



LAKE COUNTY OFFICE OF EDUCATION

TO TEACH. TO SERVE. TO LEARN.

Personnel Policies Handbook

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CLASSIFIED PERSONNEL

SP 4200

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Exposure Control Plan for Bloodborne Pathogens	SP/AR 4219.42 (SP 4119.42)
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Other Personnel	SP 4220 (SP 4120)
Staff Development	SP4231 (SP 4131)
Publication or Creation of Materials	SP 4232 (SP 4132)
Soliciting and Selling	SP 4235 (SP 4135)
Nonschool Employment	SP 4236 (SP 4136)
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Industrial Accident/Illness Leave	AR 4261.11
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MANAGEMENT / SUPERVISORY / CONFIDENTIAL PERSONNEL **SP 4300**

Recruitment and Selection	SP/AR 4311 (SP 4111)
Conditions of Employment	SP 4312 (SP 4112)
Oath or Affirmation	SP 4312.3 (SP 4112.3)
Health Examinations	SP 4312.4 (SP 4112.4)
Criminal Record Check	SP 4312.5 (SP 4112.5)
Employee Records	SP/AR 4312.6 (SP 4112.6)
Employment References	SP 4312.61 (4112.61)
Orientation for New Employees	SP 4312.7 (SP 4112.7)
Employment of Relatives – Nepotism Policy	SP 4312.8 (SP 4112.8)
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Employee Telecommuting	SP 4313.5
Telecommuting Agreement Form	Exhibit A
Transfers	SP/AR 4314 (SP 4114)
Performance Evaluation	SP 4315
Competence in Evaluation	SP 4315.1
Retirement	SP 4317.1 (SP 4117.1)
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Personnel Reduction	SP 4317.3
Management Personnel Reduction	AR 4317.3
Suspension/Disciplinary Action	SP 4318 (SP 4118)
Sexual Harassment	SP/AR 4319.11 (SP 4119.11)
Children in the Workplace	SP 4319.2 (SP 4119.2)
Code of Ethics	SP/AR 4319.21 (SP 4119.21)
Rules of Conduct	Exhibit A

Dress Code	SP/AR 4319.22 (SP 4119.22)
Unauthorized Release of Confidential / Privileged Information	SP 4319.23 (SP 4119.23)
Political Activities of Employees	SP 4319.25 (SP 4119.25)
Employees with Infectious Disease	SP 4319.41 (SP 4119.41)
Exposure Control Plan for Bloodborne Pathogens	SP/AR 4319.42 (SP 4119.42)
Universal Precautions	SP/AR 4319.43 (SP 4119.43)
Other Personnel	SP 4320 (SP 4120)
Staff Development	SP 4331 (SP 4131)
Publication or Creation of Materials	SP 4332 (SP 4132)
Soliciting and Selling	SP 4335 (SP 4135)
Nonschool Employment	SP 4336 (SP 4136)
Grievance Procedure	SP 4344 (SP 4144)
Grievance Form	Exhibit A
Complaints Concerning Personnel/Programs	SP/AR 4344.1 (SP 4144.1)
Employee Compensation and Related Benefits/Salary Schedules	SP/AR 4350 (SP 4150)
Health and Welfare Benefits	SP 4354 (SP 4154)
Awards and Recognition	SP 4356.2 (SP 4156.2)
Reimbursement, Loss of Personal Property	SP 4356.3 (SP 4156.3)
Employee Safety	SP 4357 (SP 4157)
Employee Security	SP 4358 (SP 4158)
Leaves	SP 4361 (SP 4161)
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Regulations Regarding Personal Leaves	AR 4361.2 (AR 4161.2)
Regulations Regarding Military Leave	AR 4361.5 (AR 4161.5)
Regulations Regarding Family Care and Medical Leave	AR 4361.8 (AR 4161.8)
Regulations Regard Industrial Accident/Illness Leave	AR 4361.11 (AR 4161.11)
Catastrophic Leave	SP/AR 4361.9 (SP 4161.9)
Leaves for Management	SP 4361.12
Vacation/Holidays	SP 4362 (4262)

CONCEPTS AND ROLES IN PERSONNEL

The County Superintendent desires to attract and retain the best qualified persons for the benefit and welfare of students in the Lake County Office of Education programs and in order to meet the needs of the school districts served.

The County Superintendent believes that personnel policies must be: 1) implemented in an atmosphere of mutual trust and goodwill; 2) be consistent with the policies established by the Lake County Board of Education in the areas that reflect its responsibilities; and 3) be consistent with state and federal rules and regulations.

Role of the County Superintendent

- Employ all certified, classified, and management personnel.
- Assign, direct and supervise, either directly or through staff, the work of all employees.
- Determine salary schedules for unrepresented, management and confidential employees.
- Meet and confer with employee groups.
- Establish beneficial working conditions.
- Hear appropriate appeals as required and requested.
- Foster and support equal employment opportunities.
- Foster and support a high level of employee performance and satisfaction.
- Utilize staff effectively.
- Attract and retain qualified employees.
- Plan and organize employee work assignments.
- Evaluate employees to enhance performance and improve educational services.

Legal Reference:

EC § 35020 Duties of employees fixed by governing board; § 35035 Powers and duties of County Superintendent; § 35160 Authority of governing board; § 44395 et seq. National Board for Professional Teaching Standards Certification Incentive Program; § et seq. CA Peer Assistance and Review Program for Teachers

Government Code § 3540-3549.3 Public educational employer-employee relations; § 12940 et seq. Discrimination prohibited; Unlawful practices generally Implement appropriate disciplinary action, as reasonable and necessary, according to County Superintendent's policies, EC provisions, and applicable state and federal laws and regulations.

DRUG AND ALCOHOL-FREE WORKPLACE

The Superintendent believes that the maintenance of drug and alcohol- free workplaces is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug, or controlled substance as defined in 21 USC 812 at any LCOE workplace or during duty hours. These prohibitions apply before, during, and after work hours. For purposes of this policy, on duty means while an employee is on duty during both instructional and non-instructional time in the classroom or workplace, at extracurricular or co-curricular activities, or while transporting students or otherwise supervising them. *Under the influence* means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

Although the enactment of Proposition 64, also known as the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), legalizes recreational use of marijuana in California, marijuana still remains an illegal Schedule I substance under the Federal Controlled Substances Act. In light of that and specific language, the legalization of recreational use marijuana under Proposition 64 does not impact this Drug and Alcohol Free Workplace policy, nor does it require LCOE to accommodate recreational or medical marijuana use. Therefore, LCOE is obligated and will continue to prohibit use, possession, and impairment at a Lake County Office of Education workplace, as well as test for marijuana use when appropriate.

Reasonable suspicion testing may be conducted on any LCOE employee when impairment on the job is reasonably suspected. Reasonable suspicion is a belief based on objective facts sufficient to lead a trained supervisor to suspect that an employee is under the influence of drugs or alcohol such that the employee's ability to perform the functions of his/her job is impaired or the employee's ability to perform his/her job safely is reduced.

The Superintendent or designee is required to notify employees of these prohibitions and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 8103)

An employee shall abide by the terms of this policy and shall notify the Lake County Office of Education within five days of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 8103) The Superintendent or designee is required to notify the appropriate federal granting or contracting agency within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 8103)

In accordance with law and LCOE's policies and procedures, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy.

Drug and Alcohol Free Awareness Program

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 8103)

1. The dangers of drug and alcohol abuse in the workplace
2. The district's policy of maintaining a drug and alcohol free workplace
3. Available drug counseling, rehabilitation, and employee assistance programs

DRUG AND ALCOHOL-FREE WORKPLACE

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

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense
44425 Conviction of controlled substance offenses as grounds for revocation of credential
44836 Employment of certificated persons convicted of controlled substance offenses
44940 Compulsory leave of absence for certificated persons
44940.5 Procedures when employees are placed on compulsory leave of absence
45123 Employment after conviction of controlled substance offense
45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

UNITED STATES CODE, TITLE 41

8101-8106 Drug-free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. Raging Wire Telecommunications, Inc., (2008) 42 Cal.4th 920

Policy updated 7/2017

SMOKING

Smoking and the use of tobacco products is prohibited at all times on Lake County Office of Education property and in Lake County Office of Education vehicles. The products prohibited include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products.

