

CHAPTER 4

CLASSIFIED PERSONNEL

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CHAPTER 4

CLASSIFIED PERSONNEL

Series 4000

Article 1 - All Personnel

4110 Agreement

4110.1 Each agreement entered into by the Board of Trustees with a duly constituted exclusive representative shall constitute a commitment by all parties to the provisions of the agreement for its duration or until (1) its amendment by an instrument in writing duly executed by the parties involved or (2) the exhaustion of appropriate legal procedures.

4110.2 An executed copy of each written agreement between the Board of Trustees and an exclusive representative shall be filed with the Public Employment Relations Board within 60 calendar days after execution of each such agreement.

4110.3 In any case where a regulation or policy of the Board of Trustees is in conflict with a provision of the employee agreement, the provision of the employee agreement shall be binding on the Board of Trustees and on all employees covered by that provision of the employee agreement. There is no intention by the Board of Trustees that these policies shall supersede the employee agreement.

4120 Concepts in Personnel

4120.1 The Board of Trustees wishes to establish, through the personnel policies and regulations of the District, conditions that will attract and hold the best qualified personnel who will devote themselves to the education and welfare of the students of the District.

4120.2 The Board of Trustees believes that it is desirable for policies to be developed in an atmosphere of mutual faith and good will through the cooperation and participation of the employee organizations, the administrative staff, and the Board of Trustees.

4120.3 The Board of Trustees affirms its intention to have all policies, regulations and procedures of the District conform to all requirements of law and State regulations.

4130 Working Relationships Between the Board of Trustees and the Superintendent

- 4130.1 The Board of Trustees desires to be guided principally by the advice of the Superintendent in regard to its relations with certificated and classified personnel.
- 4130.2 The Board of Trustees does not desire to exercise its employment responsibilities contrary to the recommendation of the Superintendent and will not employ any person unless recommended by the Superintendent. If a nomination by the Superintendent is not acceptable to the Board of Trustees, the nomination shall be withdrawn, and the Superintendent shall present other nominations to the Board of Trustees for consideration.
- 4130.3 The Board of Trustees agrees that all approaches by employees to the Board of Trustees or to the individual members of the Board of Trustees shall be referred to the Superintendent for consideration. The Board of Trustees will act as an appellant body only after the provisions in the Board of Trustees' adopted policies have been implemented.

4140 Certificated Personnel

- 4140.1 The policies and regulations in this series are established to inform certificated personnel of the framework within which they operate. The Board of Trustees intends that they be administered uniformly and fairly throughout the District.
- 4140.2 The Board of Trustees considers it the right and responsibility of each member of the staff to offer his/her abilities and experiences in the advancement of the educational program in the District.
- 4140.3 The Superintendent of Schools and the Board of Trustees encourage the staff to participate cooperatively through established channels in the study and recommendation of District policies.
- 4140.4 The Board of Trustees shall publish all personnel policies in a comprehensive manual making them available at all school sites and the District maintenance shop.
- 4140.5 The duties and responsibilities of school positions shall be clearly defined and made known to each member of the certificated staff, who shall be held accountable for those duties assigned to him.

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4150 Personnel Records

- 4150.1 Personnel records shall be kept on all current employees and shall include information expected in good personnel administration or as required by law.
- 4150.2 A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration or as required by law.
- 4150.3 All personnel files will be considered confidential and will not be available to persons other than the employee and those authorized by the Board of Trustees.
- 4150.4 All written materials filed (except for those prohibited by law) shall be made available for inspection by the employee involved at an off-duty time in the presence of authorized personnel.
 - 4150.4.1 Information of a derogatory nature shall not be entered or filed unless and until the employee is given notice and an opportunity to review and comment thereon.
 - 4150.4.2 An employee shall have the right to place in his/her file his/her own comments concerning derogatory information entered by others in his/her file.

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Article 2 - Certificated Personnel Policies (See Series 4000 - Certificated Personnel)

Article 3 - Certificated Personnel Policies (See Series 4000 - Certificated Personnel)

Article 4 - Classified Personnel

(Classified Personnel, Series 4000, approved 3/9/89 unless otherwise indicated)

4410 Agreement

4410.1 Each agreement entered into by the Board of Trustees with a duly constituted exclusive representative shall constitute a commitment by all parties to the provisions of the agreement for its duration or until its amendment by an instrument in writing duly executed by the parties involved.

4410.2 An executed copy of each written agreement between the Board of Trustees and exclusive representative shall be filed with the Public Employment Relations Board within sixty (60) calendar days after execution of each such agreement.

4410.3 In any case where a regulation or policy of the Board of Trustees is in conflict with a provision of the employee agreement, the provision of the employee agreement shall be binding on the Board of Trustees and on all employees covered by that provision of the employee agreement.

4420 Concepts in Personnel

4420.1 The Board of Trustees wishes to establish, through the personnel policies and regulations of the District, conditions that will attract and hold the best qualified personnel for all positions, who will devote themselves to the education and welfare of the students of the District.

4420.2 The Board of Trustees believes that it is desirable for policies to be developed through the cooperation and participation of the employee organizations, the administrative staff, and the Board of Trustees, in an atmosphere of mutual faith and good will.

4420.3 The Board of Trustees affirms its intention to have all policies, regulations, and procedures of the District conform to all requirements of law and state regulations.

4430 Classified Personnel

4430.1 The primary role of classified personnel is to support and enhance the efforts of certificated personnel to achieve the purposes and goals of the schools adopted by the Board of Trustees.

4430.2 All personnel policies and regulations pertaining to classified personnel must be written in

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harmony with that primary role.

4430.3 Classified Service: The Classified Service shall consist of personnel employed in positions not requiring certification except as listed as exempt in Education Code 45108 (Special Employees).

4430.4 Types of Employees: Each employee shall be placed in one of the following categories:

4430.4.1 Regular employees of the Classified Service: Probationary and Permanent.

4430.4.2 Restricted employees: Employed in a public service employment position which is funded by CETA. (See Appendix A.)

4430.4.3 Special status employees: Short Term, Substitute, Student in District working part-time, part-time playground positions.

NOTE: Confidential Classified Employees are not part of the Classified Service, but have the same rights and bear the same responsibilities as members of the Classified Service. Their benefits are equal to or exceed those of the Classified Service, as the Board of Trustees authorizes and directs, except confidential classified employees are not entitled to collective bargaining provisions, i.e., right to organize, negotiate, or strike.

4440 Working Relationships Between the Board of Trustees and the Superintendent

4440.1 The Board of Trustees desires to be guided principally by the advice of the Superintendent in regard to its relations with classified personnel.

4440.2 The Board of Trustees does not desire to exercise its employment responsibilities contrary to the recommendation of the Superintendent, and will not employ any person unless recommended by the Superintendent. If a nomination by the Superintendent is not acceptable to the Board of Trustees, the nomination shall be withdrawn, and the Superintendent shall present other nominations to the Board of Trustees for consideration.

4440.3 The Board of Trustees agrees that all approaches by employees to the Board of Trustees or to the individual members of the Board of Trustees shall be referred to the Superintendent for consideration. The Board of Trustees will act as an appellant body only after the provisions

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in the Board of Trustees' adopted policies have been implemented.

4440.4 The Superintendent shall establish work schedules, provisions for absences, and other conditions of work in keeping with the policies of the Board of Trustees and the negotiated agreement.

4440.5 Civil and Legal Rights

4440.5.1 Employees shall be entitled to full rights of citizenship, and no religious or political activities of any employee or the lack thereof shall be grounds for any discipline or discrimination with respect to the professional employment of such employees, providing said activities do not violate any local, state, or federal laws. (Education Code 7050-7057.)

4440.5.2 Whenever any employee is required to appear before the Superintendent, Board of Trustees, or any committee or member thereof concerning any matter which could adversely affect the continuation of that employee in his/her office, position, or employment or the salary or any increments pertaining thereto, the employee shall be entitled to have a representative of any employee organization or other personal counsel present to advise and represent the employee during such meeting or interview. (Government Code 3544, 3544.1.)

Article 5 - Employment/Appointment/Classification/Termination Conditions

4510 Terms of Employment

4510.1 Agreement: These rules and regulations are prescribed in accordance with the first paragraph of Education Code 45113 governing the personnel management of classified employees in the Millbrae School District.

4510.2 Appointment Procedure: Recommendations to the Superintendent and the Board of Trustees for appointment to all positions in the Classified Service shall be made through the Business Manager.

4510.3 Notification of Appointment: Upon initial employment and upon each change in classification thereafter, each classified employee shall be furnished two copies of his/her class specification, salary data, assignment, or work location together with duty hours and the prescribed workweek. The salary data shall include the annual, monthly, or pay period, daily, hourly, overtime, and differential rate of compensation, whichever are applicable. One copy shall be retained by the employee, and the other copy shall be signed and dated by the employee and returned to his/her supervisor.

4510.4 Permanent Classification: A regular employee shall attain permanent status upon successful completion of a probationary period.

4510.5 Probationary Period: The probationary period shall be a period of six (6) months. Time spent on leave of absence will not apply toward completion of the probationary period. Probationary employees shall be entitled to fringe benefits only as provided by these rules and regulations or by state law.

4510.5.1 Probationary Period Requirement: A person must be employed on or before the fifteenth (15th) of the month in order to count that month towards fulfillment of his/her probationary requirements.

4510.6 Status of Permanent Employees, Layoff/Rehire: No person in the permanent Classified Service shall be suspended, demoted, or dismissed except for reasonable cause designated by these rules as detrimental to the efficiency of the service or welfare of the District. Nothing

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in these rules shall be construed to prevent layoffs or change of status because of lack of work or lack of funds.

4510.6.1 Layoffs: When lack of work or lack of funds causes layoff or change in status to any permanent employee, s/he may be officially terminated and shall be placed on a re-employment list (Section 4540) for a period not to exceed thirty-nine (39) months. (Education Code 45114, 45298.)

4510.6.2 Reassignment due to Layoff: An employee accepting a position in an equal or lower classification shall be placed on a step in the new range that most clearly approximates his/her qualifications.

4510.6.2.1 Voluntary Demotion or Voluntary Reduction of Hours:

4510.6.2.1.1 Employees who take voluntary demotion or voluntary reductions in assigned time in lieu of layoff or to remain in their present position rather than be reclassified or reassigned shall be granted the same rights as persons laid off and shall retain eligibility to be considered for re-employment for an additional period of up to twenty-four (24) months; provided that the same tests of fitness under which they qualified for appointment to the classification shall still apply. The Board of Trustees shall make the determination of the specific period of eligibility for re-employment on a classification-by-classification basis. (Education Code 45298, 45299.)

4510.6.2.1.2 Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in their classification or to positions with increased assignment time as vacancies become

available, and without limitation of time, but if there is a valid re-employment list they shall be ranked on that list in accordance with their proper seniority. (Education Code 45298.)

4510.6.3 Method of Layoff

4510.6.3.1 Employees shall be laid off according to their status in the following order: special status, probationary, permanent. Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the classification shall be determined by length of service. The employee who has been employed the shortest time in the classification shall be laid off first. Re-employment shall be in the reverse order of layoff. (Education Code 45114, 45298,45308.)

NOTE: *In the classifications Instructional Aide, Resource Specialist Program Aide (RSP), Library Aide, English as a Second Language Tutor (ESL), Economic Impact Aide (EIA), personnel occupying these positions prior to July 1, 1986, shall be given credit within all other aide positions in determination of seniority ranking for layoff procedures for time worked prior to this date. Personnel hired in these positions after July 1, 1986, earn seniority only in their specific classification, and these above-referred positions shall be considered separate classifications.*

4510.6.3.2 No permanent or probationary classified employee shall be laid off from any position while employees serving under substitute or short-term appointments are retained in position in the same job classification.

4510.6.3.2.1 Short-term or substitute employees may be separated at the completion of their assignment without regard to the procedures stated above.

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4510.6.3.3 Specially funded program: When a specially funded program expires and classified positions must be eliminated at the end of any school year and classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of the school year shall be given written notice on or before May 29, informing them of the layoff effective at the end of the school year and of their displacement and re-employment rights. If the termination date of the specially funded program is other than June 30, the notice shall be given not less than thirty (30) days before the effective date of the layoff. (Education Code 45117(a).)

4510.6.3.4 Bona fide reduction or elimination of services: In the event of a bona fide reduction or elimination of service being performed by any department, classified employees shall be subject to layoff because of lack of work; affected employees shall be given notice of the layoff thirty (30) days before the effective date, and they shall be informed of their displacement rights, if any, and re-employment rights. (Education Code 45117(b).)

4510.6.3.5 Layoff due to lack of funds or unforeseeable causes: In the event that the District is unable to pay the salaries of classified employees due to an actual and existing financial inability, or if layoff is caused by conditions not foreseeable or preventable by the District, the District is not bound to provide thirty (30) days notice, but will provide information about displacement rights, if any, and re-employment rights, to any and all employees laid off. (Education Code 45117(c).)

