~~
(continued)

To school bus drivers and school activity bus drivers certificate and prior to expiration of certificate; need to specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's medical renew
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To school bus drivers and school activity bus drivers consequences of not upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; complying
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To school bus drivers, prior to district drug testing program and thereafter upon employment district's policy;	49 CFR 382.113, 382.601	AR 4112.42	Explanation of federal 4212.42 requirements for drug 4312.42 program and <u>prior to administration of each drug or alcohol test</u>
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To school bus drivers, prior to	49 CFR 382.303	AR 4112.42	Post-accident information,
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operating school bus _____ 4212.42_ procedures, and
 instructions _____
 _____ 4312.42_

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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IV. To Administrative/Supervisory Personnel

To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP _____2121 BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term
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Upon request by administrative for or supervisory employee transferred to teaching position	Education Code 44896	AR _____4313.2	Statement of the reasons the reassignment
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By March 15 to employee be who may be released/reassigned the following school year	Education Code 44951	AR _____4313.2	Notice that employee may released or reassigned the following school year
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<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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V. To Individual Employees Under Special Circumstances

In the event of a breach of security of district records, to affected employees	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies
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~~E 4112.9(h)~~

_____ 4212.9

_____ 4312.9

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/Administrative Regulation #	Subject
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V. To Individual Employees Under Special Circumstances -(continued)

Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
To district police officer, within 30 days of decision to impose discipline	Government Code 3304	AR 3515.3	Decision to impose discipline, including the date that discipline will be imposed
To employee returning from military leave of absence, within 30 days of return	Government Code 20997	AR 4161.5 4261.5 4361.5	Right to receive PERS service credit for military service; application form
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
<u>When document identifying employee who is victim of domestic violence is disclosed</u>			
	<u>Labor Code 230</u>	<u>AR 4158</u>	<u>Accommodations and leave for victims of domestic violence</u>
		<u>4258</u>	
		<u>4358</u>	
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	AR 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification
To any employee with and exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter	8 CCR 3204	AR 4119.42 4219.42 4319.42	The existence, location, availability of exposure and medical records; person responsible for maintaining and providing access to

~~E 4112.9(i)~~

~~4212.9~~

~~4312.9~~

EMPLOYEE NOTIFICATIONS (continued)

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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~~V. To Individual Employees Under Special Circumstances~~ (continued)

To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material
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When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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~~V. To Individual Employees Under Special Circumstances~~ (continued)

To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
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To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300; 2 CCR 11049, 11091	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 4261.8 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

13 CCR 1234

13 CCR 2480

2 CCR 11023

2 CCR 11035-11051

2 CCR 11087-11098

5 CCR 4622

5 CCR 80303

8 CCR 3204

8 CCR 5191

8 CCR 5194

Civ. Code 1798.29

Ed. Code 17612

Ed. Code 22455.5

Ed. Code 22461

Description

Reports regarding school buses and bus drivers

Vehicle idling, limitations

Harassment and discrimination prevention and correction

Unlawful sex discrimination: pregnancy, childbirth and related medical conditions

California Family Rights Act

Uniform complaint procedures

Reports of change in employment status, alleged misconduct

Employees exposed to bloodborne pathogens standard

Chemical hygiene plan

Hazard communication

District records, specifically - breach of security

Notification of pesticide use

STRS information to potential members

Postretirement compensation limitation

<u>Ed. Code 231.5</u>	<u>Sexual harassment policy</u>
<u>Ed. Code 35031</u>	<u>Term of employment</u>
<u>Ed. Code 35171</u>	<u>Availability of rules and regulations for evaluation of performance</u>
<u>Ed. Code 37616</u>	<u>Notice of public hearing on year-round schedule</u>
<u>Ed. Code 44031</u>	<u>Personnel file contents, inspection</u>
<u>Ed. Code 44663-44664</u>	<u>Evaluation of certificated employees</u>
<u>Ed. Code 44842</u>	<u>Reemployment notices, certificated employees</u>
<u>Ed. Code 44896</u>	<u>Transfer of administrator or supervisor to teaching position</u>
<u>Ed. Code 44916</u>	<u>Written statement of employment status</u>
<u>Ed. Code 44929.21</u>	<u>Notice of reelection decision; districts with 250 ADA or more</u>
<u>Ed. Code 44929.23</u>	<u>Districts with less than 250 ADA</u>
<u>Ed. Code 44934</u>	<u>Notice of disciplinary action for cause</u>
<u>Ed. Code 44938</u>	<u>Notice of unprofessional conduct and opportunity to correct</u>
<u>Ed. Code 44940.5-44941</u>	<u>Notification of suspension and intent to dismiss</u>
<u>Ed. Code 44948.3-44948.5</u>	<u>Dismissal of probationary employees</u>
<u>Ed. Code 44948.5</u>	<u>Nonreelection procedures, districts under 250 ADA</u>
<u>Ed. Code 44949</u>	<u>Dismissal of probationary employees</u>
<u>Ed. Code 44951</u>	<u>Continuation in position unless notified, administrative or supervisory personnel</u>
<u>Ed. Code 44954</u>	<u>Nonreelection of temporary employees</u>
<u>Ed. Code 44955</u>	<u>Reduction in number of permanent employees</u>
<u>Ed. Code 44955.5</u>	<u>Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance</u>
<u>Ed. Code 45113</u>	<u>Notification of charges, classified employees</u>
<u>Ed. Code 45117</u>	<u>Notice of layoff, classified employees</u>
<u>Ed. Code 45169</u>	<u>Employee salary data, classified employees</u>
<u>Ed. Code 45192</u>	<u>Industrial accident and illness leave for classified employees</u>
<u>Ed. Code 45195</u>	<u>Additional leave</u>
<u>Ed. Code 46162</u>	<u>Notice of public hearing on block schedule</u>

<u>Ed. Code 48201</u>	<u>Transfer student's record for acts that resulted in suspension or expulsion</u>
<u>Ed. Code 49013</u>	<u>Complaints regarding student fees</u>
<u>Ed. Code 49079</u>	<u>Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion</u>
<u>Ed. Code 49414</u>	<u>Epinephrine auto-injectors</u>
<u>Ed. Code 49414.3</u>	<u>Administration of opioid antagonist</u>
<u>Gov. Code 1126</u>	<u>Incompatible activities of employees</u>
<u>Gov. Code 12950</u>	<u>Sexual harassment</u>
<u>Gov. Code 21029</u>	<u>Retirement credit for period of military service</u>
<u>Gov. Code 54957</u>	<u>Complaints against employees; right to open session</u>
<u>Gov. Code 54963</u>	<u>Unauthorized disclosure of confidential information</u>
<u>Gov. Code 8355</u>	<u>Certification of drug-free workplace, including notification</u>
<u>H&S Code 104420</u>	<u>Tobacco-free schools</u>
<u>H&S Code 120875</u>	<u>Information on AIDS, AIDS-related conditions, and hepatitis B</u>
<u>H&S Code 120880</u>	<u>Notification to employees re AIDS, AIDS-related conditions, and hepatitis B</u>
<u>H&S Code 1797.196</u>	<u>Automated external defibrillators; notification of use and locations</u>
<u>Lab. Code 230</u>	<u>Accommodations and leave for victims of domestic violence</u>
<u>Lab. Code 2800.2</u>	<u>Notification of availability of continuation health coverage</u>
<u>Lab. Code 3550-3553</u>	<u>Notifications re: workers' compensation benefits</u>
<u>Lab. Code 5401</u>	<u>Workers' compensation, claim form and notice of potential eligibility</u>
<u>Pen. Code 11165.7</u>	<u>Child Abuse and Neglect Reporting Act, notification requirement</u>
<u>Pen. Code 11166.5</u>	<u>Employment, statement of knowledge of duty to report child abuse or neglect</u>
<u>Unemp. Ins. Code 2613</u>	<u>Disability insurance; notice of rights and benefits</u>
<u>Welfare and Institutions Code 827</u>	<u>Limited exception to juvenile court record</u>
<u>Federal</u>	<u>Description</u>
<u>29 CFR 825.300</u>	<u>Family and Medical Leave Act; notice requirement</u>
<u>34 CFR 104.8</u>	<u>Nondiscrimination</u>
<u>34 CFR 106.9</u>	<u>Dissemination of policy</u>

[34 CFR 84.205-84.210](#)

[38 USC 4334](#)

[40 CFR 763.84](#)

[40 CFR 763.93](#)

[41 USC 8101-8106](#)

[42 USC 11431-11435](#)

[49 CFR 382.113](#)

[49 CFR 382.303](#)

[49 CFR 382.601](#)

[Drug-free workplace statement](#)

[Uniformed Services Employment and Reemployment Rights Act, notice requirement](#)

[Asbestos inspections, response actions and post-response actions](#)

[Asbestos management plans](#)

[Drug-Free Workplace Act](#)

[McKinney-Vento Homeless Assistance Act](#)

[Controlled substance and alcohol use and testing notifications](#)

[Post-accident information, procedures, and instructions](#)

[Controlled substance and alcohol use and testing notification](#)

Cross References

Code

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[1312.3](#)

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<u>4030</u>	<u>Nondiscrimination In Employment</u>
<u>4033</u>	<u>Lactation Accommodation</u>
<u>4112.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4112.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4112.5</u>	<u>Criminal Record Check</u>
<u>4112.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4112.6</u>	<u>Personnel Files</u>
<u>4115</u>	<u>Evaluation/Supervision</u>
<u>4115</u>	<u>Evaluation/Supervision</u>
<u>4116</u>	<u>Probationary/Permanent Status</u>
<u>4116</u>	<u>Probationary/Permanent Status</u>
<u>4117.14</u>	<u>Postretirement Employment</u>
<u>4117.3</u>	<u>Personnel Reduction</u>
<u>4117.7</u>	<u>Employment Status Reports</u>
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<u>4119.11</u>	<u>Sexual Harassment</u>
<u>4119.43</u>	<u>Universal Precautions</u>
<u>4119.43</u>	<u>Universal Precautions</u>
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<u>4121</u>	<u>Temporary/Substitute Personnel</u>
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<u>4154</u>	<u>Health And Welfare Benefits</u>
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<u>4158</u>	<u>Employee Security (BP and AR)</u>
<u>4161.1</u>	<u>Personal Illness/Injury Leave</u>

<u>4161.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4161.5</u>	<u>Military Leave</u>
<u>4161.8</u>	<u>Family Care And Medical Leave</u>
<u>4212</u>	<u>Appointment And Conditions Of Employment</u>
<u>4212.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4212.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
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<u>4219.11</u>	<u>Sexual Harassment</u>
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<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4257.1</u>	<u>Work-Related Injuries</u>
<u>4258</u>	<u>Employee Security (BP and AR)</u>
<u>4261.1</u>	<u>Personal Illness/Injury Leave</u>
<u>4261.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4261.5</u>	<u>Military Leave</u>
<u>4261.8</u>	<u>Family Care And Medical Leave</u>
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<u>4312.5-E(1)</u>	<u>Criminal Record Check</u>