This prohibition applies to all employees, students, visitors, and other persons at any school or school-sponsored activity or event. It applies to any meeting on any property owned, leased, or rented by or from the Lake County Office of Education.

All individuals on Lake County Office of Education premises share in the responsibility of adhering to this policy and informing appropriate school officials of any violations.

NONDISCRIMINATION IN EMPLOYMENT

The Lake County Board of Education and Lake County Superintendent of Schools is determined to provide County Office of Education employees, interns, volunteers, teacher candidates, and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. This policy shall apply to all County Office of Education employees and, to the extent required by law, to interns, volunteers, and job applicants.

No County Office of Education employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation or his/her association with a person or group with one or more of these actual or perceived characteristics.

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

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training.
3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code [12940](#) or 2 CCR [11006-11086](#), such as:
 - a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status
 - b. Religious creed discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the County Office of Education's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement
 - c. Disability discrimination based on a County Office of Education requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity
 - d. Disability discrimination based on the County Office of Education's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or mental disability or medical condition

NONDISCRIMINATION IN EMPLOYMENT

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

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

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the County Superintendent or designated County Office of Education Coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The County Office of Education shall protect any employee who reports such incidents from retaliation.

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

In addition, the County Superintendent or designee shall post, in a conspicuous place on County Office of Education premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR [11013](#).

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

(cf. [4118/4218/4318](#) - Dismissal/Suspension/Disciplinary Action)

EDUCATION CODE

[200-262.4](#) Prohibition of discrimination

CIVIL CODE

[51.7](#) Freedom from violence or intimidation

GOVERNMENT CODE

[11135](#) Unlawful discrimination

[11138](#) Rules and regulations

[12900-12996](#) Fair Employment and Housing Act

PENAL CODE

[422.56](#) Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment

11013 Recordkeeping

11019 Terms, conditions and privileges of employment

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

[4900-4965](#) Nondiscrimination in elementary and secondary education programs

NONDISCRIMINATION IN EMPLOYMENT

UNITED STATES CODE, TITLE 20

[1681-1688](#) Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

[621-634](#) Age Discrimination in Employment Act

[794](#) Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

[2000d-2000d-7](#) Title VI, Civil Rights Act of 1964, as amended

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

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

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age discrimination in federally assisted programs

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

[35.101-35.190](#) Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

[100.6](#) Compliance information

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

[104.8](#) Notice

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

[106.9](#) Dissemination of policy

[110.1-110.39](#) Nondiscrimination on the basis of age

COURT DECISIONS

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

Shepard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS

California Law Prohibits Workplace Discrimination and Harassment, December 2014

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

Notice of Non-Discrimination, August 2010

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Questions and Answers: Religious Discrimination in the Workplace, 2008

New Compliance Manual Section 15: Race and Color Discrimination, April 2006

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

WEB SITES

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

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

Policy adopted: 02/2017

LAKE COUNTY OFFICE OF EDUCATION

Lakeport, California

ADMINISTRATIVE REGULATIONS REGARDING NONDISCRIMINATION IN EMPLOYMENT

All allegations of discrimination in employment, including those involving an intern, volunteer, or job applicant, shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

The County Office of Education designates the position identified below as its Coordinator for Nondiscrimination in Employment (Coordinator) to coordinate the County Office of Education's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the County Office of Education's nondiscrimination policies. The Coordinator may be contacted at:

Ryan Mahan
Director of Human Resources
Lake County Office of Education
1152 S. Main Street
Lakeport, CA 95453
(707) 262-4115
rmahan@lakecoe.org

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in County Office of Education employment, the County Superintendent or designee shall implement the following measures:

1. Publicize the County Office of Education's nondiscrimination policy and regulation, including the complaint procedures and the Coordinator's contact information, by: (5 CCR [4960](#); 34 CFR [100.6](#), [106.9](#))
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all County Office of Education schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the County Office of Education's web site and providing easy access to them through County Office of Education-supported social media, when available
2. Disseminate the County Office of Education's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR [11023](#))
 - a. Printing and providing a copy of the policy to all employees, with an acknowledgment form for each employee to sign and return
 - b. Sending the policy via email with an acknowledgment return form
 - c. Posting the policy on the County Office of Education intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
 - d. Discussing the policy with employees upon hire and/or during a new hire orientation session
 - e. Any other way that ensures employees receive and understand the policy
3. Provide to employees a handbook that contains information that clearly describes the County Office of Education's nondiscrimination policy, procedures for filing a complaint, and resources available to anyone who feels that he/she has been the victim of any discriminatory or harassing behavior

ADMINISTRATIVE REGULATIONS REGARDING NONDISCRIMINATION IN EMPLOYMENT

4. Provide training to employees, volunteers, and interns regarding the County Office of Education's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

Training for supervisors shall include the requirement to report any complaint of misconduct to a designated representative, such as the Coordinator, human resources manager, or County Superintendent or designee as a topic in the sexual harassment prevention training required pursuant to 2 CCR 11024 (2 CCR [11023](#))

5. Periodically review the County Office of Education's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure County Office of Education compliance with law
6. For any County Office of Education facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce

Complaint Procedure

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

1. Notice and Receipt of Complaint: A complainant may inform his/her direct supervisor, another supervisor, the Coordinator, or the County Superintendent.

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor. The complainant is encouraged to utilize the County Office of Education's *Harassment/Discrimination Complaint Form* (see attached Exhibit A).

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

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

2. Investigation Process: The Coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment in a timely manner after notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The Coordinator shall meet with the complainant to describe the County Office of Education's complaint procedure and discuss the actions being sought by the complainant in response to the

ADMINISTRATIVE REGULATIONS REGARDING NONDISCRIMINATION IN EMPLOYMENT

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

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

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

When necessary to carry out his/her investigation or to protect employee safety, the Coordinator may discuss the complaint with the County Superintendent or designee, County Office of Education legal counsel, or the County Office of Education's risk manager.

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

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

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

The report shall be presented to the complainant, the person accused, and the County Superintendent or designee.

4. **Appeal:** The complainant or the person accused may appeal any findings to the County Superintendent within 10 working days of receiving the written report of the Coordinator's findings. The County Superintendent will provide a response to the complainant within 10 working days. The County Superintendent's response shall be final.

Other Remedies

In addition to filing a discrimination or harassment complaint with the County Office of Education, a person may file a complaint with either the California Department of Fair Employment and Housing

ADMINISTRATIVE REGULATIONS REGARDING NONDISCRIMINATION IN EMPLOYMENT

(DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code [12960](#)
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC [2000e-5](#))
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC [2000e-5](#))

Regulation adopted: 02/2017

LAKE COUNTY OFFICE OF EDUCATION
Lakeport, California

HARASSMENT/DISCRIMINATION COMPLAINT FORM

Please note: The Lake County Office of Education (LCOE) will begin investigating your complaint promptly, and we will conduct as thorough an investigation as possible. We will do our best to ensure your confidentiality, as well as the confidentiality of the alleged harasser(s) and the witnesses, if any. We conduct all of our investigations on a need-to-know basis: Only those who must know about the complaint and the identity of those involved will have access to that information. In addition, we would like to emphasize that we do not tolerate any retaliation against an employee or student for bringing a harassment or discrimination complaint, nor do we tolerate any retaliation against alleged harassers and witnesses.