4510.6.4 Method of Rehire Following Layoff: Employees having been placed on the re-

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employment list shall be rehired in order of seniority to their former classification without examination. Employees may apply on an open basis for other positions subject to their qualifications through prevailing examination procedures. (See note in Section 4510.6.3.1.)

4510.7 Anniversary Date: The anniversary date for a regular employee shall be on the first (1st) day of the month following the completion of one (1) year of service at which time s/he should advance to the next step of his/her salary range, providing his/her work has been entirely satisfactory and s/he has completed his/her initial period of probationary service.

4510.8 Length of Work Day, Work Week, Work Year

4510.8.1 The work week shall be seven (7) consecutive days beginning: 12:01 a.m. Monday to 12:00 p.m. Sunday.

4510.8.2 The assigned work week shall consist of five (5) consecutive days, Monday through Friday, of eight (8) hours per day and forty (40) hours per week. This Article shall not restrict the extension of the regular work day or work week on an overtime basis when such is necessary to carry on the business of the District.

4510.8.3 Duty hours for each employee shall be designated by the District. Adjustments to the beginning or ending time for part-time employees may be made at the option of the District provided that such adjustments be limited to 60 minutes. Adjustments in the work day of all other employees shall be at the sole discretion of the District.

4510.9 Lunch Breaks

4510.9.1 Full time equivalent employees shall be assigned a lunch break of not less than 30 minutes or more than 60 minutes after the employee has been on duty approximately four

4510.9.2 Employees assigned to a work day of 5 or more consecutive hours shall be assigned to a lunch break of not less than 30 minutes nor more than sixty (60)

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minutes. Said lunch break shall occur after the employee has been on duty 32 to 4 hours.

4510.9.3 Deviations in time allotted for lunch break are permissible if there is mutual agreement between the employee and the supervisor.

4510.9.4 An employee required to work during his/her lunch period and who does not receive the usual time allocated for lunch that day shall receive pay at the appropriate overtime rate for all time worked during the employee's normal lunch period.

4510.10 Rest Periods

4510.10.1 Authorized rest period time shall be counted as time worked. Employees failing to take the rest period shall not be granted compensatory time or additional payment for rest period not taken.

4510.10.2 Notwithstanding the above, a rest period need not be authorized for employees whose daily work time is less than three and one-half (3-1/2) hours, either in total time or time remaining to be worked after the lunch break.

4510.11 Facilities at Each School: The District shall make available lunchroom, restroom, and lavatory facilities for all District personnel.

4510.12 Physical Examination-In-Service:

4510.12.1 The District reserves the right to require any employee to submit to a physical examination in cases of transfer, promotion, or other reasons necessary for continuance of employment. The cost for such a physical will be borne by the District when performed by a physician designated by the District.

4510.12.2 Periodic health examinations may be required of all personnel cooking, serving, or handling food in any cafeteria or kitchen in the District.

4520 Workers' Compensation Insurance

Under state law, all employees of the District are covered by Workers' Compensation Insurance for any injury arising out of and in the course of their employment. The employee shall notify his/her principal

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or supervisor immediately of any injury or disease arising out of his/her employment. The principal or employee shall be responsible for completing Form LC-3807-7 from the Hartford Accident and Indemnity Company and sending it to the District Business Office within 24 hours after injury or accident.

4530 Employment Procedures, Recruitment and Selection

4530.1 Forms: All applications for employment shall be made on official forms furnished by the Business Office.

4530.2 Personnel Clearance: No one shall assume on-the-job duties without having completed and submitted to the Business Manager the following forms: Application, Loyalty Oath, Retirement (when applicable), W-4 (Withholding), I-9 (eligibility verification), and Social Security Card. No administration shall appoint a person to a position without having followed prescribed employment procedures.

4530.3 Fingerprinting Requirements: Every school district employee is required by state law to be fingerprinted within ten (10) days of his/her date of employment. The cost of fingerprinting will be borne by the District. (Education Code 45125.)

4530.4 Loyalty Oath: Every school district employee is required by state law to sign an Oath of Allegiance to the United States. (Article XX, Section 3, of the California Constitution.)

4530.5 Pre-Employment Physical Examination

4530.5.1 Applicants for appointment to the classified staff may be required to submit to a physical examination or to submit proof thereof. (Education Code 45122.)

4530.6 Chest X-Ray

4530.6.1 Regular Employees - All employees of the District shall be required to undergo a chest X-ray or intradermal test at least once every four (4) years. These examinations shall be provided by the District or at District expense. (Education Code 49406.)

4530.6.2 Required Physical Examinations - Examinations required by the Governing Board or Superintendent shall be provided by the District or at District expense.

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(Education Code 45122.)

- 4530.6.3 No person shall be employed initially unless s/he has submitted to a tuberculosis examination within the past sixty (60) days to determine whether he is free from active tuberculosis except as provided in Education Code 49406 (h).
- 4530.6.4 No appointment to a position in the District shall be consummated until this requirement has been satisfied.
- 4530.7 Affirmative Action/Non-Discrimination: Recruitment and Selection
- 4530.7.1 The Board of Trustees will provide equal employment opportunities for all persons without regard to race, color, creed, sex, religion, ancestry, national origin, age, or non-job-related handicap or disability. The Board of Trustees directs the administration to set as a goal the recruitment, selection, and employment of qualified people among racial and ethnic minority groups to the end that this school district's employees will proportionately mirror the racial and ethnic composition of this community.
- 4530.7.2 The Board of Trustees directs the administration to make a serious effort to see that the recruitment procedures of the District produce a total staff representative of the total population of the District and that the assignment procedures of the District try to bring to each school, staff members representative of the population represented by the student membership in each local school.
- 4530.7.3 The Board of Trustees requests an annual report from the Superintendent concerning the extent to which the above-mentioned affirmative action program goals are being achieved. (See Education Code 45102.)
- 4530.8 Advertisement of Openings: Openings existing in the Classified Service shall be advertised as follows:
- 4530.8.1 Restricted/Special Status: Only in-district employees (including substitutes) may apply.

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- 4530.8.2 Open: Anyone may apply, in-district or out-of-district. Most entry level positions will fall in this category.
- 4530.8.3 Other: The Superintendent has the prerogative to transfer without advertising a qualified classified employee from one school to another which has an opening.
- 4530.9 Screening Procedures: The screening of all applicants shall be the responsibility of the Business Manager and shall include:
- 4530.9.1 A written and/or performance examination which may be waived by the Business Manager if there is other evidence of proficiency; and
- 4530.9.2 A personal interview to be supplemented by letters of recommendation, reference, and contact with former employers.
- 4530.10 Selection
- 4530.10.1 The final selection shall be made by the division in which the opening exists from among those candidates approved by the Business Manager.
- 4530.10.2 Final selection shall be based on the factors of merit and qualification as determined through screening and testing procedures appropriate to the position classification.
- 4530.10.3 Any person connected with the school district shall not use his/her position to influence the hiring of his/her relatives or the relatives of other District employees. In any event, relatives of District employees will not be given preference in consideration for employment.
- 4530.10.4 Restricted: If, after a review of their qualifications for the vacancy, less than five (5) in-district applicants are qualified, an additional number of outside applicants will be accepted in order to provide a total of five candidates. If after interview the administrator is unable to make a selection under the restricted policy, the vacancy will be revised to "Open." Interview appraisal forms will be submitted to the Business Office on all unsuccessful in-district applicants.
- 4530.10.5 Open: Candidates approved by the Business Manager.

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4530.11 Confidential Records:

4530.11.1 Each application will become part of the employee's permanent confidential record and is not subject to removal from the files of the Business Office.

4530.11.2 Ratings, report, or records which (1) were obtained prior to the employment of the person involved, (2) were prepared by identifiable examination committee members, or (3) were obtained in connection with a promotional examination shall not be available for inspection by employees. (Education Code 45031.)

4530.12 Personnel Records:

4530.12.1 Personnel records shall be kept on all current employees and shall include information usually expected in good personnel administration.

4530.12.2 A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration.

4530.12.3 All personnel files will be considered confidential and will not be available to persons other than the employee and those authorized by the Board of Trustees.

4530.12.4 All written materials filed (except for those prohibited by law) shall be made available for inspection by the employee involved at an off-duty time in the presence of authorized personnel.

4530.12.5 Information of a derogatory nature shall not be entered or filed unless and until the employee is given notice and an opportunity to review and enter his/her own comments thereon.

4530.12.6 Review of Permanent Confidential Record by Classified Personnel

4530.12.6.1 A classified employee will be permitted to review his/her personnel file maintained in the DistrictOffice, subject to the following conditions:

- a) A record review will be permitted by appointment only, at an off-duty time, and accomplished in the presence of authorized personnel.

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- b) Employees will not be permitted to permanently remove documents from official District personnel files.
- c) Upon request by the employee, single copies of documents may be reproduced for personal use of the employee, provided that the original copy is retained in the District file.
- d) Employees will be required to certify the record review, and a copy of the certification will be placed in the file.
- e) Members of the employee committees or groups will not be permitted to review employee personnel records without written permission of the employee.
- f) With written permission of the employee, persons engaged by him for legal or advisory purposes will be permitted to review his/her personnel record with the same exclusion as noted in (b).

4540 Re-Employment List

- 4540.1 A re-employment list shall be established and maintained in the Business Office and shall list by classification in order of seniority those persons eligible for rehire under these rules and regulations or other mandatory legislation. Persons on this list shall be re-employed in preference to new applicants.
- 4540.2 Employees having been placed on the re-employment list shall be rehired in order of seniority to their former classification without examination. The employee may apply on an open basis for other positions subject to his/her qualifications through prevailing examination procedures and shall retain his/her seniority in his/her former classification for a period not to exceed thirty-nine (39) months.
- 4540.3 Persons rehired from the re-employment list to a permanent classification shall retain all the benefits, rights, and privileges held prior to their placement on the re-employment list, and

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that period of employment shall not constitute a break in service.

4550 Classification and Assignment Procedures:

4550.1 Range Classifications: Each regular employee shall be placed on the salary range allocated to his/her assigned position.

4550.1.1 Allocation of Range Positions: It shall be the responsibility of the Superintendent, subject to the approval of the Board of Trustees, to establish the allocation of all positions in the Classified Service to the various salary ranges.

4550.1.2 New Classifications: The Board of Trustees, upon the recommendation of the Superintendent, may create new classifications as needed and may abolish or combine existing classifications as the needs of the District require.

4550.2 Establishment of New Positions

4550.2.1 Requests for the establishment of new positions must be directed to the Board of Trustees through the Superintendent.

4550.2.2 It shall be the responsibility of the administrator in charge of the division to write and furnish to the Business Office job specifications for the new position. All persons shall be appointed only to positions that have been established as official classified positions by official action of the Board of Trustees.

4550.3 New Employee Placement

4550.3.1 New employees shall be hired at Step I of the salary scale, except that, in the event of a critical shortage of qualified applicants, within or without the District, the Business Manager, with the approval of the Superintendent, may recommend to the Board of Trustees placement on an advanced step of the salary range for that classification.

4550.4 Job Specifications

4550.4.1 Each classified position shall have a written job title and job specifications on file in the Business Office. All regular employees shall be assigned a job title

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according to the adopted classification plan. Each classified position shall have a separate testing qualification.

4550.4.2 Duties of Classified Employees: Duties are not necessarily limited to those outlined in the job specifications, and employees may be requested to cooperate in performing such other related duties that reasonably may be assigned by their supervisors.

4550.5 Reclassification: A position may be reclassified upon the recommendation of the Superintendent and approval of the Board of Trustees.

4550.6 Temporary Change of Assignment: An employee may be temporarily assigned the duties and responsibilities of a higher classification, but in no case may such a change be in effect for more than five (5) working days within a fifteen (15) calendar-day period without an appropriate change in salary which shall be effective with the first day of the new assignment. An employee assuming a position of a higher supervisory/technical nature, under the conditions of this section, may be assigned to the higher salary range prior to the five (5) days upon the recommendation of the department head.

4550.7 Transfers

4550.7.1 A "transfer" is an action of the employer which results in the movement between schools or job sites of an employee into another position within the same classification. A transfer shall be initiated by the employee or the employer. The employer shall post all available positions at all work sites for not less than five (5) working days prior to filling the position(s).

4550.7.2 Voluntary Transfer: Employees may request a transfer at any time. The request is to be filed with the Business Office. Employees requesting a transfer shall be given first opportunity to transfer to an available position(s). If more than one employee wishes to be transferred to available position(s), four (4) factors shall determine which employee is to be transferred. These are: Seniority within classification; results of an interview/job familiarization conference with the

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receiving supervisor/administrator; formal evaluations conducted over the last two (2) years; and all job-related experience, including current in-district experience, service prior to employment in the District, and/or outside training related to the position. The employee with the greatest composite score will be offered the position.

Seniority: 50 points maximum (1 full year = 5 points)

Interview/Familiarization: 15 points (rated by Interviewer)

Evaluation: (Last annual District evaluation.)