<u>4312.6</u>	<u>Personnel Files</u>
<u>4315</u>	<u>Evaluation/Supervision</u>
<u>4317.14</u>	<u>Postretirement Employment</u>
<u>4317.7</u>	<u>Employment Status Reports</u>
<u>4319.11</u>	<u>Sexual Harassment</u>
<u>4319.11</u>	<u>Sexual Harassment</u>
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<u>4354</u>	<u>Health And Welfare Benefits</u>
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<u>4361.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4361.5</u>	<u>Military Leave</u>
<u>4361.8</u>	<u>Family Care And Medical Leave</u>
<u>6117</u>	<u>Year-Round Schedules</u>
<u>6173</u>	<u>Education for Homeless Children (BP/AR/E(1)/E(1))</u>
<u>9310</u>	<u>Board Policies</u>
<u>9321-E(1)</u>	<u>Closed Session</u>
<u>9321-E(2)</u>	<u>Closed Session</u>
<u>9321</u>	<u>Closed Session</u>

Exhibit
version:

CSBA POLICY MANUAL UPDATE ~~MAINTENANCE SERVICE~~
March 2022

Exhibit 4212.9-E(1): Employee Notifications

Status:
ADOPTED

Original Adopted Date: 05/01/2016 | **Last Revised Date:** 03/01/2022 | **Last Reviewed Date:** 03/01/2022

Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
<u>I. To All Employees</u>			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950	AR 4119.11 4219.11 4319.11	The district's policy on sexual harassment, legal remedies, complaints
Annually, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information on pesticides
Prior to implementing year-round schedule	Education Code 37616	BP 6117	Public hearing on year-round program
Prior to implementing alternative schedule	Education Code 46162	BP 6112	Public hearing on alternative schedule in secondary grades
Annually	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
At least once per year	Education Code 49414.3	AR 5141.21	Request for volunteers to be trained to administer opioid antagonist
To all employees	Government Code 1126	BP 4136 4236 4336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to

duties; discipline; appeal

To all employees	Government Code	BP 4020	District's drug- and alcohol-
	8355; 41 USC 8102;	BP 4159	free workplace; actions to be
	34 CFR 84.205,	4259	taken if violated; available
	84.210	4359	employee assistance programs

<u>When/Whom</u> <u>to Notify</u>	<u>Education or</u> <u>Other Legal</u> <u>Code</u>	<u>Board Policy/</u> <u>Administrative</u> <u>Regulation #</u>	<u>Subject</u>
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I. To All Employees (continued)

Upon employment	Government Code	None	Right to purchase PERS
	21029		service credit for military
			service performed prior to
			public employment

Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
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If the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
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Annually, or more frequently if there is new information	Health and Safety Code 120875, 120880	BP 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
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To new employees upon hire and other employees upon request, in districts with 25 or more employees	Labor Code 230.1	AR 4161.2 4261.2 4361.2	Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse
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With each paycheck	Labor Code 246	AR 4161.1 AR 4261.1 4361.1	Amount of sick leave available
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Upon hire, in employee handbook, and upon request for parental leave	Labor Code 1034	BP 4033	The district's policy on lactation accommodation
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To covered employees and former employees	Labor Code 2800.2	AR 4154 4254 4354	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To employees participating in a flexible spending account	Labor Code 2810.7	None	Deadline to withdraw funds from account before the end of the plan year
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	AR 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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I. To All Employees (continued)

Within one day of receiving notice of potential exposure to COVID-19, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable	Labor Code 6409.6	AR 4157 4257 4357	Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave for specified reasons	Unemployment Insurance Code 2613	AR 4154 4254 4354	Disability insurance rights and benefits
To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when principal believes needs the information for the	Welfare and Institutions Code 827	AR 4158 4258 4358	Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

protection of self or others when working with student, when Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses

To all employees and job applicants	2 CCR 11023; 34 CFR 104.8, 106.9	BP 0410 AR 4030	District's policy on nondiscrimination and related complaint procedures
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To all employees via employee handbook, or to each new employee	2 CCR 11091, 11095; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible
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To all employees	8 CCR 3203	AR 4157 4257 4357	The right and procedure to access the injury and illness prevention program
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To all employees working with homeless families	42 USC 11432	AR 6173	Duties of district liaison for homeless students
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<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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I. To All Employees (continued)

To all employees	34 CFR 106.8	AR 4119.11 4219.11 4319.11	Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights
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Annually	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress
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<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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II. To Certificated Employees

<u>To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire</u>	<u>Education Code</u> 22455.5	<u>AR 4121</u>	<u>Criteria for membership in retirement system; right to elect membership at any time</u>
<u>Upon employment of a retired certificated individual</u>	<u>Education Code</u> 22461	<u>AR 4117.14</u> <u>4317.14</u>	<u>Postretirement earnings limitation or employment restriction; monthly report of compensation</u>
<u>To certificated employees</u>	<u>Education Code</u> 35171	<u>AR 4115</u> <u>BP 4315</u>	<u>District regulations related to performance evaluations</u>
<u>30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated</u>	<u>Education Code</u> 44663	<u>AR 4115</u>	<u>Copy of employee's evaluation</u>
<u>To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee</u>	<u>Education Code</u> 44664	<u>AR 4115</u>	<u>Notice and description of the unsatisfactory performance</u>
<u>By May 30, if district issues reemployment notices to certificated employees</u>	<u>Education Code</u> 44842	<u>AR 4112.1</u>	<u>Request that the employee notify district of intent to remain in service next year</u>
<u>To probationary and temporary certificated employees upon employment, and every July thereafter</u>	<u>Education Code</u> 44916	<u>AR 4112.1</u> <u>AR 4121</u>	<u>Employment status and salary</u>

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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II. To Certificated Employees (continued)

<u>To probationary employee, by March 15</u>	<u>Education Code</u> 44929.21, 44929.23, 44948.5	<u>BP 4116</u>	<u>Whether or not employee is reelected for next school year</u>
<u>When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year</u>	<u>Education Code</u> 44934, 44934.1, 44936	<u>BP 4118</u> <u>AR 4118</u>	<u>Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice</u>
<u>To certificated employee charged</u>	<u>Education Code</u>	<u>BP 4118</u>	<u>Notice of deficiency and</u>

<u>with unprofessional conduct, at least 45 days prior to suspension/dismissal notice</u>	44938		<u>opportunity to correct</u>
<u>To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year</u>	Education Code 44938	BP 4118	<u>Notice of deficiency and opportunity to correct</u>
<u>To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings</u>	Education Code 44940.5	AR 4118	<u>Notice of intent to dismiss 30 days from notice unless employee demands hearing</u>
<u>To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second-year probationary employee</u>	Education Code 44948.3	AR 4118	<u>Reasons for dismissal and opportunity to appeal</u>
<u>By March 15 when necessary to reduce certificated personnel, with final notice by May 15</u>	Education Code 44949, 44955	BP 4117.3	<u>Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination</u>
<u>Before the end of the school year to temporary employee who served 75 percent of school year but will be released</u>	Education Code 44954	BP 4121	<u>District's decision not to reelect employee for following school year</u>
<u>During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated</u>	Education Code 44955.5	BP 4117.3	<u>Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board</u>
<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>

II. To Certificated Employees (continued)

<u>To teacher, when a student engages in or is reasonably suspected of specified acts</u>	Education Code 49079	AR 4158 4258 4358	<u>Student has committed specified act that constitutes ground for suspension or</u>
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expulsion

To teacher of a student who is suspended or expelled, when Superintendent or designee receives transfer student's record regarding acts that resulted in suspension or expulsion Education Code 48201 AR 4158 4258 4358 Student has committed specified act that constitutes ground for suspension or expulsion

To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending 5 CCR 80303 AR 4117.7 4317.7 Contents of state regulation re: report to Commission on Teacher Credentialing

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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III. To and Classified Employees Personnel — BP 4141.6(a)

When classified employee is subject to disciplinary action for cause, in nonmerit district Education Code 45113 AR 4218 Notice of charges, right to hearing, timeline for requesting hearing

By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15 Education Code 45117 AR 4217.3 Notice of layoff, displacement and reemployment rights, right to hearing; final notice of

4241.6

CONCERTED ACTION/WORK STOPPAGE

~~The~~ Board decision regarding

termination

During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds Education Code 45117 AR 4217.3 District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

At least 60 days prior to the Education Code AR 4217.3 Notice of layoff date.

effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program	45117		displacement and reemployment rights
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Upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
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<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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III. To Classified Employees

To permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave
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To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
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To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
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To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.113, 382.601	AR 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test
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To school bus drivers, prior to operating school bus	49 CFR 382.303	AR 4112.42 4212.42 4312.42	Post-accident information, procedures, and instructions
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<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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IV. To Administrative/Supervisory Personnel

To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 2121 BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term
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Upon request by administrative	Education Code	AR 4313.2	Statement of the reasons for
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or supervisory employee transferred to teaching position	44896		the reassignment
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By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year
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<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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V. To Individual Employees Under Special Circumstances

In the event of a breach of security of district records, to affected employees	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies
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<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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V. To Individual Employees Under Special Circumstances (continued)

Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
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To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
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To district police officer, within 30 days of decision to impose discipline	Government Code 3304	AR 3515.3	Decision to impose discipline, including the date that discipline will be imposed
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To employee returning from military leave of absence, within 30 days of return	Government Code 20997	AR 4161.5 4261.5 4361.5	Right to receive PERS service credit for military service; application form
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24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
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When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
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When document identifying employee who is victim of domestic violence is disclosed	Labor Code 230	AR 4158 4258 4358	Accommodations and leave for victims of domestic violence
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<u>Within one working day of work-related injury or victimization of crime</u>	<u>Labor Code 3553, 5401</u>	<u>AR 4157.1 4257.1 4357.1</u>	<u>Potential eligibility for workers' compensation benefits, claim form</u>
<u>When adverse employment action is based on DOJ criminal history information or subsequent arrest notification</u>	<u>Penal Code 11105, 11105.2</u>	<u>AR 4112.5 4212.5 4312.5</u>	<u>Copy of DOJ notification</u>
<u>To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter</u>	<u>8 CCR 3204</u>	<u>AR 4119.42 4219.42 4319.42</u>	<u>The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records</u>
<u>To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation</u>	<u>8 CCR 5191</u>	<u>AR 3514.1</u>	<u>Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material</u>

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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V. To Individual Employees Under Special Circumstances (continued)