1. Name of Complainant:	
2. Status: Student <input type="checkbox"/> Employee <input type="checkbox"/>	Other (specify):
3. School, Program, or Department:	
4. School or Program Address: Contact Phone Number(s):	
5. Name of individual engaging in alleged harassment:	
6. Position or title of individual identified in 5. above:	
7. Complainant's relationship to individual engaging in alleged harassment: Supervisor <input type="checkbox"/> Co-Worker <input type="checkbox"/> Administrator <input type="checkbox"/> Teacher <input type="checkbox"/> Counselor <input type="checkbox"/> Student <input type="checkbox"/> Other (specify):	
8. Please describe the specific act(s) alleged.	
9. Location(s) of alleged incident:	
10. Date(s) and approximate time(s):	
11. Describe the effect the alleged harassment had on you:	

12. Are there others who have witnessed this behavior or others who experienced similar behavior by the individual named above? If so, please provide their names(s), indicate if witness or individual with similar experience, their work location(s) and phone number(s).

13. Did you tell anyone about your experience after the alleged incident? If so, please provide name(s) and phone number(s).

14. Actions taken, if any, by the complainant to attempt to stop the harassment.

15. Have you filed this report with any other agency or an attorney?

Yes No

If yes, with whom?

16. Complainant's suggestion of proposed action to address or resolve the harassment.

17. Additional information and comments:

Signature of person making the report:

Date:

Signature of person receiving the report:

Date:

REASONABLE ACCOMMODATION

Requests for reasonable accommodation may first be considered informally by the program or site administrator.* If an accommodation cannot be made at the site because it would impose undue hardship or because of a lack of funds, the administrator shall ask that the request be submitted in writing to the Lake County Office of Education's Coordinator for Nondiscrimination in Employment, the Director of Human Resources. The administrator shall provide the employee with any assistance he/she may need in order to submit this request.

* All supervisors must report all reasonable accommodations to Human Resources.

Reasonable accommodation may consist of a modification or adjustment on a job, a work environment or customary work practices and may include, but is not limited to:

1. Job restructuring;
2. Part-time or modified work schedules;
3. Reassignment to a vacant position;
4. Acquisition or modification of equipment or devices;
5. Appropriate adjustment or modification of examinations;
6. The provision of qualified readers or interpreters;
7. Use of accrued paid leave or unpaid leave for necessary treatment;
8. Reserved parking space for persons with mobility impairment.

Upon receiving a request to reasonably accommodate the physical or mental disability of an employee or qualified job applicant, the Coordinator shall:

1. Determine the essential functions of the job;
2. Consult with the employee or applicant to determine his/her precise limitations and how they may be mitigated;
3. With the employee or applicant's help, review the request for accommodation, identify potential means for providing accommodation, and assess their effectiveness; and
4. If possible, develop a plan for the accommodation that would satisfy the employee or applicant's concerns without imposing undue hardship on the Lake County Office of Education.

The Coordinator may confer with the site administrator, a medical advisor, or other Lake County Office of Education staff before making a final decision.

The Coordinator shall notify the employee or applicant of the results of his/her determination in writing and a copy filed in the employee's personnel file.

If the employee or applicant is not satisfied with the decision of the Coordinator, further appeal for reasonable accommodation shall be considered a complaint concerning discrimination in employment and may be taken to the County Superintendent in accordance with the Lake County Office of Education's procedure for such complaints.

The employee or applicant also may appeal directly to the Office for Civil Rights at any point.

Employee Use Of Technology

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

Employees shall be responsible for the appropriate use of technology and shall use LCOE technology primarily for purposes related to their employment.

LCOE technology includes, but is not limited to, computers, LCOE's computer network including servers and wireless computer networking technology (Wi-Fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smart phones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through LCOE-owned or personally owned equipment or devices.

The Superintendent or designee shall establish an Acceptable Use Agreement which outlines employee obligations and responsibilities related to the use of LCOE technology. Upon employment and whenever significant changes are made to LCOE's Acceptable Use Agreement, employees shall be required to acknowledge in writing that they have read and agreed to the Acceptable Use Agreement.

Employees shall not use LCOE technology to access, post, submit, publish, or display harmful or inappropriate matter that is threatening, obscene, disruptive, sexually explicit, or unethical or that promotes any activity prohibited by law, LCOE policy, or administrative regulations.

Harmful matter includes matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes, in a patently offensive way, sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors. (Penal Code 313)

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

The Superintendent or designee shall notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by LCOE, including, but not limited to, computer files, email, text messages, instant messaging, and other electronic communications, even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of LCOE technology at any time without advance notice or consent and for any reason allowed by law.

In addition, employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct LCOE business may be subject to

Employee Use Of Technology

disclosure, pursuant to a subpoena or other lawful request.

LCOE attempts to ensure that all hardware and software meet specific standards which will operate without causing disruption of LCOE's computer and network resources. Therefore, the use of personally owned software or software that can be downloaded from the Internet as well as personally-owned computer hardware is not permitted except where authorized by the Director of Information Technology or his designee.

Employees shall report any security problem or misuse of LCOE technology to the Superintendent or designee.

Employees are not to let personal use of the Internet encroach on or displace time spent performing their work duties. Personal use of the Internet should be restricted to breaks or lunch periods, or before or after work hours. Employees will not use the Internet in such a way as to bring civil or criminal liability or public reproach upon LCOE.

Inappropriate use of LCOE technology or violation of this policy may result in a cancellation of the employee's user privileges, disciplinary action up to and including dismissal, and/or legal action in accordance with law, LCOE policy, and administrative regulation.

ACCEPTABLE USE AGREEMENT AND RELEASE OF DISTRICT FROM LIABILITY

The Lake County Office of Education (“LCOE”) authorizes LCOE employees to use technology owned or otherwise provided by the LCOE as necessary to fulfill the requirements of their position. The use of LCOE technology is a privilege permitted at LCOE's discretion and is subject to the conditions and restrictions set forth in applicable policies, administrative regulations, and this Acceptable Use Agreement. LCOE reserves the right to suspend access at any time, without notice, for any reason.

LCOE expects all employees to use technology responsibly in order to avoid potential problems and liability. LCOE may place reasonable restrictions on the sites, material, and/or information that employees may access through the system.

LCOE makes no guarantee that the functions or services provided by or through LCOE will be without defect. In addition, LCOE is not responsible for financial obligations arising from unauthorized use of the system.

Each employee who is authorized to use LCOE technology shall sign this Acceptable Use Agreement as an indication that he/she has read and understands the agreement.

Definitions

LCOE technology includes, but is not limited to, computers, LCOE's computer network including servers and wireless computer networking technology (Wi-Fi), the Internet, email, USB drives, wireless access points (routers), tablet computers, smart phones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology, any wireless communication device including emergency radios, and/or future technological innovations, whether accessed on or off site or through LCOE-owned or personally owned equipment or devices.

Employee Obligations and Responsibilities

Employees are expected to use LCOE technology safely, responsibly, and primarily for work-related purposes. Any incidental personal use of LCOE technology shall not interfere with LCOE business and operations, the work and productivity of any LCOE employee, or the safety and security of LCOE technology. LCOE is not responsible for any loss or damage incurred by an employee as a result of his/her personal use of LCOE technology.

The employee in whose name LCOE technology is issued is responsible for its proper use at all times. Employees shall not share their assigned online services account information, passwords, or other information used for identification and authorization purposes, and shall use the system only under the account to which they have been assigned. Employees shall not gain unauthorized access to the files or equipment of others, access electronic resources by using another person's name or electronic identification, or send anonymous electronic communications. Furthermore, employees shall not attempt to access any data, documents, emails, or programs in the LCOE's system for which they do not have authorization.