25 points maximum

1-1/4 points - Outstanding Rating

1 point - Above Standard Rating

3/4 point - Standard Rating District

Job-Related Experience: 10 points (allocated by Supt/Designee)

4550.7.3 Involuntary Transfer

4550.7.3.1 Permanent: Transfers of employees within the same classification may be initiated by the employer, based upon the needs and best interests of the District. An employee affected by such transfer shall be given written notice of not less than fifteen (15) working days. This notice shall state the reason(s) for the proposed transfer, effective date of transfer, and shall inform the employee of his/her right of appeal directly to the Superintendent or his/her designee. The provision shall not be applicable to transfers initiated as a result of layoff or bumping procedures available to classified employees.

4550.7.4 Medical Transfer

4550.7.4.1 An employee with two (2) years' consecutive service in the District who has become medically unable to perform his/her regular job duties shall be given alternate work, when the same

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is available; the availability of alternate work to be determined by the employer. (Government Code 88091.)

4550.7.4.2 Job skill qualifications will be determined by the adopted Job Specifications. (Government Code 88091.)

4550.7.4.3 The employer reserves the right to require medical examination and verification by a physician of the employer's choice at District expense. (Government Code 88091.)

4550.8 Probationary Period in Reclassification

4550.8.1 If a permanent employee of the District applies for and receives reclassification to a different position of equal or higher classification, s/he shall be considered probationary in the new position for a period of six (6) months.

4550.8.2 In the event said employee is unsuccessful in his/her new position, s/he shall be entitled to reinstatement in his original position.

4550.9 Reclassification or Reassignment Salary Change: The effective date of a reassignment and related salary change shall be the same.

4550.10 Reclassification from Regular to Restricted/Special Status: A restricted/special status employee is an employee who is reclassified from regular to restricted/special status. S/He shall forfeit all rights and privileges in these rules and regulations granted to regular employees. Such reclassification action shall be accompanied by a resignation signed by the employee. (See Appendix A for definitions.)

4550.11 Change from Substitute to Probationary Status: A restricted/special status employee assigned and serving in a regular position in a substitute status, who received a regular probationary appointment to the same position, shall receive credit for the time served as a substitute in the position providing there has been no break in service. Service credited shall count toward his/her probationary period and benefit entitlement.

4550.12 Re-Employment: A permanent classified employee who voluntarily resigns may be re-employed, within 39 months after his/her last day of paid service and without further

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competitive examination, to a position in his/her former classification. If re-employed under this provision, the break in service shall be disregarded and the employee shall be restored all rights, benefits, and burdens of a permanent employee in the classification to which s/he is re-employed. (Education Code 45309.)

4550.13 Assignment of Relatives: Relatives (see definition in Appendix A) shall not be assigned to the same location, under the same immediate supervisor, or under the immediate supervisor of a related person; nor have comparable responsibilities. Relatives of members of the Board of Trustees shall not be employed by the District on a full time basis.

4560 Termination of Employment/Disciplinary Action

4560.1 Termination of Probationary Employment: If a probationary employee is found incompetent or unsatisfactory, the Business Manager may recommend his/her dismissal from the service with or without prior notice, reporting the recommendation to the Superintendent and giving the reasons for the action taken.

4560.2 Incomplete Service by a Probationary Employee: Should the position to which a probationary employee has been appointed prove temporary instead of permanent, and should the probationary employee be laid off without fault or delinquency on his/her part before his/her term of probation is completed, s/he shall remain eligible for employment, and upon reinstatement to a similar position the time served shall be credited to his/her probationary period.

4560.3 Resignations: An employee who plans to resign or retire from employment in the District shall notify his/her department head and the Business Manager at least two (2) weeks prior to the last day of employment. Regular employees who leave their positions without such notice may be denied re-employment rights.

4560.4 Job Abandonment: If a regular employee is absent from his/her work for a period of three (3) or more days without notifying his/her supervisor, the District may declare his/her job "abandoned," and the employee shall be suspended subject to dismissal. In this event, the employee will have the same right of appeal as provided in other cases of dismissal,

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suspension, and demotion.

4560.5 Termination of Permanent Employment: A permanent employee may be terminated only by the Board of Trustees upon the recommendation of the Superintendent.

4560.6 Recommendation for Dismissal, Suspension, or Demotion: A recommendation of suspension, demotion, or dismissal may originate with the principal of a school or with a supervisor. Such recommendation shall be in writing to the Business Manager through the administrator in charge of the department to which the employee is assigned.

4560.6.1 Just Cause: Suspension/Dismissal/Disciplinary Action: Any of the following causes may subject an employee to disciplinary action, including suspension and/or dismissal:

- a) Incompetency or inefficiency in the performance of the duties of his/her position.
- b) Insubordination (including, but not limited to, refusal to do properly assigned work).
- c) Carelessness or negligence in the performance of duty or in the care of District property.
- d) Discourteous, offensive, or abusive language or conduct toward another employee, a pupil, or a member of the public.
- e) Dishonesty.
- f) Drinking alcoholic beverages or use of narcotics on the job, or reporting for work under the influence.
- g) Addiction to the use of narcotics.
- h) Personal conduct unbecoming an employee of the District.
- i) Engaging in political activity during assigned hours of employment or otherwise in violation of applicable regulations or policies of the Board of Trustees.
- j) Conviction of any crime involving moral turpitude.

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- k) Arrest for a sex offense as defined in Education Code Section 45010 (suspension), and dismissal if found guilty.
- l) Conviction of a narcotics offense as defined in Section 45011 of the Education Code.
- m) Repeated and inexcused absence or tardiness.
- n) Abuse of leave privileges.
- o) Abandonment of position.

4560.7 Disciplinary Action/Right of Appeal/Hearing

4560.7.1 Notification of Charges: When charges involving any of the causes for suspension, demotion, or dismissal are made against a regular employee, notice of such charges shall be submitted in written form by the person initiating the action, with copies sent to: (1) the administrator in charge of the department/the supervisor or principal; (2) the Business Manager; (3) the employee involved; and (4) the Superintendent. Such notification shall contain the statement in ordinary and concise language of the specific acts and omissions upon which this action is based, and if an employee has violated a rule or regulation, such rule or regulation shall be specified.

4560.7.1.1 If the Board of Trustees approves the recommendation of the Superintendent for disciplinary action, including suspension or dismissal, the employee shall be notified in writing within three (3) calendar days of the Board's action.

4560.7.1.2 Notification to the employee of dismissal or other disciplinary action approved by the Board of Trustees shall be sent to the employee at the last address of official record with the District by way of U.S. certified mail or hand-delivered to the employee.

4560.7.1.3 The notification to the employee shall contain:

- a) A statement in ordinary and concise language of the

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specific charges brought against the employee.

- b) A statement that the employee has a right to appeal the decision and to have a hearing before the Board of Trustees on such charges.
- c) A card or paper, the signing and filing of which shall constitute a demand for a hearing and a denial of all charges, provided that it is filed within five (5) working days after receipt of the notice by the employee.

4560.7.1.4 No permanent classified employee shall be dismissed, suspended, or demoted unless s/he is given written notice signed by the Superintendent, identifying the reasons for the dismissal, suspension, or demotion and the effective dates thereof. (Education Code 45113.)

4560.7.2 Rights of Appeal of Permanent Employees

4560.7.2.1 A permanent employee who has been recommended for any disciplinary action under existing rules and regulations may appeal such recommendation.

4560.7.2.2 If the employee chooses to appeal, the appeal shall be made in the following order: 1) Business Manager; 2) Superintendent. Upon request, s/he must present his/her opinion in writing. In each such appeal, s/he may request written opinion.

4560.7.2.3 At any step in the appeal procedure, the employee is entitled to representation by his/her employee organization or any individual of his/her choice.

4560.7.3 Hearing

4560.7.3.1 Upon receipt of an appeal from intended disciplinary action, the Board of Trustees will consider the appeal, and within the thirty

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(30) days after receipt of the appeal, shall conduct a hearing as provided by law and render judgment to affirm, modify, or revoke the action being appealed.

4560.7.3.2 The employee shall have the right to appear in person on his/her own behalf, with counsel, or such representation as s/he considers necessary, and be heard in his/her defense.

4560.7.3.3 All hearings shall be held in closed sessions of the Board of Trustees unless the appealing employee requests an open hearing on his/her written appeal.

4560.7.3.4 The finding and decision of the Board of Trustees on the appeal shall be final and conclusive on all parties.

4560.7.3.5 If the appeal of the employee is sustained, the Board of Trustees shall order full or part of his/her compensation from the time of dismissal, suspension, demotion, or other disciplinary action as it deems appropriate and shall order the employee's reinstatement. (Education Codes 45113, 45116.)

4560.8 Termination of Employment for Serious Breaches of Conduct

4560.8.1 Serious breaches of conduct may result from a serious mental condition, physical condition, use of alcohol, use of drugs, or criminal conduct. If, in the judgment of a supervisor, an employee may cause or has caused personal injury or property damage, the employee should be released immediately from his/her assigned duties and removed from the premises.

4560.8.2 Where it is necessary for a supervisor to release an employee from his/her duties and to remove the employee from the premises because of a serious breach of conduct posing a threat to the safety and welfare of students, other employees, or District property, the supervisor should follow these steps:

a) Inform the employee of the violation or condition requiring immediate

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action.

- b) If the employee denies the charges, give the employee an opportunity to present his/her side of the story.
- c) Remove the employee from the job, if the employee's explanation does not remove the concern.
- d) After removal, give the employee, either by registered or certified mail or in person, a signed copy of the charges.
- e) Conduct a full evidential hearing within a reasonable time, if the employee requests.

4570 Leaves - Vacations and Holidays

4570.1 Leave of Absence: A permanent employee may be granted a leave of absence with or without pay by the Board of Trustees upon recommendation of the Superintendent for a period not to exceed one (1) year when such action is not contrary to the best interests of the District. Such leaves of absence may be extended or renewed for a period not to exceed one (1) year. The beginning date of a leave of absence shall be the first (1st) working day on which the employee does not actually work.

4570.1.1 Return from Leave of Absence

4570.1.1.1 Upon returning from a leave of absence, the employee shall assume the duties of his/her absented position provided that, during the period of absence, there has been no change in the employee's capacity to meet the requirements of the position. Notwithstanding, the seniority constraints imposed upon the District shall prevail.

4570.1.1.2 If the position occupied by the employee prior to taking a leave of absence is no longer in existence, the employee shall be assigned a position in his/her classification, and s/he shall have bumping and seniority rights in the same manner as if there

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were a reduction in force.

4570.1.1.3 An employee who returns from a leave of absence and is unable for personal or physical reasons to return to his/her former classification shall be placed on the re-employment list for a period of thirty-nine (39) months from date of return. (Education Code 45279.)

4570.1.1.4 Leave of absence without pay while not considered a break in service shall not count as time worked for purposes of longevity or seniority computation except that if the employee has worked 75% or more of his/her assigned work year it shall constitute a year for longevity purposes.

4570.2 Sick Leave

4570.2.1 A person employed by the District five (5) days per week with full pay for a fiscal year shall be entitled to twelve (12) days leave of absence for illness or injury, exclusive of days they are not required to render service. Day, as used in this Article, means the employee's regularly assigned work day, exclusive of overtime.

4570.2.2 An employee employed less than five (5) days a week and/or less than a full fiscal year is entitled to that proportion of twelve (12) days leave of absence for illness or injury as the number of months bear to twelve (12) months and the number of days bear to five (5) days.

4570.2.3 Pay for any day of such absence shall be the same as the pay which would have been received had the employee served during the day of illness or injury.

4570.2.4 At the beginning of each fiscal year, the full amount of sick leave granted under this Section shall be credited to each employee.

4570.2.5 Credit for sick leave need not be accrued prior to taking such leave and such leave may be taken at any time during the year.

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4570.2.6 Advance Credit for Earned Sick Leave. (Conditions covering industrial accident and illness leave, see Section 4570.12). Credit for earned sick leave need not be accrued by the employee prior to taking such leave; such sick leave may be taken at any time during the year. However, a new employee of the District shall not be eligible to receive more than six (6) days earned sick leave credit until the first (1st) day of the calendar month after completion of six (6) months of active service within the District. Permanent employees shall receive advance credit annually for earned sick leave appropriate to their work year in addition to that accumulated. Any advance credit granted for earned sick leave must be subsequently earned by the employee. In the event an employee leaves the Classified Service after having used more earned sick leave than the total amount earned at the rate of one (1) day per month, the unearned portion shall be reimbursed by deduction from his/her final warrant or by cash payment to the District.

4570.2.7 Earned Sick Leave Computation: A new employee must be employed on or before the 15th of the month in order for that month to be counted in computing earned sick leave.

4570.2.8 However, a probationary employee of the District shall not be eligible to take more than six (6) days until the first day of the calendar month after completion of the six (6) months of active service with the District.

4570.2.9 Accumulation of Earned Sick Leave: Any unused portion of the earned sick leave shall be accumulative from year to year without limitation.