<u>To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area</u>	<u>8 CCR 5194</u>	<u>AR 3514.1</u>	<u>Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights</u>
<u>To employee eligible for military leave</u>	<u>38 USC 4334</u>	<u>AR 4161.5 4261.5 4361.5</u>	<u>Notice of rights, benefits, and obligations under military leave</u>
<u>Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave</u>	<u>29 CFR 825.300; 2 CCR 11049, 11091</u>	<u>AR 4161.8 4261.8 4361.8</u>	<u>Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice</u>

<u>Whenever notice of eligibility for FMLA is provided to employee</u>	<u>29 CFR 825.300</u>	<u>AR 4161.8</u>	<u>Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations</u>
		<u>4261.8</u>	
		<u>4361.8</u>	

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<u>State</u>	<u>Description</u>
<u>13 CCR 1234</u>	<u>Reports regarding school buses and bus drivers</u>
<u>13 CCR 2480</u>	<u>Vehicle idling, limitations</u>
<u>2 CCR 11023</u>	<u>Harassment and discrimination prevention and correction</u>
<u>2 CCR 11035-11051</u>	<u>Unlawful sex discrimination: pregnancy, childbirth and related medical conditions</u>
<u>2 CCR 11087-11098</u>	<u>California Family Rights Act</u>
<u>5 CCR 4622</u>	<u>Uniform complaint procedures</u>
<u>5 CCR 80303</u>	<u>Reports of change in employment status, alleged misconduct</u>
<u>8 CCR 3204</u>	<u>Employees exposed to bloodborne pathogens standard</u>
<u>8 CCR 5191</u>	<u>Chemical hygiene plan</u>
<u>8 CCR 5194</u>	<u>Hazard communication</u>
<u>Civ. Code 1798.29</u>	<u>District records, specifically - breach of security</u>
<u>Ed. Code 17612</u>	<u>Notification of pesticide use</u>
<u>Ed. Code 22455.5</u>	<u>STRS information to potential members</u>
<u>Ed. Code 22461</u>	<u>Postretirement compensation limitation</u>
<u>Ed. Code 231.5</u>	<u>Sexual harassment policy</u>
<u>Ed. Code 35031</u>	<u>Term of employment</u>
<u>Ed. Code 35171</u>	<u>Availability of rules and regulations for evaluation of performance</u>
<u>Ed. Code 37616</u>	<u>Notice of public hearing on year-round schedule</u>
<u>Ed. Code 44031</u>	<u>Personnel file contents, inspection</u>
<u>Ed. Code 44663-44664</u>	<u>Evaluation of certificated employees</u>
<u>Ed. Code 44842</u>	<u>Reemployment notices, certificated employees</u>
<u>Ed. Code 44896</u>	<u>Transfer of administrator or supervisor to teaching position</u>
<u>Ed. Code 44916</u>	<u>Written statement of employment status</u>

<u>Ed. Code 44929.21</u>	<u>Notice of reelection decision; districts with 250 ADA or more</u>
<u>Ed. Code 44929.23</u>	<u>Districts with less than 250 ADA</u>
<u>Ed. Code 44934</u>	<u>Notice of disciplinary action for cause</u>
<u>Ed. Code 44938</u>	<u>Notice of unprofessional conduct and opportunity to correct</u>
<u>Ed. Code 44940.5-44941</u>	<u>Notification of suspension and intent to dismiss</u>
<u>Ed. Code 44948.3-44948.5</u>	<u>Dismissal of probationary employees</u>
<u>Ed. Code 44948.5</u>	<u>Nonreelection procedures, districts under 250 ADA</u>
<u>Ed. Code 44949</u>	<u>Dismissal of probationary employees</u>
<u>Ed. Code 44951</u>	<u>Continuation in position unless notified, administrative or supervisory personnel</u>
<u>Ed. Code 44954</u>	<u>Nonreelection of temporary employees</u>
<u>Ed. Code 44955</u>	<u>Reduction in number of permanent employees</u>
<u>Ed. Code 44955.5</u>	<u>Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance</u>
<u>Ed. Code 45113</u>	<u>Notification of charges, classified employees</u>
<u>Ed. Code 45117</u>	<u>Notice of layoff, classified employees</u>
<u>Ed. Code 45169</u>	<u>Employee salary data, classified employees</u>
<u>Ed. Code 45192</u>	<u>Industrial accident and illness leave for classified employees</u>
<u>Ed. Code 45195</u>	<u>Additional leave</u>
<u>Ed. Code 46162</u>	<u>Notice of public hearing on block schedule</u>
<u>Ed. Code 48201</u>	<u>Transfer student's record for acts that resulted in suspension or expulsion</u>
<u>Ed. Code 49013</u>	<u>Complaints regarding student fees</u>
<u>Ed. Code 49079</u>	<u>Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion</u>
<u>Ed. Code 49414</u>	<u>Epinephrine auto-injectors</u>
<u>Ed. Code 49414.3</u>	<u>Administration of opioid antagonist</u>
<u>Gov. Code 1126</u>	<u>Incompatible activities of employees</u>
<u>Gov. Code 12950</u>	<u>Sexual harassment</u>
<u>Gov. Code 21029</u>	<u>Retirement credit for period of military service</u>

<u>Gov. Code 54957</u>	<u>Complaints against employees; right to open session</u>
<u>Gov. Code 54963</u>	<u>Unauthorized disclosure of confidential information</u>
<u>Gov. Code 8355</u>	<u>Certification of drug-free workplace, including notification</u>
<u>H&S Code 104420</u>	<u>Tobacco-free schools</u>
<u>H&S Code 120875</u>	<u>Information on AIDS, AIDS-related conditions, and hepatitis B</u>
<u>H&S Code 120880</u>	<u>Notification to employees re AIDS, AIDS-related conditions, and hepatitis B</u>
<u>H&S Code 1797.196</u>	<u>Automated external defibrillators; notification of use and locations</u>
<u>Lab. Code 230</u>	<u>Accommodations and leave for victims of domestic violence</u>
<u>Lab. Code 2800.2</u>	<u>Notification of availability of continuation health coverage</u>
<u>Lab. Code 3550-3553</u>	<u>Notifications re: workers' compensation benefits</u>
<u>Lab. Code 5401</u>	<u>Workers' compensation, claim form and notice of potential eligibility</u>
<u>Pen. Code 11165.7</u>	<u>Child Abuse and Neglect Reporting Act, notification requirement</u>
<u>Pen. Code 11166.5</u>	<u>Employment, statement of knowledge of duty to report child abuse or neglect</u>
<u>Unemp. Ins. Code 2613</u>	<u>Disability insurance; notice of rights and benefits</u>
<u>Welfare and Institutions Code 827</u>	<u>Limited exception to juvenile court record</u>
<u>Federal</u>	<u>Description</u>
<u>29 CFR 825.300</u>	<u>Family and Medical Leave Act; notice requirement</u>
<u>34 CFR 104.8</u>	<u>Nondiscrimination</u>
<u>34 CFR 106.9</u>	<u>Dissemination of policy</u>
<u>34 CFR 84.205-84.210</u>	<u>Drug-free workplace statement</u>
<u>38 USC 4334</u>	<u>Uniformed Services Employment and Reemployment Rights Act, notice requirement</u>
<u>40 CFR 763.84</u>	<u>Asbestos inspections, response actions and post-response actions</u>
<u>40 CFR 763.93</u>	<u>Asbestos management plans</u>
<u>41 USC 8101-8106</u>	<u>Drug-Free Workplace Act</u>
<u>42 USC 11431-11435</u>	<u>McKinney-Vento Homeless Assistance Act</u>
<u>49 CFR 382.113</u>	<u>Controlled substance and alcohol use and testing notifications</u>
<u>49 CFR 382.303</u>	<u>Post-accident information, procedures, and instructions</u>

49 CFR 382.601

Controlled substance and alcohol use and testing notification

Cross References

<u>Code</u>	<u>Description</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(1)</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(2)</u>	<u>Uniform Complaint Procedures</u>
<u>2121</u>	<u>Superintendent's Contract</u>
<u>3260</u>	<u>Fees And Charges</u>
<u>3260</u>	<u>Fees And Charges</u>
<u>3513.3</u>	<u>Tobacco-Free Schools</u>
<u>3513.3</u>	<u>Tobacco-Free Schools</u>
<u>3514</u>	<u>Environmental Safety</u>
<u>3514</u>	<u>Environmental Safety</u>
<u>3514.1</u>	<u>Hazardous Substances</u>
<u>3514.1</u>	<u>Hazardous Substances</u>
<u>3514.2</u>	<u>Integrated Pest Management</u>
<u>3542</u>	<u>School Bus Drivers</u>
<u>3580</u>	<u>District Records</u>
<u>3580</u>	<u>District Records</u>
<u>4020</u>	<u>Drug And Alcohol-Free Workplace</u>
<u>4030</u>	<u>Nondiscrimination In Employment</u>
<u>4030</u>	<u>Nondiscrimination In Employment</u>
<u>4033</u>	<u>Lactation Accommodation</u>
<u>4112.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4112.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4112.5</u>	<u>Criminal Record Check</u>
<u>4112.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4112.6</u>	<u>Personnel Files</u>

<u>4115</u>	<u>Evaluation/Supervision</u>
<u>4115</u>	<u>Evaluation/Supervision</u>
<u>4116</u>	<u>Probationary/Permanent Status</u>
<u>4116</u>	<u>Probationary/Permanent Status</u>
<u>4117.14</u>	<u>Postretirement Employment</u>
<u>4117.3</u>	<u>Personnel Reduction</u>
<u>4117.7</u>	<u>Employment Status Reports</u>
<u>4118</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4118</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4119.11</u>	<u>Sexual Harassment</u>
<u>4119.11</u>	<u>Sexual Harassment</u>
<u>4119.43</u>	<u>Universal Precautions</u>
<u>4119.43</u>	<u>Universal Precautions</u>
<u>4121</u>	<u>Temporary/Substitute Personnel</u>
<u>4121</u>	<u>Temporary/Substitute Personnel</u>
<u>4136</u>	<u>Nonschool Employment</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4157.1</u>	<u>Work-Related Injuries</u>
<u>4158</u>	<u>Employee Security (BP and AR)</u>
<u>4161.1</u>	<u>Personal Illness/Injury Leave</u>
<u>4161.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4161.5</u>	<u>Military Leave</u>
<u>4161.8</u>	<u>Family Care And Medical Leave</u>
<u>4212</u>	<u>Appointment And Conditions Of Employment</u>
<u>4212.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4212.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4212.5</u>	<u>Criminal Record Check</u>
<u>4212.5-E(1)</u>	<u>Criminal Record Check</u>