Employees are prohibited from using LCOE technology for improper purposes, including, but not limited to, use of LCOE technology to:

ACCEPTABLE USE AGREEMENT AND RELEASE OF DISTRICT FROM LIABILITY

1. Access, post, display, or otherwise use material that is discriminatory, defamatory, obscene, sexually explicit, harassing, intimidating, threatening, or disruptive
2. Disclose or in any way cause to be disclosed confidential or sensitive LCOE, employee, or student information without prior authorization from a supervisor
3. Engage in personal commercial or other for-profit activities without permission of the Superintendent or designee
4. Engage in unlawful use of LCOE technology for political lobbying
5. Infringe on copyright, license, trademark, patent, or other intellectual property rights
6. Intentionally disrupt or harm LCOE technology or other LCOE operations (such as destroying LCOE equipment, placing a virus on LCOE computers, adding or removing a computer program without permission, changing settings on shared computers)
7. Install unauthorized software
8. Engage in or promote unethical practices or violate any law or policy, administrative regulation, or LCOE practice

Privacy

Since the use of LCOE technology is intended for use in conducting LCOE business, no employee should have any expectation of privacy in any use of LCOE technology.

LCOE reserves the right to monitor and record all use of LCOE technology, including, but not limited to, access to the Internet or social media, communications sent or received from LCOE technology, or other uses within the jurisdiction of LCOE. Such monitoring/recording may occur at any time without prior notice for any legal purposes including, but not limited to, record retention and distribution and/or investigation of improper, illegal, or prohibited activity. Employees should be aware that, in most instances, their use of LCOE technology (such as web searches or emails) cannot be erased or deleted.

All passwords created for or used on any LCOE technology are the sole property of LCOE. The creation or use of a password by an employee on LCOE technology does not create a reasonable expectation of privacy.

Personally Owned Devices

If an employee uses a personally owned device to access LCOE technology or conduct LCOE business, he/she shall abide by all applicable policies, administrative regulations, and this Acceptable Use Agreement. Any such use of a personally owned device may subject the contents of the device and any communications sent or received on the device to disclosure pursuant to a lawful subpoena or public records request.

ACCEPTABLE USE AGREEMENT AND RELEASE OF DISTRICT FROM LIABILITY

Personal Use

Employees are not to let personal use of the Internet encroach on or displace time spent performing their work duties. Personal use of the Internet should be restricted to breaks or lunch periods, or before or after work hours. Employees will not use the Internet in such a way as to bring civil or criminal liability or public reproach upon LCOE.

Records

Any electronically stored information generated or received by an employee which constitutes a LCOE or student record shall be classified, retained, and destroyed in accordance with BP/AR 3580 - LCOE Records, BP/AR 5125 - Student Records, or other applicable policies and regulations addressing the retention of LCOE or student records.

Reporting

If an employee becomes aware of any security problem (such as any compromise of the confidentiality of any login or account information) or misuse of LCOE technology, he/she shall immediately report such information to the Superintendent or designee.

Consequences for Violation

Violations of the law, LCOE policy, or this Acceptable Use Agreement may result in revocation of an employee's access to LCOE technology and/or discipline, up to and including termination. In addition, violations of the law, policy, or this agreement may be reported to law enforcement agencies as appropriate.

Employee Acknowledgment

I have received, read, understand, and agree to abide by this Acceptable Use Agreement, BP 4040 - Employee Use of Technology, and other applicable laws and LCOE policies and regulations governing the use of LCOE technology. I understand that there is no expectation of privacy when using LCOE technology or when my personal electronic devices use LCOE technology. I further understand that any violation may result in revocation of user privileges, disciplinary action, and/or appropriate legal action.

I hereby release LCOE and its personnel from any and all claims and damages arising from my use of LCOE technology or from the failure of any technology protection measures employed by the LCOE.

Name: _____ Position: _____
(Please print)

Signature: _____ Date: _____

CERTIFICATED PERSONNEL

The County Superintendent recognizes that teachers and other certificated personnel work closely with students in carrying out the Lake County Office of Education's educational goals. The County Superintendent or designee shall ensure that the duties, responsibilities, and Lake County Office of Education expectations for certificated positions are clearly defined and made known to each member of certificated staff.

Each certificated staff member shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with law and the County Superintendent's policies.

The County Superintendent strongly encourages certificated staff to continually improve their skills and pursue excellence within their profession.

Rules and regulations related to certificated personnel shall be available to all concerned and shall be administered in a fair and equitable manner.

Legal Reference:

EC § 1042 Duties and responsibilities; § 1290 Staff; § 1293-1294 Staff; § 1204 Appointment, Qualifications, Salary and Expenses; § 1295 Staff; § 1311 et seq. Classified County School Employees; § 44800 et seq. Rights and duties

ALL PERSONNEL

RECRUITMENT AND SELECTION

Lake County Office of Education employees constitute the most valuable resource for efficiently providing educational services. The Lake County Office of Education shall offer employment to the most highly qualified person available for each open position.

Recruitment procedures shall fulfill the following purposes:

1. recognizing new requirements, considering goals and priorities of the Lake County Office of Education, reviewing pertinent policies, laws, and regulations, and determining new positions;
2. recruiting, attracting and recommending for selection the most appropriate and qualified staff in order to maintain the best possible instructional delivery system in the most cost effective means possible;
3. seeking candidates for employment who possess the following attributes: successful educational training and experience, expertise in assignment areas, good character, appreciation of children, and emotional and mental maturity.

Lake County Office of Education (LCOE) is committed to employing suitable, qualified individuals to carry out the district's mission to provide high-quality education to its students and to ensure the efficiency of LCOE operations.

The Superintendent or designee(s) shall develop fair, open, and transparent recruitment and selection processes and procedures which ensure that individuals are selected based on demonstrated knowledge, skills, and competence and not on any bias, personal preference, or unlawful discrimination.

When a vacancy occurs, the Superintendent or designee(s) shall review the job description for the position to ensure that it accurately describes the major functions and duties of the position. He/she also shall disseminate job announcements to ensure a wide range of candidates.

LCOE's selection procedures may include screening processes, interviews, observations, and recommendations from previous employers as necessary to identify the best possible candidate for a position. The Superintendent or designee(s) may establish an interview committee to rank candidates and recommend finalists.

The interview committee shall be composed of a minimum of three (3) members. The committee shall consist of a minimum of one (1) manager or supervisor and may include one (1) peer position (similar to the position for which the person is applying). If the position is a certificated position, then one member of the committee shall be a certificated administrator.

During interviews, applicants may be asked to describe or demonstrate how they will be able to perform the duties of the job. No inquiry shall be made with regard to any category of discrimination prohibited by state or federal law.

ALL PERSONNEL

RECRUITMENT AND SELECTION

Candidates may be required to complete performance or writing exercises as part of the screening process. For example:

1. Candidates for clerical positions requiring word processing may be required to complete a pre-employment assessment adopted by the County Superintendent;
2. Candidates for positions requiring bilingual skills in a specified second language shall be required to complete a written and / or verbal translation in the required language;
3. Candidates for instructional paraprofessional positions shall demonstrate the following in addition to any other requirement under the Every Student Succeeds Act:
 - (1) Completion of at least two years of study at an institution of higher education.
 - (2) Possession of an associate's degree or higher.
 - (3) Met a rigorous standard of quality and be able to demonstrate, through a formal local academic assessment, knowledge of and the ability to assist in instructing reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness).

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination
41530-41533 Professional Development Block Grant
44066 Limitations on certification requirement
44259 Teaching credential; exception; designated subjects; minimum requirements
44735 Teaching as a Priority block grant
44740-44741 Personnel management assistance teams
44750 Teacher recruitment resource center
44830-44831 Employment of certificated persons
44858 Age or marital status in certificated positions
44859 Prohibition against certain rules and regulations re: residency
45103-45139 Employment (classified employees)
49406 Examination for tuberculosis

GOVERNMENT CODE

815.2 Liability of public entities and public employees
12900-12996 Fair Employment and Housing Act, including:
12940-12956 Discrimination prohibited; unlawful practices

UNITED STATES CODE, TITLE 8

1324a Unlawful employment of aliens
1324b Unfair immigration related practices

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

COURT DECISIONS

C.A. v William S. Hart Union High School District et al., (2012) 138 Cal.Rptr.3d 1

ALL PERSONNEL

CONDITIONS OF EMPLOYMENT

Conditions of employment include but are not limited to the following:

1. Completing all recruitment requirements successfully;
2. Providing appropriate credentials, licenses, and official transcripts as required by the job description;
3. Signing all documents as legally required;
4. Providing proof of eligibility to work in the United States;
5. Passing criminal records check/fingerprinting;
6. Providing proof of freedom from active tuberculosis;
7. Passing a job-related physical examination when required and as appropriate.
8. Simultaneously with the offer of employment, specific jobs may also include a pre-employment physical ability test.