4570.2.9.1 Transfer of Earned Sick Leave: A classified employee who terminates employment in another California school district to accept a position with the Millbrae School District and receives an appointment as a regular employee shall have transferred with him the total amount of unused sick leave earned under

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Section 45191 of the Education Code accumulated in the former district. (Education Code 45202.)

- 4570.2.9.2 If an employee does not take the full amount of earned sick leave allowed in any year, the amount not taken shall be accumulated from year to year. The employee may convert unused earned sick leave to retirement credit in accordance with existing legislation if the employee is filing a request for retirement.
- 4570.2.10 Entitlement to Other Sick Leave: When an employee is absent from his/her duties on account of illness or injury for a period of five (5) months or less, and when all other paid illness and injury leave has been exhausted, the amount deducted from the salary due him for any month in which the absence occurs shall be one-half (1/2) his/her normal rate, less any voluntary or required payroll deductions. The first ten (10) days of this five (5) months runs concurrently with other paid leaves taken for the illness or injury. The employee shall be entitled to the balance of this remaining period within the five (5) months after other paid leaves have been exhausted. The employee must be absent because of illness or accident at least five (5) days before s/he is eligible for these extended sick leave benefits on the sixth (6th) day. Any other accumulated paid leaves shall count towards fulfilling this five-day requirement. A physician's certification of illness or accident stating the amount of time off required for recovery and verifying the illness or injury shall be submitted to the District prior to any payment under this Article.
- 4570.2.11 An employee absent due to illness or injury must follow procedures established by his/her immediate supervisor to notify his/her department of intent to be absent, the nature of the illness or injury, and the anticipated duration of the illness not later than one (1) hour after the start of the work shift or, if injured

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on the way to work, as soon as practicable in order to be eligible for paid illness or injury leave.

4570.2.12 An employee requesting paid illness or injury leave may be required, at the discretion of his/her immediate supervisor or the Business Manager, to provide medical statements on physician's letterhead, with any medical costs to be borne by the employee.

4570.2.13 An employee absent due to surgery, serious injury, or illness shall be required to submit a medical release to the immediate supervisor prior to being permitted to return to work.

4570.2.14 Employees absent for 5 or more consecutive assigned work days may be required to submit a medical release to the immediate supervisor prior to being permitted to return to work. An employee shall be required to submit to medical examinations, at District expense, at the discretion of the District.

4570.2.15 Sick Leave After Termination of Employment or for Use as Vacation: When an employee separates from the Classified Service, there will be no cash reimbursement for unused accumulated sick leave. Accumulated sick leave may not be taken as vacation.

4570.2.16 Procedure for Sick Leave Claims: Sick leave benefits must be claimed by verification of the illness or injury on an Employee Absence Form. This form is to be signed by the employee and his/her principal or supervisor immediately after the employee returns to duty. If sick leave extends beyond 5 working days, a doctor's verification of the illness and advice that the employee is physically able to return to work may be required.

4570.2.17 Abuse of Sick Leave Privilege

4570.2.17.1 Proven abuse of the sick leave privilege may result in dismissal.

The District reserves the right to request a doctor's certificate for verification of illness.

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4570.2.17.2 The employee shall notify his/her immediate supervisor or department head of his/her pending absence as soon as possible. Failure to notify proper authority in accordance with departmental procedure may result in disciplinary action.

4570.2.18 Limitations of Sick Leave: Sick leave privileges shall not apply to special status employees.

4570.2.19 Post Mortem Claims: Only that period of illness immediately prior to the death of an employee is claimable as sick leave benefit by the estate.

4570.2.20 Sick Leave for Routine Professional Services: Accrued sick leave may be used for absences due to routine medical or dental appointments, eye examinations, or similar professional services. When used under this section, sick leave shall be claimed on an hourly basis, according to the length of absence.

4570.2.21 Vacation Sick Leave: Accrued sick leave may be used during the employee's vacation period only in cases where the illness is verified in writing by a doctor.

4570.3 Extended Industrial Accident/Illness Leave - (See Section 4520 also.) In addition to any other benefits that an employee may be entitled to under the Workers' Compensation Laws of this State, the employee shall be entitled to the following benefits:

- a) An employee suffering an injury or illness arising out of and in the course and scope of his/her employment shall be entitled to a leave of up to sixty (60) working days in any one fiscal year for the same accident or illness.
- b) This leave shall not be accumulated from year to year, and when any leave will overlap a fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred.
- c) Payment for wages lost on any day shall not, when added to an award granted to the employee under the Workers' Compensation Laws of this State, exceed the normal wage for the day.
- d) The industrial accident or illness leave is to be used in lieu of normal sick leave

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benefits.

- e) When entitlement to industrial accident or illness leave under this section has been exhausted, entitlement to other sick leave, vacation, or other paid leave may then be used. (See Section 4570.2.10.)
- f) If, however, an employee is still receiving temporary disability payments, under the Workers' Compensation Laws of this State at the time of the exhaustion of benefits under this Section, s/he shall be entitled to use only so much of his/her accumulated and available normal sick leave and vacation leave, which when added to the Workers' Compensation award, provides for a day's pay at the regular rate of pay.
- g) Any time an employee on Industrial Accident or Illness Leave is able to return to work, s/he shall be reinstated in his/her position without loss of pay or benefits.

4570.4 Maternity Leave

- 4570.4.1 Maternity leave shall be available to cover all absences caused by pregnancy, miscarriage, childbirth, and recovery when the employee is physically unable to work, as determined and certified by the employee's physician. Maternity leave shall be treated as an illness for the purpose of sick leave.
- 4570.4.2 All leave granted shall be deducted from the accumulated sick leave credit of the employee as indicated by the official records maintained in the District Personnel Office.
- 4570.4.3 An employee shall be granted maternity leave without pay if all earned sick leave credit, including that covered in Section 4570.2.10, has been used and medical necessity is certified by the employee's physician.
- 4570.4.4 The employer may counsel and/or relieve any pregnant employee from assigned duties if her physical condition or capacity renders the employee incapable of performing assigned duties. The employer shall give full consideration to available medical opinion from the employee's physician prior to relieving her

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from assigned duties.

4570.4.5 The employee may return to duty with written consent of her physician provided such return is in conformity with the agreement reached between the District and the employee prior to taking leave. The employee may return prior to the date agreed upon provided it does not disrupt the school's staffing and instructional program or maintenance or operations schedule of the District.

4570.5 Child-Rearing Leave: An employee who is the natural or adoptive parent of a child shall be entitled to an unpaid leave of absence for the purpose of rearing his/her child. Such leave shall be for a maximum period of three (3) months and shall be granted upon giving the District four (4) weeks' prior notice to the anticipated date on which the leave is to commence. This three-month leave is available from birth to three (3) months of age for natural parents and from the time of adoption to one (1) year for adoptive parents.

4570.6 Bereavement Leave: At the time of the death of any member of his/her immediate family, every classified employee is entitled to three (3) days leave of absence, with pay, if death occurred in the State of California, or five (5) days, with pay, if death occurred out-of-state. Members of the "immediate family" include father, mother, husband, wife, son, daughter, brother, sister, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandfather, grandmother, grandchildren, aunt, and uncle of the classified employee or any relative of either spouse living in the immediate household of the employee.

4570.6.1 Up to three (3) days, to be deducted from sick leave, may be used for bereavement leave for any person, not listed in Section 4570.6, living in the immediate household of the classified employee.

4570.7 Personal Business Leave (7/9/90)

4570.7.1 Each full time ten-month, eleven-month, or twelve-month non-unit classified employee shall have a maximum of three (3) days leave per school year granted for urgent personal reasons. All other non-unit classified employees who work less than eight (8) hours per day shall receive a pro-rata amount of time. The

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first day used shall not be deducted from sick leave; the second and third days will be deducted from sick leave. It is the responsibility of the employee to notify the District, in advance, of his/her intent to take this leave; and approval must be obtained for the third personal business day from his/her immediate supervisor. The employee's request must state the date and the reason for the requested absence and obtain advance approval for the date. No employee may use more than six (6) days of accumulated sick leave per year for personal business leave or personal necessity leave or for any combination of the two. This leave is not accumulated from year to year. Personal business leave may not be used for the following:

- a) Any form of concerted activity, such as a strike.
- b) Vacation, recreation, or social activities.
- c) Extension of school holiday or vacation.
- d) Pursuit of other employment opportunities unless the employee has received a layoff notice in that calendar year.

4570.8 Personal Necessity Leave

4570.8.1 Leave for personal necessity is limited to the following and will be deducted from accumulated sick leave:

- a) death of a member of his/her immediate family after bereavement leave has been used.
- b) accident involving his/her person or property, or person or property of a member of his/her immediate family.
- c) appearance in court as a litigant.
- d) serious illness or post-pregnancy care of a member of his/her immediate family.
- e) in cases of compelling personal importance, prior approval from immediate supervisor, or from the Superintendent, shall be the general rule. However,

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at the employee's option, one (1) day may be used without prior approval, provided the immediate supervisor is informed in advance of the employee's intent to be absent.

4570.8.2 Personnel using personal necessity leave for any of the reasons stated in this section shall provide, for approval, a signed statement of the facts which require/required his/her absence from duty. The employer reserves the right to request the presentation of additional information. The pay of an employee shall be deducted for the claimed days if the requested information is not presented within 20 working days of the date requested. Personal necessity leave may not be used for the sole purpose of extending a school holiday or vacation, a social event, an educational conference or convention, to accompany a spouse, relative, or acquaintance on a personal or business trip.

4570.9 Short-Term Leaves: Legal Duties

4570.9.1 Jury/Witness Duty: The District agrees to grant to employees regularly called for jury duty, or as a witness, leave of absence without loss of pay for time the employee is required to perform jury or witness duty during the employee's regular assigned working hours.

4570.9.2 Employees, so called for jury/witness duty, must notify the District of service date(s) upon receiving said notice from officers of the court.

4570.9.3 Jurors'/Witnesses' fees, exclusive of mileage and meal allowances, received by the employee, shall be deposited to the credit of the District.

4570.9.4 Regular day shift employees who are on jury/witness duty call for less than four (4) hours shall return to their assigned duties for the time remaining in their shift.

4570.9.5 Regular night custodians who are on jury/witness duty call for less than four (4) hours shall assume their scheduled shift and shall be granted compensatory time in relation to the time spent on call. Prior approval for use of compensatory

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time shall be given by the Business Manager.

4570.9.6 The District may require verification of jury/witness duty time prior to or subsequent to providing jury/witness duty compensation.

4570.10 Military Leave: An employee shall be entitled to any military leave provided by law and shall retain all rights and privileges granted by law arising out of the exercise of military leave.

4570.11 Break in Service: No absence under any paid leave provisions shall be considered as a break in service for any employee who is in paid status, and all benefits accruing under the provisions of this Agreement shall continue to accrue under such absence.

4570.12 General Leave: When no other leaves are available, a leave of absence may be granted to an employee on a paid or unpaid basis at any time upon any terms acceptable to the District and the employee.

4570.13 Paid Vacations

4570.13.1 Eligibility: Employees who have completed six (6) months of service as regular probationary employees shall accrue vacation credit at the regular rate of pay earned at the time the vacation is commenced.

4570.13.2 Computation of Vacation Credit: Regular employees shall accrue vacation credit for each year of service according to the current vacation schedule approved by the Board. Vacation Leave for employees whose assignment is less than full time shall receive a prorated amount that will be determined by multiplying the employee's full time equivalent employee ratio by the amount of vacation provided in the current Board approved vacation schedule.

4570.13.3 Use of Vacation: Vacation time may not be accumulated, but must be used no later than June 30th of the year following the year in which it is accrued. A maximum of ten (10) vacation days may be carried over to the following fiscal year with permission of the Business Manager. An additional five (5) days may be carried over with the written permission of the Business Manager. If for any

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reason, an employee is not permitted or is unable, due to illness or injury, to take all of his/her annual vacation, the amount not taken shall, at the option of the employer, be accumulated for use in the following year or be paid for in cash.

4570.13.4 Vacation Interruption: An employee shall be permitted to interrupt or terminate an approved vacation in order to begin paid leave provided for in this agreement without a return to active service, provided the employee supplies notice and supporting documentation regarding the basis for the interruption or termination.

The employer reserves the right to request an additional documentation verifying the necessity for the interruption or termination. If such documentation is not provided within 15 work days, the employee's vacation shall be adjusted for the days of claimed interruption or termination.

4570.13.5 Vacation Scheduling: The employer may establish a certain period within the fiscal year when vacation days may not be taken. Vacation schedules shall be approved by the immediate supervisor, the Superintendent, or his/her designee in such manner as not to interfere with the efficiency of the operation of the District.

4570.13.5.1 The District shall forward, during the first week of March, to all employees who are eligible for vacation, a request for statement of dates of vacation preference.