<u>4212.6</u>	<u>Personnel Files</u>
<u>4216</u>	<u>Probationary/Permanent Status</u>
<u>4217.3</u>	<u>Layoff/Rehire</u>
<u>4219.11</u>	<u>Sexual Harassment</u>
<u>4219.11</u>	<u>Sexual Harassment</u>
<u>4219.43</u>	<u>Universal Precautions</u>
<u>4219.43</u>	<u>Universal Precautions</u>
<u>4236</u>	<u>Nonschool Employment</u>
<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4257.1</u>	<u>Work-Related Injuries</u>
<u>4258</u>	<u>Employee Security (BP and AR)</u>
<u>4261.1</u>	<u>Personal Illness/Injury Leave</u>
<u>4261.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4261.5</u>	<u>Military Leave</u>
<u>4261.8</u>	<u>Family Care And Medical Leave</u>
<u>4312.1</u>	<u>Contracts</u>
<u>4312.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4312.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4312.5</u>	<u>Criminal Record Check</u>
<u>4312.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4315</u>	<u>Evaluation/Supervision</u>
<u>4317.14</u>	<u>Postretirement Employment</u>
<u>4317.7</u>	<u>Employment Status Reports</u>
<u>4319.11</u>	<u>Sexual Harassment</u>
<u>4319.11</u>	<u>Sexual Harassment</u>
<u>4319.43</u>	<u>Universal Precautions</u>
<u>4319.43</u>	<u>Universal Precautions</u>

<u>4336</u>	<u>Nonschool Employment</u>
<u>4354</u>	<u>Health And Welfare Benefits</u>
<u>4354</u>	<u>Health And Welfare Benefits</u>
<u>4357.1</u>	<u>Work-Related Injuries</u>
<u>4358</u>	<u>Employee Security (BP and AR)</u>
<u>4361.1</u>	<u>Personal Illness/Injury Leave</u>
<u>4361.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4361.5</u>	<u>Military Leave</u>
<u>4361.8</u>	<u>Family Care And Medical Leave</u>
<u>6117</u>	<u>Year-Round Schedules</u>
<u>6173</u>	<u>Education for Homeless Children (BP/AR/E(1)/E(1))</u>
<u>9310</u>	<u>Board Policies</u>
<u>9321-E(1)</u>	<u>Closed Session</u>
<u>9321-E(2)</u>	<u>Closed Session</u>
<u>9321</u>	<u>Closed Session</u>

Exhibit
version:

CSBA POLICY MANUAL UPDATE
March 2022

Exhibit 4312.9-E(1): Employee Notifications

Status:
ADOPTED

Original Adopted Date: 05/01/2016 | Last Revised Date: 03/01/2022 | Last Reviewed Date: 03/01/2022

Note: The following exhibit lists notices which the law requires be provided to employees. See the referenced Board policy, administrative regulation, or Board bylaw for further information about related program and notice requirements.

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
<u>At the beginning of school year or upon employment</u>	<u>Education Code 231.5; Government Code 12950</u>	<u>AR 4119.11 4219.11 4319.11</u>	<u>The district's policy on sexual harassment, legal remedies, complaints</u>
<u>Annually, and 72 hours before pesticide application</u>	<u>Education Code 17612</u>	<u>AR 3514.2</u>	<u>Use of pesticide product, active ingredients, Internet address to access information on pesticides</u>
<u>Prior to implementing year-round schedule</u>	<u>Education Code 37616</u>	<u>BP 6117</u>	<u>Public hearing on year-round program</u>
<u>Prior to implementing alternative schedule</u>	<u>Education Code 46162</u>	<u>BP 6112</u>	<u>Public hearing on alternative schedule in secondary grades</u>
<u>Annually</u>	<u>Education Code 49013; 5 CCR 4622</u>	<u>AR 1312.3 BP 0460 BP 3260</u>	<u>Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan</u>
<u>Annually</u>	<u>Education Code 49414</u>	<u>AR 5141.21</u>	<u>Request for volunteers to be trained to administer epinephrine auto-injectors</u>
<u>At least once per year</u>	<u>Education Code 49414.3</u>	<u>AR 5141.21</u>	<u>Request for volunteers to be trained to administer opioid antagonist</u>
<u>To all employees</u>	<u>Government Code 1126</u>	<u>BP 4136 4236 4336</u>	<u>Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal</u>

To all employees	Government Code	BP 4020	District's drug- and alcohol-
	8355; 41 USC 8102;	BP 4159	free workplace; actions to be
	34 CFR 84.205,	4259	taken if violated; available
	84.210	4359	employee assistance programs

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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I. To All Employees (continued)

Upon employment	Government Code	None	Right to purchase PERS
	21029		service credit for military
			service performed prior to
			public employment
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
If the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually, or more frequently if there is new information	Health and Safety Code 120875, 120880	BP 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To new employees upon hire and other employees upon request, in districts with 25 or more employees	Labor Code 230.1	AR 4161.2 4261.2 4361.2	Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse
With each paycheck	Labor Code 246	AR 4161.1 AR 4261.1 4361.1	Amount of sick leave available
Upon hire, in employee handbook, and upon request for parental leave	Labor Code 1034	BP 4033	The district's policy on lactation accommodation
To covered employees and former employees	Labor Code 2800.2	AR 4154 4254 4354	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before

			<u>declining coverage</u>
<u>To employees participating in a flexible spending account</u>	<u>Labor Code</u> 2810.7	<u>None</u>	<u>Deadline to withdraw funds from account before the end of the plan year</u>
<u>To every new employee, either at the time employee is hired or by end of first pay period</u>	<u>Labor Code</u> 3551	<u>AR 4157.1</u> 4257.1 4357.1	<u>Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor</u>

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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I. To All Employees (continued)

<u>Within one day of receiving notice of potential exposure to COVID-19, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable</u>	<u>Labor Code</u> 6409.6	<u>AR 4157</u> 4257 4357	<u>Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; district's disinfection and safety plan</u>
<u>Prior to beginning employment</u>	<u>Penal Code</u> 11165.7, 11166.5	<u>AR 5141.4</u>	<u>Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law</u>
<u>Upon employment, and when employee goes on leave for specified reasons</u>	<u>Unemployment Insurance Code</u> 2613	<u>AR 4154</u> 4254 4354	<u>Disability insurance rights and benefits</u>
<u>To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when principal believes needs the information for the protection of self or others when working with student, when Superintendent or designee receives written notification that minor student has committed a felony or</u>	<u>Welfare and Institutions Code</u> 827	<u>AR 4158</u> 4258 4358	<u>Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff</u>

misdemeanor involving specified offenses

To all employees and job applicants	2 CCR 11023; 34 CFR 104.8, 106.9	BP 0410 AR 4030	District's policy on nondiscrimination and related complaint procedures
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To all employees via employee handbook, or to each new employee	2 CCR 11091, 11095; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible
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To all employees	8 CCR 3203	AR 4157 4257 4357	The right and procedure to access the injury and illness prevention program
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To all employees working with homeless families	42 USC 11432	AR 6173	Duties of district liaison for homeless students
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<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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I. To All Employees (continued)

To all employees	34 CFR 106.8	AR 4119.11 4219.11 4319.11	Nondiscrimination on the basis of sex; contact information for district's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights
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Annually	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress
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<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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II. To Certificated Employees

To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
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<u>Upon employment of a retired certificated individual</u>	<u>Education Code</u> 22461	<u>AR 4117.14</u> 4317.14	<u>Postretirement earnings limitation or employment restriction; monthly report of compensation</u>
<u>To certificated employees</u>	<u>Education Code</u> 35171	<u>AR 4115</u> BP 4315	<u>District regulations related to performance evaluations</u>
<u>30 days before last day of school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated</u>	<u>Education Code</u> 44663	<u>AR 4115</u>	<u>Copy of employee's evaluation</u>
<u>To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee</u>	<u>Education Code</u> 44664	<u>AR 4115</u>	<u>Notice and description of the unsatisfactory performance</u>
<u>By May 30, if district issues reemployment notices to certificated employees</u>	<u>Education Code</u> 44842	<u>AR 4112.1</u>	<u>Request that the employee notify district of intent to remain in service next year</u>
<u>To probationary and temporary certificated employees upon employment, and every July thereafter</u>	<u>Education Code</u> 44916	<u>AR 4112.1</u> <u>AR 4121</u>	<u>Employment status and salary</u>

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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II. To Certificated Employees (continued)

<u>To probationary employee, by March 15</u>	<u>Education Code</u> 44929.21, 44929.23, 44948.5	<u>BP 4116</u>	<u>Whether or not employee is reelected for next school year</u>
<u>When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year</u>	<u>Education Code</u> 44934, 44934.1, 44936	<u>BP 4118</u> <u>AR 4118</u>	<u>Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice</u>
<u>To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice</u>	<u>Education Code</u> 44938	<u>BP 4118</u>	<u>Notice of deficiency and opportunity to correct</u>
<u>To certificated employee charged</u>	<u>Education Code</u>	<u>BP 4118</u>	<u>Notice of deficiency and</u>

<u>with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year</u>	44938		<u>opportunity to correct</u>
<u>To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings</u>	Education Code 44940.5	AR 4118	<u>Notice of intent to dismiss 30 days from notice unless employee demands hearing</u>
<u>To probationary employee 30 days prior to dismissal during school year, but not later than March 15 for a second-year probationary employee</u>	Education Code 44948.3	AR 4118	<u>Reasons for dismissal and opportunity to appeal</u>
<u>By March 15 when necessary to reduce certificated personnel, with final notice by May 15</u>	Education Code 44949, 44955	BP 4117.3	<u>Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination</u>
<u>Before the end of the school year to temporary employee who served 75 percent of school year but will be released</u>	Education Code 44954	BP 4121	<u>District's decision not to reelect employee for following school year</u>
<u>During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to any permanent or probationary certificated employee, including an employee holding a position that requires administrative or supervisory credential, whose services are terminated</u>	Education Code 44955.5	BP 4117.3	<u>Decrease in the number of permanent employees in accordance with a schedule of notice and hearing adopted by the Board</u>

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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II. To Certificated Employees (continued)

<u>To teacher, when a student engages in or is reasonably suspected of specified acts</u>	Education Code 49079	AR 4158 4258 4358	<u>Student has committed specified act that constitutes ground for suspension or expulsion</u>
<u>To teacher of a student who is suspended or expelled, when Superintendent or designee receives</u>	Education Code 48201	AR 4158 4258 4358	<u>Student has committed specified act that constitutes ground for suspension</u>

transfer student's record regarding acts or expulsion that resulted in suspension or expulsion

To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending 5 CCR 80303 AR 4117.7 4317.7 Contents of state regulation re: report to Commission on Teacher Credentialing

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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III. To Classified Employees

When classified employee is subject to disciplinary action for cause, in nonmerit district Education Code 45113 AR 4218 Notice of charges, right to hearing, timeline for requesting hearing

By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15 Education Code 45117 AR 4217.3 Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding termination

During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds Education Code 45117 AR 4217.3 District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board

At least 60 days prior to the effective date of layoff, if the employee's position must be eliminated due to the expiration of a specially funded program Education Code 45117 AR 4217.3 Notice of layoff date, displacement and reemployment rights