Health Examinations

The County Superintendent reserves the right to request a physical examination of prospective employee by a designated medical practitioner.

Certificated Personnel

Certificated employees are employed pursuant to EC §1293, and §1294.5. EC §1293 states:

A county superintendent of schools may enter into contracts of employment with persons employed by him/her in positions requiring certification qualifications for periods of not to exceed the end of the school year in which the term for which the County Superintendent of Schools was elected or appointed expires and, in no event, for more than four years and six months.

EC §1294.5 states in part:

Any county superintendent of schools may employ persons possessing an appropriate credential as certificated employees in program and projects to perform services conducted under contract with public or private agencies, or other categorically funded projects of indeterminate duration.

Certificated/Classified Management

Certificated/Classified Management are at-will employees unless otherwise provided by law.

Classified Employees

Classified employees are entitled to continuing employment unless otherwise notified in writing.

ALL PERSONNEL

EMPLOYMENT - OFFERS OF EMPLOYMENT AND AGREEMENTS

Upon initial employment, an acknowledgment of employment will be provided to the employee stating the number of days of service, start date, and other relevant information deemed appropriate by the County Superintendent. The Human Resources Department shall be responsible for issuing and maintaining accurate employment records. Changes to the original offer of employment are to be recorded and notification given to the employee.

Reemployment Notices

Certificated employees may be requested to notify the Lake County Office of Education of their intent to remain in LCOE's service for the next school year. This notice shall include a copy of EC 44842. If the employee, without good cause, fails to notify the Human Resources Department before July 1 that he/she will remain in LCOE's service, the County Superintendent shall consider the employee to have declined re-employment and the employee's services may be terminated on June 30 of that year.

Legal Reference:

EC § 44842 Failure to notify governing board of intention to remain; failure to report for duty

CERTIFICATION

The Lake County Superintendent of Schools or designee shall ensure that persons employed in positions requiring certification qualifications possess the appropriate credential or permit from the Commission on Teacher Credentialing (CTC) authorizing their employment in such positions.

When a fully credentialed teacher is not available, the Lake County Office of Education may employ a person with a short-term staff permit or provisional internship permit under the conditions and limitations provided in state and federal law.

As necessary, all teachers and paraprofessionals must meet state certification and licensure requirements.

Responsibility for Renewal

All certificated personnel are personally responsible for the renewing of credentials and for keeping them valid.

No Pay for Invalid Credential

Teachers whose credentials are invalid will not be paid for service rendered.

Responsibility for Registration

Each credential actively used by a teacher must be registered by the teacher with the Lake County Office of Education.

Certification and Registration Required

Teachers whose credentials are not on file with the Lake County Office of Education, as required by law, will be subject to automatic suspension.

Emergency Permits

Teachers may teach on Emergency Permits or Short-Term Staffing Permits, in accordance with EC provisions.

CERTIFICATION

The Superintendent recognizes that LCOE's ability to provide a high-quality educational program is dependent upon the employment of certificated staff who are adequately prepared and have demonstrated proficiency in basic skills and in the subject matter to be taught. The Superintendent or designee shall ensure that persons employed to fill positions requiring certification possess the appropriate credential, permit, or other certification document from the Commission on Teacher Credentialing (CTC) and fulfill any additional state, federal, or district requirements for the position.

The Superintendent or designee shall provide assistance and support to teachers holding preliminary credentials to enable them to meet the qualifications required for the clear credential.

Priorities for Hiring Based on Unavailability of Credentialed Teacher

The Superintendent or designee shall make reasonable efforts to recruit a fully prepared teacher for each assignment. Whenever a teacher with a clear or preliminary credential is not available, the Superintendent or designee shall make reasonable efforts to recruit an individual for the assignment in the following order: (Education Code 44225.7)

1. A candidate who enrolls in an approved intern program in the region of the district and possesses an intern credential
2. A candidate who is scheduled to complete preliminary credential requirements within six months and who holds a provisional internship permit (PIP) or short-term staff permit issued by the CTC

The Superintendent shall approve a notice of his/her intent to employ a PIP applicant for a specific position. (5 CCR 80021.1)

3. An individual who holds an emergency permit or for whom a credential waiver has been granted by the CTC

Prior to requesting that the CTC issue an emergency permit pursuant to item #3 above or a limited assignment permit which allows a fully credentialed teacher to teach outside of his/her area of certification while working toward an added or supplementary authorization, the Superintendent shall annually approve a Declaration of Need for Fully Qualified Educators.

The Declaration of Need shall certify that there is an insufficient number of certificated persons who meet the district's specified employment criteria for the position(s) and that the district has made reasonable efforts to recruit individuals who meet the qualifications specified in items #1-2 above. The Declaration of Need shall also indicate the number and type of emergency permits that the district estimates it will need during the valid period of the Declaration of Need, based on the previous year's actual needs and projections of enrollment. Whenever the actual number of permits needed exceeds the estimate by 10 percent, the Superintendent shall revise and resubmit the Declaration of Need. (5 CCR 80026)

Whenever it is necessary to employ non-credentialed teachers to fill a position requiring certification qualifications, the Superintendent or designee shall provide support and guidance in accordance with law to ensure the quality of the instructional program.

CERTIFICATION**Parental Notifications**

At the beginning of each school year, the Superintendent or designee shall notify the parents/guardians of each student attending a school receiving Title I funds that they may request information regarding the professional qualifications of their child's classroom teacher including, but not limited to, whether the teacher: (20 USC 6312)

1. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction
2. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived
3. Is teaching in the field of discipline of his/her certification

In addition, the Superintendent or designee shall notify parents/guardians in a timely manner whenever their child has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area to which the teacher has been assigned. (20 USC 6312)

Legal Reference:

EDUCATION CODE

8360-8370 Qualifications of child care personnel

32340-32341 Unlawful issuance of a credential

35186 Complaints regarding teacher vacancy or misassignment

44066 Limitations on certification requirements

44200-44399.1 Teacher credentialing, especially:

44250-44277 Credential types; minimum requirements

44300-44302 Emergency permit

44325-44328 District interns

44330-44355 Certificates and credentials

44420-44440 Revocation and suspension of credentials

44450-44468 University intern program

44830-44929 Employment of certificated persons; requirement of proficiency in basic skills

56060-56063 Substitute teachers in special education

INTERNS

The County Superintendent of Schools or designee may employ interns to fulfill the County Office of Education's need for additional instructional resources and to assist future teachers in meeting state credentialing requirements and linking teaching theory with practice. The Superintendent or designee shall ensure that such persons possess the appropriate internship credential from the Commission on Teacher Credentialing (CTC).

The County Superintendent or designee may enter into an agreement with an accredited college or university to provide supervised teaching experiences within the County Office as part of a teacher preparation program. He/she shall collaborate with a college or university in the selection, placement, support, and performance assessment of interns.

Interns shall not be assigned to teach any classes outside the subject area, grade levels, or classes authorized by their credential(s).

Terms of employment for interns shall be consistent with law and/or the County Office's policies. The County Superintendent or designee shall coordinate services offered to interns with services offered to beginning teachers in the County Office in order to provide continuity of preparation, support, and assessment.

Interns shall be provided with ongoing feedback regarding their performance in order to enhance their skills and shall be formally evaluated at least once every year.