4570.13.5.2 Employees shall respond to the District's request within a three-week period. When conflict in scheduling vacation days occurs because too many employees are requesting to be absent at the same time, seniority will be the basis for determining those employees that can be spared during that time period. If one or more holidays fall within a scheduled vacation period, one or more additional vacation days shall be granted.

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4570.13.5.3 The District shall respond with approved vacation schedules by the 15th of April.

4570.13.5.4 All other employees who for any reason do not submit a vacation request form within the specified time limits shall have their vacations scheduled to those open dates and times that remain.

4570.13.6 Vacation Pay Upon Termination: On separation from service, the employee shall be entitled to lump sum compensation for all earned and unused vacation, except that employees who have not completed 6 months of employment in regular probationary status shall not be entitled to such compensation.

4570.13.7 Vacation and Sick Leave Earned by Employees Taking Time Off Without Pay

4570.13.7.1 If an employee takes time off without pay during his/her normal work year, sick leave, and vacation entitlement for partial months shall be computed in the following manner. If for any given month the employee works --

less than 10 days . . . no vacation

10-14 days . . . 1/2 day

15 days+ . . . full entitlement

4570.14 Holidays for Classified Employees

4570.14.1 All regular employees shall be granted as paid holidays all legal and local holidays as shown on the current year's classified calendar, holidays approved by the Board of Trustees, and days appointed by the President or Governor of this state for a public feast, Thanksgiving, or holiday, providing that such days occur during the course of their regular work year.

4570.14.2 When a holiday listed herein falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday listed herein falls on a Saturday, the preceding Friday shall be deemed to be the

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holiday in lieu of the day observed.

4570.14.3 Regular hourly employees shall receive holiday pay prorated in the same ratio as the regular work hours per day, days per week, weeks per month, or months per year of such part-time employees bear to eight (8) hours per day, forty (40) hours per calendar week, calendar weeks per month, or twelve (12) calendar months during the school year.

4570.15 Incentive for Reduced Absence (2/1/88)

4570.15.1 School secretaries and attendance clerks who meet the specified requirements set forth below shall receive one of the following lump sum payments as applicable for limited absences in one school year:

- a) No more than 4 days total absence - \$50.00
- b) No more than 3 days total absence - \$75.00
- c) No more than 2 days total absence - \$100.00
- d) No more than 1 day total absence - \$125.00
- e) Zero days absent - \$150.00

Absence in this provision shall mean any absence and/or leave described in Section 4570. Absences will be tallied and incentive pay will be granted on a yearly basis. Neither absence nor pay will be cumulative to future years. Incentive payments pursuant to the eligibility requirements set forth above will be made to eligible employees at the end of June in each school year in which eligibility is established. School secretaries and attendance clerks employed for less than the full school year are not eligible to participate in this incentive program. Due to the innovative nature of this incentive, the District reserves the right to limit this provision to the 1988-89 school year.

Article 6 - Compensation, Benefits, Evaluation, and Employee Conditions

4610 Wages and Benefits

4610.1 Compensation: A step on the salary schedule shall be equivalent to a year of service, as determined by the date of employment. Regular employees may advance to successive increments within their range; however, advancement shall be contingent upon satisfactory work performance, as determined by the annual evaluation submitted by the employee's immediate supervisor.

4610.1.1 Compensation for Promotions: (9/29/93)

No classified employee shall receive a decrease in the salary and/or benefit package as a result of accepting a District promotion.

4610.2 Long Service Recognition (Longevity)

4610.2.1 Employees who have worked twelve (12) months on a regular full-time basis for eight (8) consecutive years shall be granted a longevity stipend in addition to the regular salary. Such credit will be effective the first of the calendar month next succeeding the eighth, fifteenth, twentieth, and twenty-fifth (8th, 15th, 20th and 25th) year of service in paid status.

4610.2.2 Employees who have worked ten (10) months on a regular full-time, or regular part-time, basis for eight (8) consecutive years shall be granted a longevity stipend in addition to the regular salary. Such stipends will be calculated according to the FTE of the individual employee. Such credit will be effective with the completion of eight (8), fifteen (15), twenty (20), and twenty-five (25) years of service in paid status.

4610.2.3 Such longevity credit shall be granted in accordance with the current salary schedule and/or negotiated agreement.

4610.3 Health and Welfare Benefits

4610.3.1 The employer shall provide for each regular full-time employee health and welfare benefits. This fixed dollar amount shall be distributed as directed by the

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employee to employer-approved health and welfare benefits.

4610.3.2 Employees working less than full time shall receive benefits on a pro-rata basis in the same relationship as their assigned hours and months of service bears to the full time equivalency of eight (8) hours per day, twelve (12) months per year.

4610.3.3 Employees who choose not to enroll in employer-approved health and welfare benefit programs shall receive no health and welfare benefits granted under the provisions of this Article.

NOTE: In the case of Delta Dental, employees not choosing this plan at time of original employment cannot request this coverage at a later date without paying all premium that would have been due from date of original employment; this cost must be borne by the employee.

4610.3.4 Health and welfare benefits shall not be provided to employees on unpaid leaves of absence in excess of thirty (30) calendar days.

4610.3.5 Premium balances in excess of employer contributions, as provided in this Article, must be paid by the employee by payroll deductions.

4610.4 Overtime Compensation

4610.4.1 Prior approval by the Business Manager or his/her designated representative is necessary for any overtime compensation.

4610.4.2 Overtime is time worked by an employee in excess of 40 hours in any 1 week.

4610.4.3 Overtime will be distributed and rotated as is practical within each department among those employees demonstrating a desire to work such overtime.

4610.4.4 Employees called back by the District to work after completing their regular work assignment shall be compensated for no less than 2 hours work at the appropriate overtime rate.

4610.4.5 Employees shall be compensated at 12 times the regular rate of pay for approved overtime within the employee's regularly assigned classification.

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Employees shall be compensated at 12 times the base rate of pay for approved overtime work that is outside the employee's regularly assigned classification.

4610.4.6 When an employee is required to work on any District authorized holiday, s/he shall be paid at the rate of double his/her regular rate of pay.

4610.4.7 For the purpose of computing the number of hours worked time during which an employee is excused from work because of holidays, sick leave, vacation, compensating time off, or other paid leave of absence shall be considered as time worked by the employee.

4610.4.8 Days of leave without pay are excluded from calculation of overtime (hours worked).

4610.4.9 Payment for approved overtime shall be the standard procedure. However, in special situations, with written permission from the Business Manager or his/her designee compensatory time off may be granted in lieu of paid compensation for overtime work. Compensatory time off shall be computed at the 12 time rate under the same conditions previously stipulated.

4610.4.10 Employees may use a maximum of 16 hours each month as compensatory time off within 90 days of the day the compensatory time was earned.

4610.4.11 Any employee whose regular assigned work shift extends beyond 11:30 pm shall be excused 1 hour early on the last day of his/her work week.

4610.5 Payroll Deductions: Deductions shall be made from each month's salary in accordance with the State of California Public Employees Retirement System. Income Tax, Old Age Security Disability Insurance, and Medicare shall be deducted as provided by law. Other deductions will be made when authorized by the employee.

4610.5.1 Salary Withholding Plan: A withholding plan, which will provide for 12 equal salary payments, is available to employees paid on the monthly salary schedule, but whose positions normally require less than 12 full months of work. The employee must submit a signed authorization requesting this plan on or before

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the established beginning date for his/her position of any fiscal year. If such an employee begins work at any time after the established beginning date for his/her position, s/he must wait until the next fiscal year to request this plan.

4610.6 Travel Reimbursement

4610.6.1 It is the policy of the Board of Trustees to pay some or all of the actual and necessary expenses incurred by any employee of the District in the course of performing authorized services for the District, both within the District and out, including travel.

4610.6.2 The mileage rate for reimbursement of travel expenses shall be set by the Board of Trustees on recommendation of the Superintendent.

4610.7 Professional Growth Program: See Appendix D.

4610.8 Reimbursement for Loss of Personal Property (3/1/93)

The Governing Board shall pay the cost of replacing or repairing employee personal property, except cash, which has been stolen, destroyed or maliciously damaged through no fault of the employee, while being used in District schools. Reimbursement for personal items used for work-related purposes shall be made only if the Business Manager or designee approved the use of the personal property in school before the property was brought to school and at that time agree on the value of the property. (Ed Code ' 35213) No payment shall be made for any loss having a value of less than \$25 at the time of damage or theft. No payment shall be made for repairs of less than \$25. Payment for any one loss shall not exceed \$5,000. Reimbursement for vehicle damage shall be limited to payment of the deductible amount of the employee's insurance policy. Reimbursement shall not exceed \$5,000 for damages resulting from malicious acts to a vehicle parked or driven on or adjacent to District premises. Reimbursement shall not be made in the case of collision, theft of an entire vehicle, theft of optional attached equipment such as a radio, tape deck, tapes or cassettes, or damage to a vehicle resulting from actual theft of the vehicle. No reimbursement shall be made for accidental damage or for any loss suffered because of lack of personal supervision

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or failure to keep property in a locked area available to the owner.

4610.9 Compensation for Promotions: (9/20/93)

No District classified employee shall receive a decrease in the salary and/or benefit package as a result of accepting a District promotion.

4620 Evaluation

4620.1 Evaluation form provided by the District for all probationary employees shall be submitted at the conclusion of the second (2d) and fifth (5th) month of the probationary period. Probationary employees shall review and sign their rating forms before they are submitted to the Business Manager by the principal, department head, or supervisor.

4620.2 Evaluation forms provided by the District for all permanent employees shall be completed annually no later than June 1. A special rating may be submitted at any time if it is desired by the principal or supervisor. Permanent employees shall review and sign their evaluation forms before they are submitted to the classified personnel department by the principal, department head, or supervisor.

4620.3 Each evaluation shall reflect the combined judgment and review of both the immediate supervisor and the administrator immediately associated with the employee being rated. Evaluation should be based upon direct observation and knowledge of the employee's work by the evaluator(s).

4620.4 Any evaluation which is below standard shall include recommendation for assisting the employee.

4620.5 Prior to placing a copy of the evaluation in the employee's personnel file, a conference shall be had between the evaluator and the employee.

4620.6 The employee should have the right to review and respond to any derogatory evaluation and shall have the response attached to the evaluation. (See Section 4530.12.5.)

4620.7 A copy of the employee's performance evaluation shall be given to the respective employee at the time of the evaluation conference.

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4630 Proficiency Ratings

4630.1 Any employee, who has reason to question any aspect of his/her performance rating, has the right to request a review of his/her evaluation by the Business Manager.

4640 Employee Conditions

4640.1 Employee Protection

4640.1.1 An employee may use reasonable force as is necessary to protect himself from attack, to protect another person or property, to quell a disturbance threatening physical injury to others, or to obtain possession of weapons or other dangerous objects upon the person or within control of a pupil.

4640.1.2 Employees shall immediately report instances of attack, assault, or threat against them by any pupil to their principal or other immediate supervisor, who shall in turn report to the appropriate local law enforcement agency.

4640.1.3 The report shall be forwarded immediately to the Superintendent or his/her designee, who shall act in appropriate ways as liaison between the employee, the police, and the courts.

4640.2 Eye Safety Devices

4640.2.1 Principals and department chairmen whose programs involve hot solids, liquids, or molten metals; milling, sawing, turning, shaping, cutting, or stamping of any solid materials; heat treatment, tempering or kiln firing of any metal or other materials, gas, or electric arc welding; repair or servicing of any vehicles; caustic or explosive chemicals or materials, shall arrange for a sufficient number of eye-safety devices to be made readily available in all such areas of activity for the use of students, visitors, teachers, and other employees.

4640.2.2 All participants, including students and employees, and visitors shall be required to wear such eye-safety devices just prior to the start of the activities listed above and until the activity is completed.

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4640.2.3 Classified personnel whose work involves weed abatement and use of mowing equipment shall wear such eye-safety devices when performing such tasks.

4640.3 Employee Safety:

Employees shall not be required to work under unsafe or hazardous conditions or to perform tasks which endanger their health, safety, or well being.

4640.4 Sexual Harassment: (5/3/93)

No employee shall be subjected to sexual advances by any other employees, nor shall any employee be harassed, ridiculed, or otherwise demeaned by any other employee because of the employee's sex. Any violation of this provision shall be considered grounds for complaint, and if the complaint is upheld, the offender will be liable to Dismissal/Suspension/Disciplinary Action.

4640.4.1 The Board of Trustees prohibits sexual harassment in the working environment of District employees or applicants by any person in any form.

4640.4.1.1 Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal.

4640.4.1.2 Any employee or applicant for employment who feels that he/she or another individual in the District is being sexually harassed should immediately contact his/her supervisor, principal, other District administrator, or the superintendent or designee in order to obtain District procedures for reporting a complaint.

4640.4.1.3 Any supervisor who receives a harassment complaint shall notify the superintendent or designee, who shall ensure that the complaint is appropriately investigated.

4640.4.1.4 The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated

in a manner that respects the privacy of all parties concerned.