Upon employment and upon each change in classification Education Code 45169 AR 4212 Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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III. To Classified Employees

<u>To permanent employee whose leave is exhausted</u>	<u>Education Code</u> 45192, 45195	<u>AR 4261.1</u> <u>AR 4261.11</u>	<u>Exhaustion of leave, opportunity to request additional leave</u>
<u>To school bus drivers and school activity bus drivers prior to expiration of specified documents</u>	<u>13 CCR 1234</u>	<u>AR 3542</u>	<u>Expiration date of driver's license, driver's certificate and medical certificate; need to renew</u>
<u>To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter</u>	<u>13 CCR 2480</u>	<u>AR 3542</u>	<u>Limitations on vehicle idling; consequences of not complying</u>
<u>To school bus drivers, prior to district drug testing program and thereafter upon employment</u>	<u>49 CFR 382.113, 382.601</u>	<u>AR 4112.42</u> <u>4212.42</u> <u>4312.42</u>	<u>Explanation of federal requirements for drug testing program and district's policy; prior to administration of each drug or alcohol test</u>
<u>To school bus drivers, prior to operating school bus</u>	<u>49 CFR 382.303</u>	<u>AR 4112.42</u> <u>4212.42</u> <u>4312.42</u>	<u>Post-accident information, procedures, and instructions</u>

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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IV. To Administrative/Supervisory Personnel

<u>To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract</u>	<u>Education Code</u> 35031	<u>BP 2121</u> <u>BP 4312.1</u>	<u>Decision not to reelect or reemploy upon expiration of contract or term</u>
<u>Upon request by administrative or supervisory employee transferred to teaching position</u>	<u>Education Code</u> 44896	<u>AR 4313.2</u>	<u>Statement of the reasons for the reassignment</u>
<u>By March 15 to employee who may be released/reassigned the following school year</u>	<u>Education Code</u> 44951	<u>AR 4313.2</u>	<u>Notice that employee may be released or reassigned the following school year</u>

<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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V. To Individual Employees Under Special Circumstances

<u>In the event of a breach of</u>	<u>Civil Code 1798.29</u>	<u>BP 3580</u>	<u>Types of records affected,</u>
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<u>security of district records, to affected employees</u>	<u>date of breach, description of incident, and, as applicable, contact information for credit reporting agencies</u>
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<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/ Administrative Regulation #</u>	<u>Subject</u>
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V. To Individual Employees Under Special Circumstances (continued)

<u>Prior to placing derogatory information in personnel file</u>	<u>Education Code 44031</u>	<u>AR 4112.6 4212.6 4312.6</u>	<u>Notice of derogatory information, opportunity to review and comment</u>
<u>To employees who volunteer to administer epinephrine auto-injector</u>	<u>Education Code 49414</u>	<u>AR 5141.21</u>	<u>Defense and indemnification from civil liability by the district</u>
<u>To district police officer, within 30 days of decision to impose discipline</u>	<u>Government Code 3304</u>	<u>AR 3515.3</u>	<u>Decision to impose discipline, including the date that discipline will be imposed</u>
<u>To employee returning from military leave of absence, within 30 days of return</u>	<u>Government Code 20997</u>	<u>AR 4161.5 4261.5 4361.5</u>	<u>Right to receive PERS service credit for military service; application form</u>
<u>24 hours before Board meets in closed session to hear complaints or charges against employee</u>	<u>Government Code 54957</u>	<u>BB 9321</u>	<u>Employee's right to have complaints/charges heard in open session</u>
<u>When taking disciplinary action against employee for disclosure of confidential information</u>	<u>Government Code 54963</u>	<u>BP 4119.23 4219.23 4319.23</u>	<u>Law prohibiting disclosure of confidential information obtained in closed session</u>
<u>When document identifying employee who is victim of domestic violence is disclosed</u>	<u>Labor Code 230</u>	<u>AR 4158 4258 4358</u>	<u>Accommodations and leave for victims of domestic violence</u>
<u>Within one working day of work-related injury or victimization of crime</u>	<u>Labor Code 3553, 5401</u>	<u>AR 4157.1 4257.1 4357.1</u>	<u>Potential eligibility for workers' compensation benefits, claim form</u>
<u>When adverse employment action is based on DOJ criminal history information or subsequent arrest notification</u>	<u>Penal Code 11105, 11105.2</u>	<u>AR 4112.5 4212.5 4312.5</u>	<u>Copy of DOJ notification</u>
<u>To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter</u>	<u>8 CCR 3204</u>	<u>AR 4119.42 4219.42 4319.42</u>	<u>The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to</u>

records; right to access records

<u>To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation</u>	<u>8 CCR 5191</u>	<u>AR 3514.1</u>	<u>Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material</u>
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<u>When/Whom to Notify</u>	<u>Education or Other Legal Code</u>	<u>Board Policy/Administrative Regulation #</u>	<u>Subject</u>
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V. To Individual Employees Under Special Circumstances (continued)

<u>To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area</u>	<u>8 CCR 5194</u>	<u>AR 3514.1</u>	<u>Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights</u>
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<u>To employee eligible for military leave</u>	<u>38 USC 4334</u>	<u>AR 4161.5</u> <u>4261.5</u> <u>4361.5</u>	<u>Notice of rights, benefits, and obligations under military leave</u>
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<u>Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave</u>	<u>29 CFR 825.300;</u> <u>2 CCR 11049,</u> <u>11091</u>	<u>AR 4161.8</u> <u>4261.8</u> <u>4361.8</u>	<u>Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice</u>
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<u>Whenever notice of eligibility for FMLA is provided to employee</u>	<u>29 CFR 825.300</u>	<u>AR 4161.8</u> <u>4261.8</u> <u>4361.8</u>	<u>Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations</u>
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Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

13 CCR 1234

13 CCR 2480

Description

Reports regarding school buses and bus drivers

Vehicle idling, limitations

<u>2 CCR 11023</u>	<u>Harassment and discrimination prevention and correction</u>
<u>2 CCR 11035-11051</u>	<u>Unlawful sex discrimination: pregnancy, childbirth and related medical conditions</u>
<u>2 CCR 11087-11098</u>	<u>California Family Rights Act</u>
<u>5 CCR 4622</u>	<u>Uniform complaint procedures</u>
<u>5 CCR 80303</u>	<u>Reports of change in employment status, alleged misconduct</u>
<u>8 CCR 3204</u>	<u>Employees exposed to bloodborne pathogens standard</u>
<u>8 CCR 5191</u>	<u>Chemical hygiene plan</u>
<u>8 CCR 5194</u>	<u>Hazard communication</u>
<u>Civ. Code 1798.29</u>	<u>District records, specifically - breach of security</u>
<u>Ed. Code 17612</u>	<u>Notification of pesticide use</u>
<u>Ed. Code 22455.5</u>	<u>STRS information to potential members</u>
<u>Ed. Code 22461</u>	<u>Postretirement compensation limitation</u>
<u>Ed. Code 231.5</u>	<u>Sexual harassment policy</u>
<u>Ed. Code 35031</u>	<u>Term of employment</u>
<u>Ed. Code 35171</u>	<u>Availability of rules and regulations for evaluation of performance</u>
<u>Ed. Code 37616</u>	<u>Notice of public hearing on year-round schedule</u>
<u>Ed. Code 44031</u>	<u>Personnel file contents, inspection</u>
<u>Ed. Code 44663-44664</u>	<u>Evaluation of certificated employees</u>
<u>Ed. Code 44842</u>	<u>Reemployment notices, certificated employees</u>
<u>Ed. Code 44896</u>	<u>Transfer of administrator or supervisor to teaching position</u>
<u>Ed. Code 44916</u>	<u>Written statement of employment status</u>
<u>Ed. Code 44929.21</u>	<u>Notice of reelection decision; districts with 250 ADA or more</u>
<u>Ed. Code 44929.23</u>	<u>Districts with less than 250 ADA</u>
<u>Ed. Code 44934</u>	<u>Notice of disciplinary action for cause</u>
<u>Ed. Code 44938</u>	<u>Notice of unprofessional conduct and opportunity to correct</u>
<u>Ed. Code 44940.5-44941</u>	<u>Notification of suspension and intent to dismiss</u>
<u>Ed. Code 44948.3-44948.5</u>	<u>Dismissal of probationary employees</u>
<u>Ed. Code 44948.5</u>	<u>Nonreelection procedures, districts under 250 ADA</u>
<u>Ed. Code 44949</u>	<u>Dismissal of probationary employees</u>

<u>Ed. Code 44951</u>	<u>Continuation in position unless notified, administrative or supervisory personnel</u>
<u>Ed. Code 44954</u>	<u>Nonreelection of temporary employees</u>
<u>Ed. Code 44955</u>	<u>Reduction in number of permanent employees</u>
<u>Ed. Code 44955.5</u>	<u>Decrease in number of permanent employees during specified time period upon determination related to local control funding formula per unit of average daily attendance</u>
<u>Ed. Code 45113</u>	<u>Notification of charges, classified employees</u>
<u>Ed. Code 45117</u>	<u>Notice of layoff, classified employees</u>
<u>Ed. Code 45169</u>	<u>Employee salary data, classified employees</u>
<u>Ed. Code 45192</u>	<u>Industrial accident and illness leave for classified employees</u>
<u>Ed. Code 45195</u>	<u>Additional leave</u>
<u>Ed. Code 46162</u>	<u>Notice of public hearing on block schedule</u>
<u>Ed. Code 48201</u>	<u>Transfer student's record for acts that resulted in suspension or expulsion</u>
<u>Ed. Code 49013</u>	<u>Complaints regarding student fees</u>
<u>Ed. Code 49079</u>	<u>Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion</u>
<u>Ed. Code 49414</u>	<u>Epinephrine auto-injectors</u>
<u>Ed. Code 49414.3</u>	<u>Administration of opioid antagonist</u>
<u>Gov. Code 1126</u>	<u>Incompatible activities of employees</u>
<u>Gov. Code 12950</u>	<u>Sexual harassment</u>
<u>Gov. Code 21029</u>	<u>Retirement credit for period of military service</u>
<u>Gov. Code 54957</u>	<u>Complaints against employees; right to open session</u>
<u>Gov. Code 54963</u>	<u>Unauthorized disclosure of confidential information</u>
<u>Gov. Code 8355</u>	<u>Certification of drug-free workplace, including notification</u>
<u>H&S Code 104420</u>	<u>Tobacco-free schools</u>
<u>H&S Code 120875</u>	<u>Information on AIDS, AIDS-related conditions, and hepatitis B</u>
<u>H&S Code 120880</u>	<u>Notification to employees re AIDS, AIDS-related conditions, and hepatitis B</u>
<u>H&S Code 1797.196</u>	<u>Automated external defibrillators; notification of use and locations</u>
<u>Lab. Code 230</u>	<u>Accommodations and leave for victims of domestic violence</u>