Legal Reference:

EC

300-340 English Language Education For Immigrant Children; 44259 Minimum Requirements For Teaching Credential; 44279.1-44279.7 Beginning Teacher Support And Assessment System; 44314 Diversified Or Liberal Arts Program; 44321 Ctc Approval Of Internship Programs; 44325-44329 District Interns; 44339-44341 Teacher Fitness; 44450-44468 Teacher Education Internship Act Of 1967 (University Interns); 44830.3 Employing District Interns; 44885.5 District Interns Classified As Probationary Employees
Code Of Regulations, Title 5 6100-6126 No Child Left Behind Teacher Requirements; 13000-13017 New Careers Program; 80033.2 Special Temporary Certificates; 80055 Internship Credential
United States Code, Title 20
6319 Highly Qualified Teachers; 7801 Definitions, Highly Qualified Teacher

REGULATIONS REGARDING INTERNS**University Internship Program**

Persons employed through a university internship program are authorized to provide the same service at the same levels as authorized by the regular credential. (EC 44454)

The Lake County Superintendent of Schools or designee shall seek the assistance of the college or university in coordinating the intern's program. (EC 44465)

The County Superintendent or designee may enter into agreements with the college or university to employ competent and qualified staff members to supervise and guide interns as they pursue their County Office of Education responsibilities. (EC 44461)

A university intern may choose an early completion option leading to a five-year preliminary credential by demonstrating competence through assessments and observations in accordance with EC 44468. (EC 44468)

Before an intern enrolls in any college or university program to renew the internship credential, the County Superintendent or designee shall counsel with the intern and a program for the first and subsequent renewals shall be planned. (EC 44457)

REGULATIONS REGARDING STAFF TEACHING STUDENTS OF LIMITED ENGLISH PROFICIENCY**Definitions**

Instruction for English language development means instruction designed specifically for limited-English-proficient students to develop their listening, speaking, reading, and writing skills in English. (EC 44253.2)

Specially designed academic instruction in English (SDAIE) means instruction in a subject area, delivered in English, that is specially designed to meet the needs of limited-English-proficient students. (EC 44253.2)

Content instruction delivered in the primary language means instruction in a subject area delivered in the primary language of the student. (EC 44253.2)

Teacher Qualifications

The County Superintendent of Schools or designee shall ensure that a teacher providing instruction for English language development, specially designed academic instruction in English (SDAIE), and/or content instruction in any student's primary language possesses the appropriate authorization(s) issued by the Commission on Teacher Credentialing (CTC).

A teacher may be provisionally assigned to provide instruction for English language development or SDAIE during the period that he/she is pursuing training to complete a Certificate of Completion of Staff Development pursuant to EC 44253.10.

Legal Reference:

EC

10600-10610 California Education Information System; 44225 Duties Of The Commission On Teacher Credentialing; 44253.1-44253.10 Certification For Bilingual-Crosscultural Competence; 44258.9 County Superintendent Review Of Teacher Assignment; 44259.5 Standards For Teachers Of All Students, Including English Language Learners; 44380-44386 Alternative Certification; 44760-44763 Teacher Supply And Demand Reporting; 52160-52178 Bilingual-Bicultural Act Of 1976; 52180-52186 Bilingual Teacher Training Assistance Program; 62001-62005.5 Evaluation And Sunsetting Of Programs Code Of Regulations, Title 5

6100-6125 Teacher Qualifications, No Child Left Behind Act; 80016 Certificate Of Completion Of Staff Development To Teach English Learners; United States Code, Title 20

1701-1704 Equal Educational Opportunities; 6319 Highly Qualified Teachers; 6601-6651 Training And Recruiting High-Quality Teachers; 6801-7014 Language Instruction For English Learners And Immigrant Students; 7801 Definitions, Highly Qualified Teacher Code Of Federal Regulations, Title 34 200.55-200.57 Highly Qualified Teachers

ALL PERSONNEL

OATH OR AFFIRMATION

All public employees are disaster service workers. As such, before beginning employment with the Lake County Office of Education, employees must take the oath or affirmation required by law. In the event of natural, manmade or war-caused emergencies that result in condition of disaster or extreme peril to life, property and resources, all Lake County Office of Education employees are subject to disaster service activities as assigned to them by their supervisors.

The County Superintendent or designee shall administer the above oath when Lake County Office of Education employees are hired.

The County Superintendent or designee may exempt a prospective employee from taking the above oath if he/she raises a valid religious objection.

Legal Reference:

EC § 60 Administration and certification of oaths; § 44334 Certificates and credentials; § 44354 Certificates and credentials
Government Code § 3100-3109

ALL PERSONNEL

OATH OR AFFIRMATION

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

I understand that as a public employee I am a disaster service worker pursuant to Government Code 3100 and 3102 and that I am required to take this oath before entering the duties of my employment. In the event of natural, manmade or war-caused emergencies which result in conditions of disaster or extreme peril to life, property and resources, I am subject to disaster services activities assigned to me by my supervisor.

Printed Name

Signature

Date

Certified by:

Ryan Mahan

Director, Human Resources

Exhibit LAKE COUNTY OFFICE OF EDUCATION

Version: August 1, 2008

ALL PERSONNEL

HEALTH EXAMINATIONS

New Employees

The County Superintendent or designee shall ensure that new Lake County Office of Education employees comply with all the health examination requirements of California law.

All individuals employed in a certificated position for the first time in this state shall provide a medical certificate showing freedom from any disabling disease unfitting the applicant to instruct or associate with children. The cost of medical examinations shall be borne by the employee. (Education Code 44839, 44839.5; 5CCR 5503)

Continuing Employees

Continuing employees who test negative on tuberculin skin tests shall undergo tuberculosis Risk Assessment at least once every four years.

An employee found to have active tuberculosis shall not return to work until he/she is under medical treatment and is determined to be in a non-contagious status by his/her physician.

Employee must submit a physician's report to the Human Resources Department prior to returning to work indicating that they cannot communicate tuberculosis infection. The Human Resources Department shall maintain employee tuberculin clearance status records and shall notify employees when clearance is required.

Tuberculosis Tests

No applicant shall be initially employed by the district, or employed under contract, in a classified or certificated position unless he/she has submitted to a tuberculosis risk assessment within the past 60 days and, if tuberculosis risk factors are identified, has submitted to an intradermal or other approved tuberculosis examination to determine that he/she is free of infectious tuberculosis. If the results of the examination are positive, the applicant shall obtain an x-ray of the lungs. At his/her discretion, an applicant may choose to submit to the examination instead of the risk assessment. (Education Code 49406)

Prior to employment by the district, an applicant shall submit a certificate from an authorized health provider stating that the applicant was assessed and/or examined and found to be free of infectious tuberculosis. (Education Code 49406)

An applicant who was previously employed in another school district or private or parochial school shall be deemed to have fulfilled the tuberculosis testing requirement if he/she produces a certificate showing that he/she was found to be free of infectious tuberculosis within 60 days of initial hire or if his/her previous employer verifies that it has a certificate on file showing that the applicant is free from infectious tuberculosis. (Education Code 49406)

ALL PERSONNEL

HEALTH EXAMINATIONS

Thereafter, each district employee who was found free of infectious tuberculosis shall undergo a tuberculosis risk assessment and an examination whenever risk factors are identified, at least once every four years or more often when required by the Governing Board upon recommendation of the county health officer. However, once an employee has a documented positive test for tuberculosis infection followed by an x-ray, he/she shall no longer be required to submit to the tuberculosis risk assessment but shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care. (Education Code 49406)

Whenever the LCOE contracts for the transportation of students, the contract shall require that all drivers who will be transporting students complete the tuberculosis risk assessment and, if indicated, the examination for infectious tuberculosis within 60 days of initial hire. (Education Code 49406)

The following applicants or employees shall be exempted from the requirement to submit to a tuberculosis risk assessment and/or examination: (Education Code 49406)

1. Education Code 49406 allows for certain exemptions for employees that adhere to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion. However, the Lake County Office of Education exercises its right to disallow this exemption due to the risk it poses to the students.
2. A pregnant employee who has positive results on a tuberculosis skin test, in which case she shall be exempted from the requirement to follow up with an x-ray of the lungs for a period not to exceed 60 days after the end of the pregnancy.