4640.4.1.5 Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting when: (Education Code ' 212.5)

- (a) Submission to the conduct is made either expressly or by implication in terms or conditions of any individual's employment.
- (b) Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual.
- (c) The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or of creating an intimidating, hostile, or offensive working or education environment or of adversely affecting the student's or employee's performance, evaluation, advancement, assigned duties, or any other condition of education, employment, or career development.
- (d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Other examples of sexual harassment, whether committed by a supervisor or

any other employee, are:

- (a) Unwelcome leering, sexual flirtations or propositions.
- (b) Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
- (c) Graphic verbal comments about an individual's body or overly personal conversation.
- (d) Sexual jokes, stories, drawings, pictures, or gestures.
- (e) Spreading sexual rumors.
- (f) Touching an individual's body or clothes in a sexual

way.

- (g) Cornering or blocking of normal movements.
- (h) Displaying sexually suggestive objects in the educational or work environment.
- (i) Any act of retaliation against an individual who reports a violation of the District's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

4640.4.1.6 Each principal and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes discussing the District's sexual harassment policy with his/her students and/or employees and assuring them that they are not required to endure sexually insulting, degrading, or exploitative treatment or any other form of sexual harassment.

Legal References:

Education Code:

' 212.5 "Sexual Harassment Defined"

' 212.6 "Sexual Harassment Policy"

' 230 "Particular Practices Prohibited"

Government Code:

' 12900-12996 "Fair Employment and Housing Act"

PROCEDURES 4640.4.2 Sex Discrimination Grievance: Procedures - The purpose of this procedure is to secure, at the earliest level possible, equitable solutions to complaints dealing specifically with discrimination on the basis of sex.

4640.4.2.1 Definitions

- (a) "Complaint" - At the informal level, an alleged violation of the District Policy about discrimination on the basis of sex or an alleged violation of Title IX.

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- (b) "Grievance" - At the formal level, an alleged violation of the District Policy about discrimination on the basis of sex or an alleged violation of Title IX.
- (c) "Complainant" or "Grievant" - Any certificated employee of the District.
- (d) "Day" - Any day when schools in the District are in session.
- (e) "Intermediate Supervisor" - The lowest level administrator or supervisor (who has been designated to handle complaints or grievances) having immediate jurisdiction over the plaintiff or grievant.

4640.4.2.2 Informal Level: Before filing a formal grievance, the complainant shall attempt to resolve the alleged violation by an informal two-party conference with the immediate supervisor. The District's Title IX Coordinator may be brought into the conference if agreed by both parties.

4640.4.2.3 Formal Level:

Level I

- (a) Within ten (10) days after the grievant knew or should have known of the circumstances which gave rise to the grievance, the grievant must present the grievance to the immediate supervisor. This written document shall be a clear, concise statement of the grievance, the circumstances involved, the decision at the Informal Level, and the specific remedy sought.
- (b) Within ten (10) days after receiving the grievance, the immediate supervisor shall investigate the grievance.
- (c) Within fifteen (15) days after receiving the grievance, the immediate supervisor shall send a written decision to the grievant.

Level II

- (a) Within ten (10) days after receiving the written decision of the immediate supervisor, grievant may appeal the decision to the Title IX Coordinator. The written appeal shall be a clear, concise statement of the reasons for the appeal and shall be accompanied by a copy of the decision at the Informal Level, the original grievance, and the decision at Level I.
- (b) Within ten (10) days after receiving the appeal, the Title IX Coordinator shall investigate the grievance giving all persons who participated at Level I a reasonable opportunity to be heard.

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(c) Within fifteen (15) days after receiving the appeal, the Title IX Coordinator shall send a written decision to the Grievant and the immediate supervisor.

Level III

(a) Within ten (10) days after receiving the decision of the Title IX Coordinator, the grievant may appeal the decision to the Superintendent. The written appeal shall be a clear, concise statement of the reasons for the appeal and shall be accompanied by a copy of the decision at the Informal Level, the original grievance, the decision at Level I, and the decision at Level II.

(b) Within ten (10) days after receiving the appeal, the Superintendent shall investigate the grievance, giving all persons who participated at Levels I and II a reasonable opportunity to be heard.

(c) Within fifteen (15) days after receiving the appeal, the Superintendent shall send a written decision to the grievant, the immediate supervisor, and the Title IX Coordinator.

Level IV

(a) Within ten (10) days after receiving the written decision of the Superintendent, the grievant may appeal the decision to the District's Board of Trustees.

(b) Within ten (10) days after receiving the appeal, the Board of Trustees shall schedule a closed session hearing which shall give all persons who participated at Levels I, II, and III a reasonable opportunity to be heard.

(c) Within fifteen (15) days after receiving the appeal, the Board of Trustees shall send a written decision to the grievant, the immediate supervisor, the Title IX Coordinator, and the Superintendent.

4640.4.2.4 Failure to Observe Time Limits:

In the event the grievant fails to exhaust all remedies under the grievance procedure provided herewith, or to abide by the time limits with respect to each step, the grievance shall be presumed to be abandoned and the matter shall be considered settled, in accordance with the District's last response thereto.

In the event the District fails to give its answer at any step within the time limits prescribed, the grievant shall have the right to proceed immediately to the next step. Any time limit

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may be extended by written mutual agreement of the grievant and the District.

4640.4.2.5 Effect of Settlement:

Any settlement of a grievance shall be applicable to the grievance only and shall not be binding authority for the disposition of any other grievance. Any grievance initiated under this procedure shall be brought by and for the grievant alleging action in violation of Title IX and the implementing regulations by the District affecting the grievant initiating the grievance.

4640.4.2.6 Other Recourse:

Although it is the intent of the Board of Trustees that all complaints having to do with sex discrimination be handled in the manner described above, the Board recognizes that any employee has the right to take a complaint directly to the United States Office of Civil Rights.

4640.5 Tobacco-Free Schools (5/17/93)

4640.5.1 Ample research has demonstrated the health hazards associated with the use of tobacco products, including smoking and the breathing of second-hand smoke.

4640.5.2 As role models, District employees should demonstrate conduct that is consistent with school programs to discourage students from using tobacco products.

4640.5.3 Therefore, the Board believes it is in the best interests of students, employees, and the general public to prohibit the use of tobacco products anywhere and anytime on District property, in District vehicles, and in any school sponsored activities or while under the supervision and control of District employees.

4640.5.4 This policy shall become effective August 1, 1992. The District shall take

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action against those individuals who violate this policy. (See Appendix E)

- 4640.5.5 The District shall provide a list of clinics and community resources which may assist employees who wish to stop using tobacco products. Cessation assistance may be made available to employees if required.

Legal References:

Education Code ' 48901 "Smoking or Use of Tobacco; Steps to Discourage"

Health and Safety Code ' 39002 "Control of Air Pollution from Nonvehicular Sources"

PERB Ruling CSEA #506 and Associated Teachers of Metropolitan Riverside v.

Riverside Unified School District

4640.6 Drug- and Alcohol-Free Workplace (5/18/92)

4640.6.1 The Board of Trustees believes in the importance of providing a safe and secure environment which encourages and supports students and staff in their efforts to lead healthy and productive lives.

4640.6.2 It shall be the policy of Millbrae School District that no employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations before, during, or after school hours at school or in any other District workplace. All employees shall abide by this policy as a condition of employment and shall receive written notification of District policy and procedures.

4640.6.3 Each employee shall notify the District of any criminal drug status conviction in the workplace no later than 5 days after such conviction.

4640.6.4 The District shall establish a drug- and alcohol-free awareness program to inform employees about the dangers of drug and alcohol abuse in the workplace; the District policy of maintaining drug- and alcohol-free workplaces; any available drug and alcohol counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed on employees for drug and alcohol abuse violations.

4640.6.5 The District shall notify the appropriate federal granting or contracting agencies

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within ten days after receiving notification from an employee or otherwise of any conviction for a violation occurring in the workplace.

4640.6.6 The District shall take the following actions within 30 days of receiving such notice: (a) take appropriate personnel action against such an employee up to and including termination and/or (b) require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

4640.6.7 The Superintendent or designee will make a good faith effort to continue maintaining a drug-free workplace through implementation of this policy.

Legal References:

The Drug-Free Workplace Act of 1988, Public Law 100-690, 5151-5160.

Drug-Free Schools and Communities Act Amendment of 1989, HR 3614

Controlled Substances Act, 202 schedules I-V, 21 USC 812

21 Code of Federal Regulations 1300.1-1300.15; GC 's 8350-8357

Education Code 's 44011, 44065, 44425, 44836, 44940, 44940.5, 45123, 45304

Article 7 - Employee Organizations/Units

4710 Staff-Administrator-Board of Trustees Relationships

4710.1 The Board of Trustees recognizes the right of public school employees to join organizations of their own choice, to be represented by such organizations in the employment relationships with the District, to select one employee organization as the exclusive representative of the employees in a representative unit, and to afford classified employees a voice in the formulation of policies or regulations which affect them.

4710.2 The Board of Trustees also recognizes the following roles and responsibilities that are clearly established by law:

- a. The Board of Trustees, under law, has the final responsibility of establishing policies for the school system.
- b. The Superintendent and staff have the responsibility of carrying out the policies established.

4720 Employee Organizations

4720.1 All classified employees are free to join or not to join employee organizations. Decisions affecting the individual employee are made without regard to membership or non-membership in such organizations. Each employee is entitled to his/her individual legal or ethical rights and privileges. (Government Code 3544.)

4720.2 Employees shall not be interfered with, intimidated, restrained, coerced, or discriminated against, either by the District or by employee organizations. They shall have the right to participate through representatives of their own choosing in the presentation of their views to the Board of Trustees. (Government Code 3544.5.)

4720.3 Employee organizations which meet the provisions of the law shall have the right to represent their members in matters within the scope of the law. (Government Code 3544.1.)

4720.4 Organization Membership: No employee shall suffer any professional disadvantage by reason of the employee's membership in an employee organization or participation in its lawful activities.

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NOTE: Confidential classified employees cannot join a collective bargaining unit.

4720.5 Recognized Employee Organizations: The Board of Trustees shall grant recognition status to employee organizations that represent classified employees and satisfactorily meet the requirements as set forth in Government Code Section 3545.

4730 Policy Development and Review

4730.1 The Superintendent is directed to consult with appropriate personnel and employee organizations in suggesting and establishing the desired policies and regulations relating to Board of Trustees-administrator-employee relationships and other matters as provided by law.

4730.2 The Board of Trustees will periodically review these policies and will consider suggested revisions or additions which will improve these relationships and promote the educational welfare of the children attending the schools of the District.

4740 Employer-Employee Relations for Classified Personnel

4740.1 Employee organizations may request to meet with the Board of Trustees or its delegated representative on all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment.

4740.2 Individual Employee Rights: Individual employees not represented by an employee organization shall have the right to represent themselves individually in their employment relations with the District. (Government Code 4643.)

4740.3 Employee Organizations: Any organization which includes employees of the Millbrae School District and which has as one of its primary purposes representing such employees in their relations with the District.

4740.4 Procedure for Recognition: The following requirements must be satisfactorily met by any employee organization seeking recognition by the Board of Trustees:

4740.4.1 A letter to the Board of Trustees requesting recognition as an employee organization representing bona fide members who are regular classified

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employees of the Millbrae School District.

4740.4.2 A listing of persons authorized by the employee organization to represent the employee organization in matters concerning employer-employee relations, including:

- a) Organization officers, with their business addresses and telephone numbers;
- b) Organization committees, with names and business addresses of committee chairmen; and
- c) Persons authorized to represent the employee organization.

4740.4.3 Ten copies of the organization by-laws, and, if affiliated with a national labor organization, 10 copies of the by-laws of the parent organization.

4740.4.4 Recognized employee organizations shall advise the District of any change in affiliation or change in its by-laws that will affect its relationship with the Millbrae School District.

4740.4.5 Recognition of employee organizations will be granted for a period of 12 calendar months and a request for renewal of recognition status shall be submitted to the Board of Trustees at least two months prior to the expiration date of the current recognition period. The request for renewal shall contain the same information, as contained in the original request, except that if there have been no changes in the organization's by-laws affecting employer-employee relations, additional by-laws need not be submitted.

4740.5 Rights of Recognized Employee Organizations:

Recognized employee organizations shall be entitled to the following:

- a. Use of school mailboxes within adopted guidelines.
- b. Use of District facilities, provided that the request for such facilities is in accordance with District procedure. The Millbrae School District and recognized employee organizations may exchange complete and accurate non-confidential information pertaining to employee relations necessary to the improvement of

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employer-employee relations.

4740.6 Resolution of Persistent Disagreement: Employee organizations and the Board of Trustees will follow the procedure outlined in Government Code Section 3548.