<u>Lab. Code 2800.2</u>	<u>Notification of availability of continuation health coverage</u>
<u>Lab. Code 3550-3553</u>	<u>Notifications re: workers' compensation benefits</u>
<u>Lab. Code 5401</u>	<u>Workers' compensation, claim form and notice of potential eligibility</u>
<u>Pen. Code 11165.7</u>	<u>Child Abuse and Neglect Reporting Act, notification requirement</u>
<u>Pen. Code 11166.5</u>	<u>Employment, statement of knowledge of duty to report child abuse or neglect</u>
<u>Unemp. Ins. Code 2613</u>	<u>Disability insurance; notice of rights and benefits</u>
<u>Welfare and Institutions Code 827</u>	<u>Limited exception to juvenile court record</u>
<u>Federal</u>	<u>Description</u>
<u>29 CFR 825.300</u>	<u>Family and Medical Leave Act; notice requirement</u>
<u>34 CFR 104.8</u>	<u>Nondiscrimination</u>
<u>34 CFR 106.9</u>	<u>Dissemination of policy</u>
<u>34 CFR 84.205-84.210</u>	<u>Drug-free workplace statement</u>
<u>38 USC 4334</u>	<u>Uniformed Services Employment and Reemployment Rights Act, notice requirement</u>
<u>40 CFR 763.84</u>	<u>Asbestos inspections, response actions and post-response actions</u>
<u>40 CFR 763.93</u>	<u>Asbestos management plans</u>
<u>41 USC 8101-8106</u>	<u>Drug-Free Workplace Act</u>
<u>42 USC 11431-11435</u>	<u>McKinney-Vento Homeless Assistance Act</u>
<u>49 CFR 382.113</u>	<u>Controlled substance and alcohol use and testing notifications</u>
<u>49 CFR 382.303</u>	<u>Post-accident information, procedures, and instructions</u>
<u>49 CFR 382.601</u>	<u>Controlled substance and alcohol use and testing notification</u>

Cross References

<u>Code</u>	<u>Description</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(1)</u>	<u>Uniform Complaint Procedures</u>
<u>1312.3-E(2)</u>	<u>Uniform Complaint Procedures</u>
<u>2121</u>	<u>Superintendent's Contract</u>
<u>3260</u>	<u>Fees And Charges</u>

<u>3260</u>	<u>Fees And Charges</u>
<u>3513.3</u>	<u>Tobacco-Free Schools</u>
<u>3513.3</u>	<u>Tobacco-Free Schools</u>
<u>3514</u>	<u>Environmental Safety</u>
<u>3514</u>	<u>Environmental Safety</u>
<u>3514.1</u>	<u>Hazardous Substances</u>
<u>3514.1</u>	<u>Hazardous Substances</u>
<u>3514.2</u>	<u>Integrated Pest Management</u>
<u>3542</u>	<u>School Bus Drivers</u>
<u>3580</u>	<u>District Records</u>
<u>3580</u>	<u>District Records</u>
<u>4020</u>	<u>Drug And Alcohol-Free Workplace</u>
<u>4030</u>	<u>Nondiscrimination In Employment</u>
<u>4030</u>	<u>Nondiscrimination In Employment</u>
<u>4033</u>	<u>Lactation Accommodation</u>
<u>4112.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4112.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4112.5</u>	<u>Criminal Record Check</u>
<u>4112.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4112.6</u>	<u>Personnel Files</u>
<u>4115</u>	<u>Evaluation/Supervision</u>
<u>4115</u>	<u>Evaluation/Supervision</u>
<u>4116</u>	<u>Probationary/Permanent Status</u>
<u>4116</u>	<u>Probationary/Permanent Status</u>
<u>4117.14</u>	<u>Postretirement Employment</u>
<u>4117.3</u>	<u>Personnel Reduction</u>
<u>4117.7</u>	<u>Employment Status Reports</u>
<u>4118</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4118</u>	<u>Dismissal/Suspension/Disciplinary Action</u>

<u>4119.11</u>	<u>Sexual Harassment</u>
<u>4119.11</u>	<u>Sexual Harassment</u>
<u>4119.43</u>	<u>Universal Precautions</u>
<u>4119.43</u>	<u>Universal Precautions</u>
<u>4121</u>	<u>Temporary/Substitute Personnel</u>
<u>4121</u>	<u>Temporary/Substitute Personnel</u>
<u>4136</u>	<u>Nonschool Employment</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4157.1</u>	<u>Work-Related Injuries</u>
<u>4158</u>	<u>Employee Security (BP and AR)</u>
<u>4161.1</u>	<u>Personal Illness/Injury Leave</u>
<u>4161.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4161.5</u>	<u>Military Leave</u>
<u>4161.8</u>	<u>Family Care And Medical Leave</u>
<u>4212</u>	<u>Appointment And Conditions Of Employment</u>
<u>4212.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4212.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4212.5</u>	<u>Criminal Record Check</u>
<u>4212.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4212.6</u>	<u>Personnel Files</u>
<u>4216</u>	<u>Probationary/Permanent Status</u>
<u>4217.3</u>	<u>Layoff/Rehire</u>
<u>4219.11</u>	<u>Sexual Harassment</u>
<u>4219.11</u>	<u>Sexual Harassment</u>
<u>4219.43</u>	<u>Universal Precautions</u>
<u>4219.43</u>	<u>Universal Precautions</u>
<u>4236</u>	<u>Nonschool Employment</u>
<u>4254</u>	<u>Health And Welfare Benefits</u>

<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4257.1</u>	<u>Work-Related Injuries</u>
<u>4258</u>	<u>Employee Security (BP and AR)</u>
<u>4261.1</u>	<u>Personal Illness/Injury Leave</u>
<u>4261.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4261.5</u>	<u>Military Leave</u>
<u>4261.8</u>	<u>Family Care And Medical Leave</u>
<u>4312.1</u>	<u>Contracts</u>
<u>4312.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4312.42</u>	<u>Drug And Alcohol Testing For School Bus Drivers</u>
<u>4312.5</u>	<u>Criminal Record Check</u>
<u>4312.5-E(1)</u>	<u>Criminal Record Check</u>
<u>4312.6</u>	<u>Personnel Files</u>
<u>4315</u>	<u>Evaluation/Supervision</u>
<u>4317.14</u>	<u>Postretirement Employment</u>
<u>4317.7</u>	<u>Employment Status Reports</u>
<u>4319.11</u>	<u>Sexual Harassment</u>
<u>4319.11</u>	<u>Sexual Harassment</u>
<u>4319.43</u>	<u>Universal Precautions</u>
<u>4319.43</u>	<u>Universal Precautions</u>
<u>4336</u>	<u>Nonschool Employment</u>
<u>4354</u>	<u>Health And Welfare Benefits</u>
<u>4354</u>	<u>Health And Welfare Benefits</u>
<u>4357.1</u>	<u>Work-Related Injuries</u>
<u>4358</u>	<u>Employee Security (BP and AR)</u>
<u>4361.1</u>	<u>Personal Illness/Injury Leave</u>
<u>4361.11</u>	<u>Industrial Accident/Illness Leave</u>
<u>4361.5</u>	<u>Military Leave</u>
<u>4361.8</u>	<u>Family Care And Medical Leave</u>

<u>6117</u>	<u>Year-Round Schedules</u>
<u>6173</u>	<u>Education for Homeless Children (BP/AR/E(1)/E(1))</u>
<u>9310</u>	<u>Board Policies</u>
<u>9321-E(1)</u>	<u>Closed Session</u>
<u>9321-E(2)</u>	<u>Closed Session</u>
<u>9321</u>	<u>Closed Session</u>

Policy 4141.6: Concerted Action/Work Stoppage

Status: ADOPTED

Original Adopted Date: 12/01/1989 | Last Revised Date: 03/2022 | Last Reviewed Date: 03/2022

~~The Governing Board of Trustees~~ recognizes the importance of maintaining ongoing positive relations with employees and engaging in fair, respectful negotiations with employee organizations. The Board desires to reach agreement on employment contracts in a manner that ~~prevents disruption to~~does not disrupt school operations ~~and minimizes~~of impact on student achievement.

~~(cf. 4141/4241—Collective Bargaining Agreement)~~

~~(cf. 4143/4243—Negotiations/Consultation)~~

The Board recognizes that advance planning is necessary to ensure that ~~students receive the education to which they are entitled~~ in the event of a work ~~stoppage~~slowdown, sickout, strike, or other concerted employee activity, students continue to receive educational services to which they are entitled by employees. The Superintendent or designee ~~shall~~may develop a written plan which shall include strategies for the provision of internal and external communications, preservation of student and staff safety, maintenance of district operations, and appropriate student instruction and supervision during a work slowdown or stoppage.

If an employee organization gives notice that it intends to strike, the Superintendent or designee shall notify

~~(cf. 0450—Comprehensive Safety Plan)~~

~~(cf. 1100—Communications with the Public~~ Employment~~)~~

~~(cf. 1112—Media Relations~~ Board, Employment Development Department, employees in~~)~~

~~(cf. 9000—Role of the striking unit, other district employees, parents/guardians, students, law enforcement, the media, and others as appropriate.~~ Board~~)~~

Employees should be held accountable for their behavior during any labor dispute. The district may take disciplinary action against any employee who engages in an unlawful concerted action or in unlawful behavior in an otherwise protected activity, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

Policy

~~(cf. 4118—Suspension/Disciplinary Action)~~

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

(cf. 4218 – Suspension/Disciplinary Action)

Legal Reference Disclaimer:- *(see next page)*

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 35204

Description

Contract with attorney in private practice

Ed. Code 35205

Contract for legal services

Ed. Code 37200-37202

School calendar

Gov. Code 3140-3142

Public Employee Health Protection Act

Gov. Code 3540-3549.3

Educational Employment Relations Act

Gov. Code 3543.5-3543.6

Unfair labor practices

Gov. Code 3548.3548.8

Impasse procedures

Management Resources

Description

Public Employment Relations Board Decision

Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110

Public Employment Relations Board Decision

Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152

Website

California Public Employment Relations Board

Website

State Mediation and Conciliation Service (SMCS)