A maximum fee of \$20.00 will be paid by Lake County Office of Education for a tuberculosis examination. Higher fees must have the approval of the appropriate department Director or the Director of Human Resources.

Mental Examination

Employees may be required to pass a physical and/or psychological examination any time such an examination appears necessary to preserve the health and welfare of students and employees or to furnish medical proof of physical or mental ability to perform satisfactorily the assigned duties of an individual's position.

ALL PERSONNEL

HEALTH EXAMINATIONS

Examination of Certificated Employees for Disabling Diseases

To fill a certificated position with an applicant who has not previously been employed in a certificated position in California, or with a retirant who has not been employed as a retirant, LCOE shall have on file a medical certification indicating that the applicant or retirant is free from any disabling disease which would render him/her unfit to instruct or associate with children. (Education Code 44839, 44839.5)

The certificate shall be completed and submitted directly to LCOE by an authorized health care provider. The medical examination referred to in the certificate must have been conducted within six months of the date that the certificate is filed. (Education Code 44839, 44839.5; 5 CCR 5503)

Applicants and retirants shall pay for the cost of obtaining the medical certification. (Education Code 44849, 44839.5)

Legal Reference:

EC § 44839 Employment; § 44839.5 Employment; § 44942 Resignations, Dismissals, and Leaves of Absence; § 45122 Employment; § 49406 General Powers--School Boards Code of Regulations, Title 5, 5502-5504

ALL PERSONNEL

CRIMINAL RECORD CHECK

No person will be hired or retained in classified or certificated position who has been convicted of a violent or serious felony, unless that person has obtained a certificate of rehabilitation and pardon.

All prospective employees are required to submit Live Scan fingerprints for arrest clearance purposes. The authorized Live Scan agency shall transmit the Live Scan to the Bureau of Criminal Identification Investigation, State Department of Justice, for processing.

The Department of Justice will be requested to forward one copy of the fingerprint record to the Federal Bureau of Investigation for the purpose of obtaining any record of previous convictions of the applicant if:

1. The person has not resided in the State of California for at least one year immediately preceding the person's application for employment.
2. The person has resided for more than one year, but less than seven years, in the State of California and the Department of Justice has ascertained that the person was convicted of a sex offence where the victim was a minor or a drug offense where an element of the offense is either the distribution to, or the use of a controlled substance, by a minor.

The County Superintendent or designee shall request subsequent arrest service from the Department of Justice as provided under Penal Code 11105.2.

Temporary Certificates of Clearance

Before issuing a temporary certificate of clearance to an applicant whose credential is being processed, the Human Resources Department shall obtain a criminal record summary from the Department of Justice. The County Superintendent or designee shall not issue a temporary certificate of clearance if the applicant has been convicted of a violent or serious felony, unless the applicant has obtained a certificate of rehabilitation and pardon.

The Human Resources Department may issue a temporary certificate of clearance without obtaining a criminal record summary to an employee currently and continuously employed by a district within Lake County who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential.

ALL PERSONNEL

EMPLOYEE RECORDS

Confidential individual personnel files are permanent records and shall be established and maintained for all employees in accordance with law and Superintendent's policies.

Personnel files shall be made available for inspection as required by law. Inspection shall take place in the presence of a Lake County Office of Education representative. A record of file inspections shall be maintained.

The following records are, by law, not open to inspection by employees:

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

Non-credentialed employees shall have access to numerical scores obtained as result of written examinations.

Except for the ratings, reports or records specified above as not open to inspection, employees shall be notified whenever derogatory information is to be placed in their personnel files. Any employee so notified may ask to review and comment on the contents and shall have the right to enter, and have attached to any such derogatory statement, his/her own comments thereon. Such a review may take place during normal work hours. Upon request, the employee shall be released from duty for this purpose without a salary reduction.

Home addresses, telephone numbers and other personal information regarding employees shall not be disclosed to the general public. It shall be each employee's responsibility to keep personnel records current by immediately reporting changes of address, number of dependents, telephone number changes, name changes, and other information as may be required.

Criminal Offender Record Information

Information received by the Lake County Office of Education from the Department of Justice is confidential. The Custodian of Records shall be subject to California Department of Justice fingerprinting and criminal background check requirements. The Custodian of Records shall have and acknowledge an understanding of the laws regarding Criminal Offender Record Information.

Any questions regarding Criminal Offender Record Information shall be resolved by the Custodian of Records. Criminal Offender Record Information shall be accessible only to the Custodian of Records and shall be kept in a locked file separate from other personnel files. The contents of criminal offender records shall be disclosed only in accordance with law on a "needs to know" basis and shall not be reproduced. These records shall be used only for the purpose for which they were requested.

ALL PERSONNEL

EMPLOYEE RECORDS

Criminal Offender Record Information

Upon making a hiring determination, Criminal Offender Record Information shall be destroyed in accordance with law to the extent that the identity of the individual can no longer be reasonably ascertained.

Interagency Agreements

Upon Lake County Office of Education's receipt from the Department of Justice of a criminal history record or report of subsequent arrest for any person on an inter-agency "common list of persons eligible for employment", notice shall be provided to the appropriate participating agency.

The County Superintendent's designee of Custodian of Records will maintain a record of all persons to whom criminal history or arrest record information has been provided.

ALL PERSONNEL

REGULATIONS REGARDING EMPLOYEE RECORDS

The County Superintendent directs that the Human Resources Department shall maintain personnel files for all current employees. All personnel files are confidential and shall be available only to the employee, persons authorized by the employee, and those authorized by the County Superintendent. Employee files shall be maintained in the Human Resources Department. The Human Resources Director shall determine the types of information to be included and be responsible for the processing of all material to be placed in a personnel file.

Ratings, reports, or records shall not be available for inspection by employees if they were obtained prior to the employment of the person involved, prepared by identifiable examination committee members or obtained in connection with a promotional examination. However, non-credentialed employees shall have access to any numerical scores obtained as result of written examinations.

Placement of Material in Personnel Files

1. All material to be placed in a personnel file shall be processed through the Human Resources Director.
2. Material of a derogatory nature shall not be entered unless:
 - a) The material has been signed and dated by the originating person and approved for inclusion by the Director of Human Resources or appropriate program manager.
 - b) The employee is provided a copy with notice that he/she has an opportunity to comment and respond within 10 working days from receipt.
 - c) After the employee has had an opportunity to review and make written comments on the derogatory material, it shall be entered into the personnel file and shall become a part of the employee's record.

Personnel File Review

1. The Director of Human Resources and the appropriate program managers are authorized by the County Superintendent to review personnel files of employees. Other management personnel may review personnel files when they have valid "need to know" and with approval of the Director of Human Resources.
2. Employees may make an appointment for review of his/her personnel file to be scheduled during normal working hours. The employee will sign and date a statement that he/she asked to review file, which becomes part of the personnel file.
 - a) Requests for copies of material in personnel files must be in writing and approved by the Human Resources Director.
 - b) Any request by an employee to include materials in the file must be approved by the Director of Human Resources or appropriate program manager.
3. Confidential placement information in the file shall not be available for review unless marked "not confidential" or equivalent by a college, university or other placement office.
4. All reviews of personnel files shall be recorded, including notation of date and time reviewed.
5. In no instance shall any material be removed from the file.
6. All personnel files will be reviewed in the Human Resources Department under observation of Human Resources Department staff.

ALL PERSONNEL

EMPLOYMENT REFERENCES

The Superintendent or designee shall be responsible for processing requests for employment references, letters of recommendation, or information about the reasons for separation regarding all LCOE employees other than himself/herself. All letters of recommendation to be issued on behalf of the agency for current or former employees shall be approved by the Superintendent or designee. At his/her discretion, the Superintendent or designee may refuse to give a recommendation.