4750 Grievance Procedure

4750.1 See Appendix B for Grievance Form.

4750.2 Definitions:

- (a) A "Grievance" is a formal, written allegation by a grievant that s/he has been adversely affected by an interpretation, violation, or misapplication of the specific provisions of this policy. In the case of CSEA members, CSEA grievance procedures will be followed.
- (b) A "Grievant" shall be a classified employee of the District.
- (c) A "Day" is any day in which the District Office is open for business.
- (d) The "Immediate Supervisor" is the lowest level administrator/supervisor having immediate jurisdiction over the grievant who has been designated to administer grievances.

4750.3 Group Grievance: If the grievance involves employees with different immediate supervisors, the grievance may be filed at Level II.

4750.4 Informal Level

4750.4.1 Before filing a formal grievance and within twenty (20) days after the grievant knows, or reasonably should have known, of the circumstances which form the basis for a grievance, the grievant shall attempt to resolve it by an informal conference with the immediate supervisor.

4750.4.2 The grievant may be accompanied by no more than two (2) representatives of his/her choice.

4750.5 Level I - Immediate Supervisor

4750.5.1 Within ten (10) days after the informal conference, the grievant must present his/her grievance, in writing, on the District form (see Appendix B) to his/her immediate supervisor, provided that the employee is present in the District on regular work status during this time. This statement shall be a clear, concise

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statement of the grievance, the circumstances involved, the decision rendered at the informal conference, and the specific remedy sought.

4750.5.2 The administrator shall communicate his/her intended decision to the employee within ten (10) days after receiving the grievance. If the administrator does not respond within the time limits, the grievant may appeal to the next level. Within the above time limit, either party may request a personnel conference.

4750.6 Level II - Business Manager

4750.6.1 If the grievant is not satisfied with the decision of Level I, s/he may within ten (10) days appeal the decision on the District form (see Appendix B) to the Business Manager. The statement shall include a copy of the original grievance and appeal, the decisions rendered, and a clear, concise statement of the reasons for the appeal.

4750.6.2 The Business Manager shall have a conference with the grievant within ten (10) days. Within five (5) days following said conference, the Business Manager shall respond in writing to the alleged grievance.

4750.7 Level III - Superintendent

4750.7.1 If the grievant is not satisfied with the decision at Level II, s/he may within ten (10) days submit a request on the District form (see Appendix B) for a hearing before the Superintendent. The statement shall include a copy of the original grievance and appeal, the decisions rendered, and a clear, concise statement of the reasons for the appeal.

4750.7.2 The Superintendent shall have a conference with the grievant within ten (10) days. Within five (5) days following said conference, the Superintendent shall respond in writing to the alleged grievance.

4750.8 Level IV - Board of Trustees

4750.8.1 If the grievant is not satisfied with the decision at Level III, s/he may within 10 days submit a request on the District form (see Appendix B) for a hearing before the Board of Trustees. The Board of Trustees shall schedule a hearing of the grievance at the next regularly scheduled Board meeting. The Level IV decision shall be rendered no later than the regularly scheduled Board meeting following the meeting at which the hearing was held.

4750.8.2 The decision of the Board of Trustees shall be final and binding.

4750.9 No employee, employee association representative, member of any employee organization, or any other participant in a grievance procedure shall suffer reprisals in any way or suffer any professional disadvantage by reason of participation in the processing of any grievance.

4760 Public Notice - Personnel Negotiations

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4760.1 The Board of Trustees will strictly adhere to the requirement of public notice as set forth in Article 8, Section 3547, of Chapter 10.7 of the Government Code.

4760.2 The Board of Trustees will freely consult with concerned citizens and employee groups in regard to the establishment of reasonable regulations relating to the implementation of this public notice section. It is the view of the Board of Trustees that, although procedures and processes relating to public notice are not a negotiable item, consultation among the Board of Trustees, interested citizen groups, and concerned employee organizations is highly desirable.

PROCEDURES

4760.3 The Superintendent shall notify the exclusive representative organization(s) of the District that the Board of Trustees is prepared at any regular meeting of the Board of Trustees to hear the initial proposal(s) of the exclusive representative organization(s) and to include the proposals by title as a published agenda item.

4760.4 The Board of Trustees shall at a public meeting receive the proposal(s) and shall make it available for public review and study at a known and designated place (or places) in the District.

4760.5 In order to comply with the above section, the Superintendent shall request that ten (10) copies of the proposal(s) of the exclusive representative organization(s) be furnished the Board of Trustees at the time of the public presentation.

4760.6 Any citizen or citizen group may request and pay for an individual copy of the exclusive representative(s) proposal(s) for study.

4760.7 After a minimum passage of fourteen (14) calendar days following the public presentation by the exclusive representative organization(s), the Board of Trustees shall then, at a regular meeting or at a called special meeting, provide the public with an opportunity to express itself regarding the proposal(s).

4760.8 The Board of Trustees shall then adopt its initial proposal.

4760.9 Then the Board of Trustee, through its designated representatives, shall begin meeting and negotiating with the exclusive representative organization(s).

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4760.10 Within 24 hours of its presentation, the Board of Trustees shall make any new subject matter proposals within the scope of negotiations made by either party during meeting and negotiating available in printed form for public study and review at a known and designated place (or places) in the District.

4760.11 The Board of Trustees shall request from the exclusive representative organization(s) sufficient copies of its proposal(s) to be able to comply with this regulation.

4760.12 If any vote is taken by the Board of Trustees on a new subject of negotiations, the Board of Trustees shall make the roll call vote available as a matter of public record within 24 hours of the time of the vote.

Article 8 - Retirement

4810 Retirement System

4810.1 All regular employees of the School District are required to be members of the State of California Public Employees Retirement System except as provided in the Government Code, and they are entitled to all the rights and privileges provided therein by state law.

4810.2 Assistance in preparing retirement applications, verifications of services, and general information may be secured from the Business Office.

4820 Social Security (O.A.S.D.I.)

4820.1 All employees hired on or subsequent to July 1, 1960, shall participate in the Federal Government's Social Security Program in conjunction with the State Retirement System.

4820.2 All employees hired on or subsequent to April 1, 1986, shall participate in the Federal Medicare Program as required by federal law and regulation.

4830 Retirement

4830.1 Notwithstanding any other provisions of law, there is no mandatory age of retirement for classified personnel. (Education Code 46134.)

4830.2 The criterion for continuing in service beyond the age of seventy (70) is that of competency of the employee to perform the duties of the position held. (Government Code 20983.5.)
The normal date for retirement shall be a date preceding the employee's 70th birthday.

4840 Early Retirement Incentive

4840.1 The Millbrae School District agrees to provide for the payment of health and welfare benefits for retired employees, to be used at their discretion, in the same dollar amount effective at the time of retirement.

4840.2 The employee must:

- a. have 10 consecutive years of service as a classified employee in the Millbrae School District.
- b. be 50 years of age.
- c. be receiving PERS retirement benefits.

4840.3 This benefit shall be available to a retiree for a period of time not to exceed five (5) years, or

until such time as the retiree reaches age seventy (70), whichever occurs first.

Article 9 - Citizen Complaint or Charge Against Employees

4910 Citizen Complaint or Charge Against Employees

4910.1 The Board of Trustees recognizes that circumstances may arise in the operation of the School District when a citizen wishes to file a complaint or charge against an employee of the District.

4910.2 Every attempt shall be made to resolve any complaint or charge at the appropriate and lowest administrative level.

4910.3 In those cases where administrative resolution is not possible, and to assure due process, the complaint or charge may be adjudicated by the Board of Trustees.

PROCEDURES

4910.4 Citizen Filing a Complaint or Charge:

4910.4.1 Obtain form from the District Office of the Millbrae School District at 825 Murchison Drive, Millbrae, California. (See Appendix C.)

4910.4.2 Complete form, expressing in detail the nature of the complaint or charge.

4910.4.3 File one copy of the complaint or charge with the Superintendent at the District Office.

4910.5 Hearing Before the Board of Trustees:

4910.5.1 Purpose and Scope: To define the procedures by which a citizen who is not an employee of the School District may obtain a hearing before the Board of Trustees in closed session, the rights and privileges of the parties to the hearing, and the procedures under which such hearing shall be conducted.

4910.5.2 Definitions:

a) "Closed Session of the Board of Trustees" - This is a meeting of the Board of Trustees, or a committee thereof, the Superintendent, and such other staff members as the Board of Trustees may desire. Members of the public and the press who are not indispensable to determining the issues, finding

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facts, and reaching a conclusion on the matter before the Board of Trustees in closed session shall be barred from attendance.

- b) "Complaint" - A complaint is a written statement, signed and verified under penalty of perjury by a complainant, which challenges the personal capacity of an employee of the School District to render service to the District.
- c) "Response" - A response is a written statement signed by the person named in the Complaint which answers the Complaint in detail. It may also contain counter-allegations. It does not need to be verified under penalty of perjury.
- d) "Working Days" - A working day is any day on which the District Office of the School District is open for business.

4910.5.3 Rights, Duties and Privileges of the Complainant, Respondent, and Other Parties to the Hearing.

4910.5.3.1 Immediately upon receipt of the complaint, the employee named in the charge or complaint is to be notified of the action and subsequent procedures and deadlines.

4910.5.3.2 The complainant and respondent shall be notified of the time, date, and place of hearing.

4910.5.3.3 Any party required to take action shall do so within five (5) working days of the preceding action, commencing, if possible, with the event that led to the complaint. A particular 5-working day period may be extended upon mutual agreement between the complainant and respondent.

4910.5.3.4 The complainant may be accompanied by his/her attorney or a representative of his/her choice and at his/her own expense.

4910.5.3.5 The respondent may be entitled to representation by the school's attorney or any other representative of his/her choice.

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- 4910.5.3.6 The hearing shall be solely on the issues raised by the Complaint and the Response. Complainant may call witnesses to testify about the allegations made in the Complaint or Response, and s/he may make whatever statements pertaining to the complaint s/he deems desirable. Respondent shall have the same rights as complainant hereunder.
- 4910.5.3.7 The technical rules of evidence in effect in the courts shall not be enforced, except that no decision shall be based solely on hearsay evidence.
- 4910.5.3.8 Time limits for the presentation of the case for all parties shall be set. Generally, no hearing should last for more than one (1) day. The complainant shall make his/her presentation first, followed by the respondent.
- 4910.5.3.9 A certified court reporter shall be employed by the School District to record verbatim the entire hearing. The court reporter shall provide at School District expense a transcript of the entire hearing upon request of the Board of Trustees. The court reporter also shall provide a transcript of the entire hearing upon the request and at the expense of the complainant.
- 4910.5.3.10 The respondent shall be entitled to copies of allegations made against him.
- 4910.5.3.11 The decision of the Board of Trustees shall be final.
- 4910.5.4 Duties of the Board of Trustees or a Committee Thereof
- 4910.5.4.1 Conduct the hearing in closed session.
- 4910.5.4.2 Deliberate and decide the matter in cooperation with the Superintendent, in the absence of the complainant, respondent,

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and their attorneys or other representatives.

4910.5.4.3 Notify the complainant and respondent of its decision in writing as soon as practicable. Such written decision shall include a statement of the main issues raised by the Complaint and Response, findings of fact, and a statement of conclusions. It may also include such orders for action as the Board of Trustees deems appropriate. The written decision shall be reviewed by legal counsel prior to its final delivery to the parties.

4910.5.4.4 Utilize legal counsel to assist in any area of responsibility.

4910.5.4.5 Provide legal counsel for respondents who are sued for actions taken by them in the course of their employment and within the scope of their duties and responsibilities.

4910.5.5 Record Retention and Destruction

4910.5.5.1 Records of the proceedings shall be maintained for no longer than two (2) years following the hearing.

4910.5.5.2 When the decision exonerates the respondent, it will be the option of the respondent whether the reports shall be filed in the personnel folder.

DEFINITION OF TERMS USED

<u>Administrative Position</u>	A position in the classified service equal to or above the supervisor" level. Also, any certificated position requiring an administrative credential.
<u>Anniversary Date</u>	The date upon which an eligible employee is granted their annual salary increment.
<u>Classification</u>	A group of positions sufficiently similar in respect to their duties and responsibilities to justify common treatment in their selection, compensation, and placement in the classification plan provided in the salary schedule.
<u>Classified Employee</u>	A regular employee of the District occupying a position that does not require certification.
<u>Classified Position</u>	A Board of Trustees authorized position consisting of duties,tasks, and responsibilities to be performed by one person for a specified number of hours per day and a specified number of months per year.
<u>Compensatory Time</u>	Time off given employees as compensation for overtime.
<u>Confidential Classified Employee</u>	Is not part of the Classified Service, but has the Same rights and bear the same responsibilities as members of the Classified Service. His/Her benefits are equal to or exceed those of the Classified Service as the Board of Trustees authorizes and directs except that a confidential classified employee is not entitled to collective bargaining provisions, i.e., right to organize, negotiate, or strike.
<u>Demotion</u>	The reassignment of an employee to a position that occupies a lower range on the salary schedule.
<u>Department Head</u>	An administrative official, exercising authority over classified personnel, who has the job title of principal, director, or coordinator.
<u>Dismissal</u>	The involuntary separation of an employee from employment with the District by order of the Board of Trustees.
<u>Employee</u>	A person who is legally an incumbent of a position of any kind in the Millbrae School District or who is on an authorized leave of absence.
<u>Evaluation</u>	An overall analysis of an employee's work by his/her supervisor and the administrative officer.
<u>Holiday</u>	Any day not assigned as a work day on the classified calendar.
<u>Immediate Family</u>	Mother, father, grandmother, or grandfather of the employee or the spouse of the employee, and the spouse, son, son-in-law, mother-in-law, father-in-law, daughter, daughter-in-law, brother, or sister of the employee, foster parents, foster children, grandchildren, aunt, uncle, or any relative of either spouse living

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Appendix A

in the immediate household of the employee.