Website

CSBA

Cross References

Code

Description

0400

Comprehensive Plans

0450

Comprehensive Safety Plan

0450

Comprehensive Safety Plan

1100

Communication With The Public

1112

Media Relations

1400

Relations Between Other Governmental Agencies And The Schools

1700

Relations Between Private Industry And The Schools

3512

Equipment

<u>3512-E(1)</u>	<u>Equipment</u>
<u>3541</u>	<u>Transportation Routes And Services</u>
<u>3550</u>	<u>Food Service/Child Nutrition Program</u>
<u>3550</u>	<u>Food Service/Child Nutrition Program</u>
<u>4113</u>	<u>Assignment</u>
<u>4113</u>	<u>Assignment</u>
<u>4118</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4118</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4121</u>	<u>Temporary/Substitute Personnel</u>
<u>4121</u>	<u>Temporary/Substitute Personnel</u>
<u>4141</u>	<u>Collective Bargaining Agreement</u>
<u>4143</u>	<u>Negotiations/Consultation</u>
<u>4143.1</u>	<u>Public Notice - Personnel Negotiations</u>
<u>4143.1</u>	<u>Public Notice - Personnel Negotiations</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4161.1</u>	<u>Personal Illness/Injury Leave</u>
<u>4161.2</u>	<u>Personal Leaves</u>
<u>4218</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4218</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
<u>4241</u>	<u>Collective Bargaining Agreement</u>
<u>4243</u>	<u>Negotiations/Consultation</u>
<u>4243.1</u>	<u>Public Notice - Personnel Negotiations</u>
<u>4243.1</u>	<u>Public Notice - Personnel Negotiations</u>
<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4254</u>	<u>Health And Welfare Benefits</u>
<u>4261.1</u>	<u>Personal Illness/Injury Leave</u>
<u>4261.2</u>	<u>Personal Leaves</u>
<u>4354</u>	<u>Health And Welfare Benefits</u>

<u>4354</u>	<u>Health And Welfare Benefits</u>
<u>4361.1</u>	<u>Personal Illness/Injury Leave</u>
<u>4361.2</u>	<u>Personal Leaves</u>
<u>6111</u>	<u>School Calendar</u>
<u>6144</u>	<u>Controversial Issues</u>
<u>6145</u>	<u>Extracurricular And Cocurricular Activities</u>
<u>6145</u>	<u>Extracurricular And Cocurricular Activities</u>
<u>9000</u>	<u>Role Of The Board</u>
<u>9320</u>	<u>Meetings And Notices</u>

Policy

~~BP 4141.6(b)~~

4241.6

~~CONCERTED ACTION/WORK STOPPAGE~~ (continued)

Legal Reference:

~~EDUCATION CODE~~

~~35204 Contract with attorney in private practice~~

~~35205 Contract for legal services~~

~~37200-37202 Instructional days~~

~~GOVERNMENT CODE~~

~~3540-3549.3 Educational Employment Relations Act, especially:~~

~~3543.5-3543.6 Unfair labor practices~~

~~3548-3548.8 Impasse procedures~~

~~INSURANCE CODE~~

~~10116 Employee continuation of insurance coverage~~

~~UNITED STATES CODE, TITLE 29~~

~~1161-1169 Continuation coverage and additional standards for group health plan~~

PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS

~~Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110~~

~~Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152~~

Management Resources:

CSBA PUBLICATIONS

~~Collective Bargaining DVD-ROM~~

~~Maximizing School Board Governance: Collective Bargaining~~

~~Political Activities of School Districts: Legal Issues, rev. 2001~~

~~Before the Strike: Planning Ahead in Difficult Negotiations, 1996~~

WEB SITES

CSBA POLICY MANUAL UPDATE: ~~<http://www.esba.org>~~

~~Public Employment Relations Board: <http://www.perb.ca.gov>~~

~~State Mediation and Conciliation Service (SMCS): <http://www.dir.ca.gov/esmes/smes.html>~~

Policy ~~SAN MATEO UNION HIGH SCHOOL DISTRICT~~

adopted: _____ March 2022

Policy 4241.6: Concerted Action/Work Stoppage

Status: ADOPTED

Original Adopted Date: 12/01/1989 | Last Revised Date: 03/2022 | Last Reviewed Date: 03/2022

The Governing Board recognizes the importance of maintaining ongoing positive relations with employees and engaging in fair, respectful negotiations with employee organizations. The Board desires to reach agreement on employment contracts in a manner that prevents disruption to school operations and minimizes impact on student achievement.

The Board recognizes that advance planning is necessary to ensure that, in the event of a work stoppage, strike, or other concerted employee activity, students continue to receive educational services to which they are entitled. The Superintendent or designee shall develop a written plan which shall include strategies for the provision of internal and external communications, preservation of student and staff safety, maintenance of district operations, and appropriate student instruction and supervision during a work slowdown or stoppage.

If an employee organization gives notice that it intends to strike, the Superintendent or designee shall notify the Public Employment Relations Board, Employment Development Department, employees in the striking unit, other district employees, parents/guardians, students, law enforcement, the media, and others as appropriate.

Employees should be held accountable for their behavior during any labor dispute. The district may take disciplinary action against any employee who engages in an unlawful concerted action or in unlawful behavior in an otherwise protected activity, taking into account the seriousness of the behavior and the district's efforts to rebuild relations following the withholding of services by employees.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<u>State</u>	<u>Description</u>
<u>Ed. Code 35204</u>	<u>Contract with attorney in private practice</u>
<u>Ed. Code 35205</u>	<u>Contract for legal services</u>
<u>Ed. Code 37200-37202</u>	<u>School calendar</u>
<u>Gov. Code 3140-3142</u>	<u>Public Employee Health Protection Act</u>
<u>Gov. Code 3540-3549.3</u>	<u>Educational Employment Relations Act</u>
<u>Gov. Code 3543.5-3543.6</u>	<u>Unfair labor practices</u>
<u>Gov. Code 3548.3548.8</u>	<u>Impasse procedures</u>

Management Resources

[Public Employment Relations Board Decision](#)

[Public Employment Relations Board Decision](#)

[Website](#)

[Website](#)

[Website](#)

Description

[Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110](#)

[Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152](#)

[California Public Employment Relations Board](#)

[State Mediation and Conciliation Service \(SMCS\)](#)

[CSBA](#)

Cross References

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[Collective Bargaining Agreement](#)

[Negotiations/Consultation](#)

<u>4143.1</u>	<u>Public Notice - Personnel Negotiations</u>
<u>4143.1</u>	<u>Public Notice - Personnel Negotiations</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4161.1</u>	<u>Personal Illness/Injury Leave</u>
<u>4161.2</u>	<u>Personal Leaves</u>
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<u>4218</u>	<u>Dismissal/Suspension/Disciplinary Action</u>
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<u>4254</u>	<u>Health And Welfare Benefits</u>
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<u>4354</u>	<u>Health And Welfare Benefits</u>
<u>4361.1</u>	<u>Personal Illness/Injury Leave</u>
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<u>6145</u>	<u>Extracurricular And Cocurricular Activities</u>
<u>9000</u>	<u>Role Of The Board</u>
<u>9320</u>	<u>Meetings And Notices</u>

Policy
adopted:

CSBA POLICY MANUAL UPDATE
March 2022

Regulation 4141.6: Concerted Action/Work Stoppage

Status: ADOPTED

Original Adopted Date: 12/01/1989 | Last Revised Date: 03/2022 | Last Reviewed Date: 03/2022

~~Certificated and Classified Personnel~~ AR 4141.6(a)

4241.6

CONCERTED ACTION/WORK STOPPAGE

Maintenance of District Operations

During any work stoppage, strike, or other concerted employee activity, the Superintendent or designee shall take measures to minimize disruption to district operations and student learning.

At the discretion of the Superintendent or designee, employees reporting for duty may be temporarily assigned to other duties. In addition, the Superintendent or designee may hire qualified substitute and/or temporary employees as needed to maintain district operations and shall recommend to the Governing Board ~~of Trustees~~ an appropriate rate of pay for such employees for the period of the work stoppage.

(cf. ~~4113~~—Assignment)

(cf. ~~4121~~—Temporary/Substitute Personnel)

~~Days of instruction lost due to a work stoppage may be made up following the end of the normal school year.~~

(cf. ~~6111~~—School Calendar)

Strike Plan

The Superintendent or designee may establish a committee to develop a plan in the event of a work stoppage. This committee may include district-level staff, legal counsel, the district's negotiator and parents/guardians.

~~guardians.~~The strike plan shall address, at a minimum, the following elements:

~~The strike plan shall address, at a minimum, the following elements:~~

- ~~1.~~ 1. — Roles and responsibilities during a work stoppage, including roles of the Board, Superintendent, district-level staff, legal counsel, principals, certificated or classified staff when they are not participating in the strike, substitutes and other employees

- ~~2.~~ 2. — Criteria for keeping schools open during a work stoppage, including potential costs, availability of qualified substitutes or other staffing, ~~and the ability to maintain the quality of the educational program and other~~ essential services, ~~and the ability~~ to ensure the safety of students and staff

- ~~3.~~ 3. — Maintenance of the educational program, including availability of lesson plans and instructional materials, alternatives for handling special education and other programs as appropriate

- ~~4.~~ 4. — Internal communications among district staff and the Board during a work stoppage

- ~~5.~~ 5. — Plans for obtaining ~~and~~; paying ~~for the services of~~ and communicating with temporary or substitute employees

~~AR 4141.6(b)~~

4241.6

~~CONCERTED ACTION/WORK STOPPAGE~~ (continued)

~~6.~~ 6. Status of district-paid benefits, including health care, insurance, vacation and sick leave benefits

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

~~(cf. 4161.1/4361.1—Personal Illness/Injury Leave)~~

~~(cf. 4161.2/4261.2/4361.3—Personal Leaves)~~

~~(cf. 4261.1—Personal Illness/Injury Leave)~~

~~7.~~ 7. Communications with parents/guardians, the media, business partners, public officials and other community members that identify key messages, strategies and district spokespersons

~~(cf. 1100—Communications with the Public)~~

~~(cf. 1112—Media Relations)~~

~~(cf. 4143.1/4243.1—Public Notice—Personnel Negotiations)~~

~~8.~~ 8. Equipment and supply needs

~~9.~~ 9. Desirability and feasibility of conducting extracurricular activities during a work stoppage including an analysis of the number of events and activities that would be affected, the availability of staffing, the degree of student and/or community participation and the ability to provide adequate security at events

~~(cf. 6145—Extracurricular and Cocurricular Activities)~~

~~10. 10.~~—Contingency plans for transportation

~~(cf. 3541—Transportation Routes and Services)~~

~~11. 11.~~—Contingency plans for the provision of food services

~~(cf. 3550—Food Service/Child Nutrition Program)~~

~~12. 12.~~—Identification of outside resources who may be called upon to help with school operations

~~13. 13.~~—Coordination with law enforcement and other agencies

~~(cf. 1020—Youth Services)~~

~~(cf. 1400—Relations Between Other Governmental Agencies and the Schools)~~

~~(cf. 1700—Relations Between Private Industry and the Schools)~~

~~—AR 4141.6(e)~~

4241.6

~~CONCERTED ACTION/WORK STOPPAGE (continued)~~

~~14. 14.~~—Appropriate safeguards for the safety of students, working employees, substitutes, volunteers, parent/guardians and Board members

~~(cf. 0450—Comprehensive Safety Plan)~~

~~15. 15.~~—Provisions for safe, effective board meetings

~~16. 16.~~—Cost estimates for the various strategies to be implemented during a work stoppage

~~17. 17.~~—Legal remedies available to enjoin the work stoppage if possible or to file unfair labor practice charges against the employee organization

~~18. 18.~~—Continuation of negotiations during a work stoppage

~~(cf. 4143/4243—Negotiations/Consultation)~~

~~19. 19.~~—Plans for resuming normal district operations, rebuilding relations and disciplining employees if necessary after the work stoppage

Activities of Employees

The district shall not impose or threaten to impose reprisals, discriminate or threaten to discriminate, or otherwise interfere with, restrain or coerce employees for the exercise of their rights. (Government Code 3543.5-3543.6)

Employees engaging in a work stoppage shall not prevent access to school facilities by other employees, substitutes or students; use or threaten physical violence or bodily injury; trespass; distribute malicious or defamatory leaflets or materials; or otherwise coerce or intimidate individuals in the conduct of school business.

During an actual or threatened work stoppage, an employee shall not retain ~~in his/her possession~~ any district property, including but not limited to student attendance and grading records, lesson plans, keys, equipment and supplies.

~~(cf. 3512 Equipment)~~

Employees shall not use students to distribute messages that promote or explain the position of any employee organization that is contemplating or engaged in a work stoppage. In addition, employees shall not use classroom or other duty time to promote an employee organization's position in negotiations or in a work stoppage.

~~AR 4141.6(d)~~

~~4241.6~~

~~**CONCERTED ACTION/WORK STOPPAGE** (continued)~~

When students raise questions related to a work stoppage, teachers shall approach the subject in accordance with the district's policy on controversial issues and shall not allow such discussions to interfere with their regular teaching responsibilities.

~~(cf. 6144 – Controversial Issues)~~

Salary and Benefits

Employees withholding services shall not receive salary or unemployment benefits during the period of the work stoppage.

Any employee withholding services may be subject to the loss of payroll deduction privileges.

~~The district may not pay contributions to health care benefits if employees fail to work the minimum number of hours per month as specified in the collective bargaining agreement, Board policy or administrative regulation. However, the district shall offer employees the option of paying their own coverage under COBRA. (29 USC 1161-1169)~~

~~If the district~~ Throughout the duration of any enrolled employee’s participation in an authorized strike, the district shall not fail or refuse to maintain and pay for the employee’s continued health care or other medical coverage or the coverage of their enrolled dependents, nor shall the district fail to collect and remit the employee’s contributions to any such coverage. The district shall maintain the coverage at the same level and under the same conditions that the coverage would have been provided if the employee had continued to work in the employee’s position for the duration of the strike. Health care or other medical coverage for this purpose includes coverage for medical, dental, vision, behavioral health, disability, accidental death and dismemberment, life, and supplemental health insurance benefits. (Government Code 3141-3142)

“Authorized strike” means a strike sanctioned by the central labor council or the membership of an employee organization that represents the striking employees, or one that is engaged in by unrepresented employees. (Government Code 3141)

~~determines that it will withhold its contributions to employees' life and disability insurance, employees shall be offered an opportunity to retain these coverages by paying the contributions themselves. (Insurance Code 10116)~~

Employees whose vacation leave has been authorized prior to the work stoppage shall receive vacation pay for the authorized period.

If an employee is on a paid sick or disability leave when the work stoppage begins, the employee shall be entitled to continued payment as long as the employee remains ill or disabled and is otherwise eligible

according to Board policy and collective bargaining agreements.

The Superintendent or designee may determine that credit shall not be applied toward probationary service, salary schedule advancement, permanent status, vacation earnings, retirement credit or sick leave accrual during the period of time that employees withhold services.

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State

Ed. Code 35204

Description

Contract with attorney in private practice

Ed. Code 35205

Contract for legal services

Ed. Code 37200-37202

School calendar

Gov. Code 3140-3142

Public Employee Health Protection Act

Gov. Code 3540-3549.3

Educational Employment Relations Act

Gov. Code 3543.5-3543.6

Unfair labor practices

Gov. Code 3548.3548.8

Impasse procedures

Management Resources

Description

Public Employment Relations Board Decision

Fresno Unified School District, 1982, PERB Dec. No. 208, 6 PERC 13110

Public Employment Relations Board Decision

Konocti Unified School District, 1982, PERB Dec. No. 217, 6 PERC 13152

Website

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Website

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Cross References

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Comprehensive Safety Plan

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<u>1400</u>	<u>Relations Between Other Governmental Agencies And The Schools</u>
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<u>3512-E(1)</u>	<u>Equipment</u>
<u>3541</u>	<u>Transportation Routes And Services</u>
<u>3550</u>	<u>Food Service/Child Nutrition Program</u>
<u>3550</u>	<u>Food Service/Child Nutrition Program</u>
<u>4113</u>	<u>Assignment</u>
<u>4113</u>	<u>Assignment</u>
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<u>4121</u>	<u>Temporary/Substitute Personnel</u>
<u>4141</u>	<u>Collective Bargaining Agreement</u>
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<u>4143.1</u>	<u>Public Notice - Personnel Negotiations</u>
<u>4143.1</u>	<u>Public Notice - Personnel Negotiations</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4154</u>	<u>Health And Welfare Benefits</u>
<u>4161.1</u>	<u>Personal Illness/Injury Leave</u>
<u>4161.2</u>	<u>Personal Leaves</u>
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<u>4254</u>	<u>Health And Welfare Benefits</u>
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<u>9000</u>	<u>Role Of The Board</u>
<u>9320</u>	<u>Meetings And Notices</u>

<u>Regulation</u>	<u>CSBA POLICY MANUAL UPDATE</u>
<u>approved:</u>	<u>March 2022</u>

[**Board Policy Manual**](#)
[**CSBA Policy Management Console**](#)

<u>Regulation 4241.6: Concerted Action/Work Stoppage</u>	<u>Status: ADOPTED</u>
<u>Original Adopted Date: 12/01/1989 Last Revised Date: 03/2022 Last Reviewed Date: 03/2022</u>	

[**Maintenance of District Operations**](#)

[During any work stoppage, strike, or other concerted employee activity, the Superintendent or designee shall take measures to minimize disruption to district operations and student learning. At the discretion of the Superintendent or designee, employees reporting for duty may be temporarily assigned to other duties. In addition, the Superintendent or designee may hire qualified substitute and/or temporary employees as needed to maintain district operations and shall recommend to the Governing Board an appropriate rate of pay for such employees for the period of the work stoppage.](#)

[**Strike Plan**](#)

[The Superintendent or designee may establish a committee to develop a plan in the event of a work stoppage. This committee may include district-level staff, legal counsel, the district's negotiator and parents/guardians.](#)

The strike plan shall address, at a minimum, the following elements:

1. Roles and responsibilities during a work stoppage, including roles of the Board, Superintendent, district-level staff, legal counsel, principals, certificated or classified staff when they are not participating in the strike, substitutes and other employees
2. Criteria for keeping schools open during a work stoppage, including potential costs, availability of qualified substitutes or other staffing, and the ability to maintain essential services and to ensure the safety of students and staff
3. Maintenance of the educational program, including availability of lesson plans and instructional materials, alternatives for handling special education and other programs as appropriate
4. Internal communications among district staff and the Board during a work stoppage
5. Plans for obtaining and paying for the services of and communicating with temporary or substitute employees
6. Status of district-paid benefits, including health care, insurance, vacation and sick leave benefits
7. Communications with parents/guardians, the media, business partners, public officials and other community members that identify key messages, strategies and district spokespersons
8. Equipment and supply needs
9. Desirability and feasibility of conducting extracurricular activities during a work stoppage including an analysis of the number of events and activities that would be affected, the availability of staffing, the degree of student and/or community participation and the ability to provide adequate security at events
10. Contingency plans for transportation
11. Contingency plans for the provision of food services
12. Identification of outside resources who may be called upon to help with school operations
13. Coordination with law enforcement and other agencies
14. Appropriate safeguards for the safety of students, working employees, substitutes, volunteers, parent/guardians and Board members
15. Provisions for safe, effective board meetings
16. Cost estimates for the various strategies to be implemented during a work stoppage
17. Legal remedies available to enjoin the work stoppage if possible or to file unfair labor practice charges against the employee organization

18. Continuation of negotiations during a work stoppage

19. Plans for resuming normal district operations, rebuilding relations and disciplining employees if necessary after the work stoppage

Activities of Employees

The district shall not impose or threaten to impose reprisals, discriminate or threaten to discriminate, or otherwise interfere with, restrain or coerce employees for the exercise of their rights. (Government Code 3543.5-3543.6)

Employees engaging in a work stoppage shall not prevent access to school facilities by other employees, substitutes or students; use or threaten physical violence or bodily injury; trespass; distribute malicious or defamatory leaflets or materials; or otherwise coerce or intimidate individuals in the conduct of school business.

During an actual or threatened work stoppage, an employee shall not retain any district property, including but not limited to student attendance and grading records, lesson plans, keys, equipment and supplies.

Employees shall not use students to distribute messages that promote or explain the position of any employee organization that is contemplating or engaged in a work stoppage. In addition, employees shall not use classroom or other duty time to promote an employee organization's position in negotiations or in a work stoppage.

When students raise questions related to a work stoppage, teachers shall approach the subject in accordance with the district's policy on controversial issues and shall not allow such discussions to interfere with their regular teaching responsibilities.

Salary and Benefits

Employees withholding services shall not receive salary or unemployment benefits during the period of the work stoppage.

Any employee withholding services may be subject to the loss of payroll deduction privileges.

Throughout the duration of any enrolled employee's participation in an authorized strike, the district shall not fail or refuse to maintain and pay for the employee's continued health care or other medical coverage or the coverage of their enrolled dependents, nor shall the district fail to collect and remit the employee's contributions to any such coverage. The district shall maintain the coverage at the same level and under the same conditions that the coverage would have been provided if the employee had continued to work in the employee's position for the duration of the strike. Health care or other medical coverage for this purpose includes coverage for medical, dental, vision, behavioral health, disability, accidental death and dismemberment, life, and supplemental health insurance benefits. (Government Code 3141-3142)

“Authorized strike” means a strike sanctioned by the central labor council or the membership of an employee organization that represents the striking employees, or one that is engaged in by unrepresented employees. (Government Code 3141)

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If an employee is on a paid sick or disability leave when the work stoppage begins, the employeehe/she shall be entitled to continued payment as long as the employeehe/she remains ill or disabled and is otherwise eligible according to Board policy and collective bargaining agreements.

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<u>9000</u>	<u>Role Of The Board</u>
<u>9320</u>	<u>Meetings And Notices</u>

Regulation CSBA POLICY MANUAL UPDATES~~SAN MATEO UNION HIGH SCHOOL DISTRICT~~
approved: March 2022~~July 15, 2010~~ — San Mateo, California