<u>Immediate Supervisor</u>	A person occupying a position in a higher classification who assigns, checks, and/or supervises the work of a given employee.
<u>Incompetency</u>	Failure to adequately perform the duties required for a given position.
<u>Insubordination</u>	Willful failure of an employee to comply with a directive from his/her supervisor or any act that indicates his/her unwillingness to accept the authority of a superior.
<u>Leave of Absence</u>	An approved absence from duty with or without pay for a prescribed period of time granted by the Board of Trustees.
<u>May</u>	The term "may" means the act referred to is permissive.
<u>Overtime</u>	Hours worked in excess of forty (40) hours per week.
<u>Permanent Employee</u>	A regular employee performing in a permanent position as approved by the Board of Trustees and who has completed his/her probationary period.
<u>Physician</u>	Physician and/or surgeon licensed.
<u>Probationary Period</u>	A period of six employed months.
<u>Probationer</u>	An employee who has not completed his/her probationary period.
<u>Proficiency Rating</u>	Measurement of employee performance.
<u>Promotion</u>	The reassignment of an employee to a position occupying a higher range on the salary schedule.
<u>Reassignment</u>	Pertains to any alteration in the assignment of an employee.
<u>Reclassification</u>	Pertains to any alteration in the assignment of an employee.
<u>Relatives</u>	A person related to an employee by blood or marriage, including adoption or a foster relationship.
<u>Resignation</u>	Voluntary separation of an employee from employment with the District.
<u>Restricted Employee</u>	An employee employed in a public service employment position which is funded by Comprehensive Employment and Training Act (CETA) and which is restricted by the Act to a limited duration of participation. Persons so employed shall be classified employees for all purposes except they shall not acquire permanent status or seniority credit for purpose of layoff or re-employment. (Education Code 46105.1.)
<u>Shall</u>	The word "shall" means the action referred to is mandatory.
<u>Special Status Employee</u>	An employee who is not a member of the Classified Service and not eligible for benefits, but is required to abide by these rules and regulations, i.e., these include part time playground positions, part time traffic

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Appendix A

guards, or professional experts employed on a temporary basis for a specific project regardless of length of employment. (Education Code 46103.)

Starting Date

The starting date for each employee is defined as the first (1st) day the employee actually reports for work.

Suspension

The temporary layoff of a classified employee.

Short Term

Employees hired for services that, when completed, will not be extended or needed on a continuing basis provided that such services do not exceed seventy-five percent (75%) of the school year.

Student

Student in District working part time.

Substitute

A person appointed to fill a regular Board of Trustees authorized position due to the absence of a regular employee.

**MILLBRAE SCHOOL DISTRICT
GRIEVANCE FORM**

NAME _____ DATE FILED _____

SCHOOL _____ ASSIGNMENT _____

1. Statement of Grievance (Please state misinterpretation, violation, or misapplication of the specific provision of the policy affected by this grievance as well as names, locations, date, time, etc.)

2. Policy Section: _____ Page No.: _____
Policy Section: _____ Page No.: _____

3. Remedy Sought: _____

4. Informal Conference Date(s) _____
Decision(s) _____

5. Decision(s) Level I Date: _____
Level II Date: _____
Level III Date: _____

(Attach decision(s)--signed & dated)

6. Reason(s) for Appeal:
Level I _____ Date filed: _____

Level II _____ Date filed: _____

Level III _____ Date filed: _____

(Attach additional comments--signed & dated)

7. Signatures: _____ Date: _____
Grievant

Representative Date: _____

MILLBRAE SCHOOL DISTRICT

555 Richmond Drive
Millbrae, CA 94030

COMPLAINT OR CHARGE AGAINST CERTIFICATED/CLASSIFIED EMPLOYEE

TO: _____

FROM: Name _____

Address _____

Phone _____

NAME OF PERSON(S) AGAINST WHOM COMPLAINT IS MADE:

NATURE OF COMPLAINT: This should be a description in your own words of the grounds of your complaint including all names, dates, and places necessary for a complete understanding of your complaint.

You may use additional pages of your own paper to describe your complaint more fully.

Has the complaint been discussed with the employee(s) named in this complaint, as well as his/her/their school principal or supervisor? _____ Yes _____ No

To whom have you spoken?

Name(s) _____

When? Date(s) _____

What was the result of the discussion(s)? _____

I/We understand that the Board of Trustees may request from me/us further information about this complaint; if such information is available, I/we shall present it upon request.

I/We also understand that a copy of this complaint will be given by the Board of Trustees to the person(s) against whom this complaint is being made; and he/she/they will be given the opportunity to respond in writing to this complaint and that I/we will receive a copy of such response.

I/We also understand that if a hearing is held on this complaint by the Board of Trustees, or a committee thereof, such hearing will be held in closed session with the press and public excluded and that I/we will be informed of the time, date, and place such hearing will be held.

I/We certify under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of _____, 199__, at _____, California.

Signature(s) _____

PROFESSIONAL GROWTH FOR NON-UNIT CLASSIFIED EMPLOYEES

(8/17/87; revised 5/98)

I. PROCEDURES

- A. Professional Growth Committee shall be formed for the purpose of evaluating and approving the professional growth activities of the non-unit classified employees, and for the purpose of presenting their recommendations to the District superintendent or designee and the Board of Trustees.
- B. The Committee shall consist of 4 members: one shall be a principal of a District school and one shall be the District Chief Business Official. The other 2 members shall be representatives of non-unit classified groups; and, initially, these 2 members shall be appointed as follows:
 - 1. A representative of the secretarial/clerical/confidential employees
 - 2. A representative of the food services workers.

At no time should there be more than one representative from any one job classification. At the first meeting of the Committee, a Chairperson shall be elected from the 3 non-unit classified members. To insure the continuity of purpose, the chairperson shall remain as Committee member for 3 consecutive years, serving as chairperson for 1 year; one of the other non-unit classified members shall serve for 2 years and one for 1 year. Subsequent appointments of non-unit classified members will be for two years, thus insuring that some experienced members of the Committee will be serving at all times.

- C. The Committee shall schedule meetings as necessary to review applications for professional growth credits.

II. COURSE PATTERNS

- A. A suggested guideline of courses, recommended by the Committee and approved by the superintendent and the Board of Trustees, will be given to each non-unit classified employee (see attachment to Appendix D). These courses will be designated according to the appropriate classifications or any higher classification in the non-unit classified service. This guideline of courses will remain flexible, and the final decision as to the appropriateness of each intended course will remain with the superintendent.
- B. Approval must be obtained in advance from the Committee before a course of action designed to each Professional Growth credits is pursued by the non-unit classified employee. The employee will file a notice of intent with the Business Office by **May 1** when enough credits will be earned to receive a Professional Growth increment on **July 1** of the same year, for budgeting purposes. The individual will provide proof of course completion to the superintendent or designee.

III. PROFESSIONAL GROWTH INCREMENT

- A. The Professional Growth increment is to be made on July 1 to qualifying employees. All non-unit classified employees are eligible to participate in the Professional Growth plan. Employees may apply for Professional Growth credits for any course beginning after July 1, 1987. Employees considering course work are required to have the Committee evaluate the acceptability of their contemplated courses prior to enrollment (see attached Professional Growth Credit application form).

- B. Non-unit classified employees may earn professional growth increments of 5% of their annual salary upon successful completion of approved course work. This increment is to be added to the employee's regular salary, including any and all longevity increases, and/or previous professional growth increases, as well as any salary increases negotiated by the time the increment is granted.
- C. The increment shall continue throughout the service of the employee. Increments may be earned once in each 2 years of service after installation of the plan up to a maximum of 4 increments. If an employee is promoted or changes positions, s/he shall be allowed up to two additional increases, for a maximum of 6 possible increments. Each increment shall be earned by completion of 9 approved units. The 9 approved units may include a combination of any of the areas specified below:
 - 1. Six units: Minimum chosen from the approved list of courses relating directly to the employee's specific areas of employment or in other areas for possible promotion, as approved by the Committee.
 - 2. Three units may be chosen under the category of general education courses, the employee's specific area of employment in the District, or other areas of professional growth subject to approval by the Committee.
 - 3. Semester units: All professional growth credits shall be converted into semester units. College credit in terms of quarter units shall be converted into semester units at the ratio of 1 quarter unit to 2/3 semester unit.
 - 4. Reimbursed expenses: All expenses connected with work for professional growth credit shall be borne by the employee. If the District reimburses the employee for any cost, the credit shall not be granted.
 - 5. Courses: Adult education courses shall be as follows:

<u>Total Hours in Adult Ed Courses or Workshops</u>	<u>Absences Permitted</u>	<u>Semester Units of Professional Growth Credit</u>
8 - 14 hours	None	2
15 - 19 hours	1	1
20 - 29 hours	1	12
30 - 39 hours	2	2
40 - 49 hours	2	22
50 hours and over	2	3

- 6. Workshops: Workshops conducted under the auspices of an accredited institution or approved association and scheduled outside of the regular working hours may be attended for professional growth units, to be approved by the Committee. Workshop units shall be computed as above. Hours for workshops may be accumulated but may not include lunch hour or break time.

Attachments: Suggested areas for professional growth courses
Professional Growth Credit application form

MILLBRAE SCHOOL DISTRICT

Professional Growth for Non-Unit Classified Employees

SUGGESTED AREAS FOR PROFESSIONAL GROWTH COURSES

GENERAL EDUCATION

First Aid/CPR
Human Relations
Public Relations
Stress Management
Time Management
Writing Skills

CLERICAL

Business machines
Business correspondence
Communication skills
Data/word processing
English/spelling/grammar
Filing techniques
Intro to child psychology
Office practice
Proofreading
Public relations
Telephone etiquette
Writing skills
Human Resources

FOOD SERVICES

Sanitation
Nutrition
Data/word processing
Job Safety
Language

ACCOUNTING

Accountability of equipment
Accounting machines/computers
Budgeting
Classifications & coding
Data/word processing
Accounting terminology
Payroll procedures
School finance

MILLBRAE SCHOOL DISTRICT

PROFESSIONAL GROWTH CREDIT FORM

CLASSIFIED EMPLOYEES

Complete this form and submit to Professional Growth Committee prior to undertaking course. Only one course may be submitted on each application.

Name _____ Date _____

Position _____ Location _____

Course or Workshop Title _____

Name of School/Institution offering course/workshop _____

Course # _____ No. of units _____ Beginning & Ending Dates _____

Course Description (attach copy of catalog or course offering) _____

Supervisor's signature _____ Date _____

Committee action:

Approved _____ Date _____

Rejected _____

Reason _____ for _____ rejection

=

CERTIFICATION OF COURSE COMPLETION
(to be verified by course instructor upon completion)

This is to certify that _____ has satisfactorily completed the activity described above.

Instructor's signature

=

SUPERINTENDENT'S APPROVAL

Number of units approved _____ Signature _____

MILLBRAE SCHOOL DISTRICT**TOBACCO-FREE SCHOOLS ENFORCEMENT GUIDELINES****ENFORCEMENT OF POLICY**

In order to be in compliance with State Tobacco-Use Prevention Education (TUPE) funding regulations, all school districts are required to adopt enforcement procedures for employees and members of the community. Below are Millbrae School District's enforcement guidelines.

1. Certificated and Classified Employees who violate the District policy

- | | |
|----------------------|---------------------|
| a. First occurrence | Informal discussion |
| b. Second occurrence | Written warning |
| c. Third occurrence | Written reprimand |
| d. Fourth occurrence | Disciplinary action |

NOTE: Information on cessation assistance will be made available at each level in the process starting with the second occurrence. In addition, an employee may contact the Personnel Office for help.

2. Citizens in violation of District policy will experience the following

- | | |
|----------------------|--|
| a. First occurrence | Citizens who are observed using tobacco on District property shall be asked to refrain from smoking on school property. |
| b. Second occurrence | The individual who fails to comply with the request may be referred to the building principal or other District supervisory personnel responsible for the area or program during which the violation occurred. |
| c. Third occurrence | The supervisor shall make a decision on further action which may include a directive to leave school property. Repeated violations may result in a recommendation to the superintendent or designee to prohibit the individual from entering District property for a specified period of time. |
| d. Fourth occurrence | If deemed necessary by school administration, the local law enforcement agency may be called upon to assist with enforcement of this policy. |