The Superintendent or designee may communicate information about the job performance or qualifications of a current or former employee when such information is based upon credible evidence and is given to a prospective employer without malice and at the prospective employer's request. (Civil Code 47)

Any reference, letter of recommendation, or information provided about the reasons for separation issued on behalf of the agency shall provide a truthful and accurate account of the employee's job performance and qualifications.

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment. (5 CCR 80332)

No certificated employee shall agree to provide a positive letter of recommendation which misrepresents facts as a condition of another employee's resigning or withdrawing action against the agency. (5 CCR 80332)

Legal Reference:

LABOR CODE

1050-1054 Reemployment privileges

CIVIL CODE

47 Privileged communication

CODE OF CIVIL PROCEDURE

527.3 Labor disputes

CODE OF REGULATIONS, TITLE 5

80332 Professional candor and honesty in letters or memoranda of employment recommendation

COURT DECISIONS

Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal. 4th 1066

ALL PERSONNEL

ORIENTATION FOR NEW EMPLOYEES

The County Superintendent believes that it is important to have an effective orientation for all new employees.

For that reason, the County Superintendent assigns responsibility for new employee orientation to the Human Resources Department, which shall give careful consideration to the content, design, and delivery in the Lake County Office of Education's system of orienting new staff.

The first phase of orientation will be a Human Resources Department briefing that provides essential information regarding the Lake County Office of Education as an organization, review of mandated topics, safety, job-related matters and requirements, day-to-day procedures and practices as well as financial matters of concern.

Worksite-specific training is the responsibility of the employee's direct supervisor.

ALL PERSONNEL

EMPLOYMENT OF RELATIVES – NEPOTISM POLICY

Employment of relations by blood or marriage in the Lake County Office of Education where there is an adverse impact on supervision, safety, security, or morale or involves potential conflicts of interests is prohibited. If two employees marry each other and there is an adverse impact on supervision, safety, security, or morale or a reasonably foreseeable conflict of interest exists, one of the employees may be reassigned or transferred. In cases where no accommodation can be arranged, one of the employees must resign or be terminated. The choice of which one resigns is to be made by the employees.

1. No employee shall in any way use personal power or influence to aid or hinder other employees or applicants for employment because of a personal relationship by virtue of blood, marriage, or adoption.
2. The employment of relatives in the same department shall be permitted when concurrent employment would be in the best interests of LCOE.
3. Authorized approval is required prior to appointment of a person to a position in which the person would:
 - a) have the same immediate supervisor as a relative, or
 - b) have a close working relationship with a relative.
4. If two employees in any of the above types of working relationships become relatives, authorized approval is required for their continuing in that same working relationship.
5. For the purposes of this policy, persons related by blood, marriage, or adoption (relatives) are any of the following: husband, wife, father, mother, son, daughter, brother, sister, half-brother, half-sister, grandparent, grandchild, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, uncle, aunt, nephew, niece, and first cousin.

ALL PERSONNEL

EMPLOYEE ASSIGNMENTS

The County Superintendent shall make employee assignments in accordance with the needs of the Lake County Office of Education.

Employees have no right of assignment to a particular work site.

Except where otherwise appropriate, certificated employees shall be assigned within the scope of their credential(s) and competency.

All members of certificated and classified management and professional staff are exempt employees for the purpose of the Fair Labor Standards Act. The hours of work shall be determined by their work assignments.

The County Superintendent reserves the right to assign, reassign, schedule and modify all terms and conditions of employment in accordance with the needs of the Lake County Office of Education.

ALL PERSONNEL

TEMPORARY MODIFIED/LIGHT DUTY ASSIGNMENT

The County Superintendent recognizes that when employees suffer injuries, modified or light-duty assignments minimize lost time and may serve to facilitate the transition back to the employee's regular duties or full-time work. Whenever possible, the County Superintendent, or designee, shall offer such employees this kind of temporary assignment.

Modified or light-duty assignments shall be designed to accommodate medical restrictions specified by the physician. They may include work in the same job classification or a different classification but will be compensated at the employee's regular salary rate.

Modified or light-duty assignments are intended to address short-term medical restrictions and will normally extend for less than sixty calendar days. These assignments shall not be used as a means to establish new assignments or displace other employees.

An employee who rejects a temporary modified/light-duty assignment may be subject to a loss of workers' compensation benefits in accordance with district's insurance policy.

ALL PERSONNEL

REGULATIONS REGARDING TEMPORARY MODIFIED/LIGHT DUTY ASSIGNMENT

Any employee who suffers a work-related injury shall provide the Lake County Office of Education with medical verification of his/her physical condition. Unless the treating physician provides a full release from work, the employee may be considered eligible for a temporary modified or light-duty assignment. If the treating physician does not specify work restrictions, the County Superintendent or designee may contact the physician to see if modified or light-duty work might be appropriate.

The County Superintendent or designee shall meet with the employee and his/her supervisor to determine whether the employee can return to his/her regular job with the medical restrictions specified by the physician.

If the employee is not able to return to his/her regular job with restrictions, the County Superintendent or designee shall seek a temporary modified or light-duty assignment for the employee. Employees who are given such assignment shall receive written notification of the assignments.

If no temporary modified or light-duty assignment can be found, the employee will be placed on temporary disability, sick leave, or other available leave to the extent available until an appropriate position within the medical restrictions is found, or until the medical restrictions are lifted. The County Superintendent or designee shall also monitor the status of any employee for whom the physician provided a full release from work to see if the employee could return to a temporary modified or light-duty assignment at a later date.

If an employee rejects a temporary modified or light-duty assignment, this refusal may provide a basis for terminating temporary disability benefits under workers' compensation.

The County Superintendent or designee shall monitor all temporary modified and light-duty assignments and may contact the physician for assistance in determining when the employee is ready to resume his/her regular duties.

ALL PERSONNEL

TRANSFERS

The County Superintendent or designee may transfer personnel from one assignment to another when he/she believes the transfer will serve the best interests of the overall Lake County Office of Education.

Personnel may request a transfer by following procedures specified in Administrative Regulations.

Involuntary transfers may become necessary when programs are reduced or canceled, when schools are closed, or when transfers are otherwise required in order to accommodate program needs. Such transfers also may be made in order to contribute to an employee's professional growth and/or give supervisory staff an opportunity to evaluate the employee in a different setting.

ALL PERSONNEL

REGULATIONS REGARDING TRANSFERS

Applying for Transfers

An employee may apply, in writing, to the Human Resources Department for transfer to a posted vacancy or the employee may make a general request for a transfer. An employee must apply for transfer prior to the end of a stated posting period to receive consideration.

Selection for Transfer

All applicants for a posted vacancy, including any qualified employee requesting a transfer into the position, will be considered. Selection shall be based on the ability and qualifications of each applicant.

Administrative Transfer

The administration may initiate a transfer of an employee to meet operational needs of the Lake County Office of Education. The employee to be transferred will be given at least five workdays advance notice and the employee may request an opportunity to discuss the transfer with the Human Resources Department and/or the Director of Human Resources or the appropriate program manager.

Voluntary transfers are subject to a probationary period.

ALL PERSONNEL

PERFORMANCE EVALUATION

A continuous, uniform process for employee evaluation, assessment and appraisal shall be provided to:

1. Promote achievement of the Lake County Office of Education goals;
2. Provide a process for two-way communication to evaluate the performance of all certificated and classified personnel;
3. Clarify abilities and specific indicators most critical to job performance;
4. Offer recommendations, if any, regarding desired performance and improvement;
5. Increase the employee's understanding of performance from his/her supervisor's viewpoint;
6. Obtain data for decisions regarding retention and assignment of staff;
7. Provide a formal method of recognizing staff achievement and growth;
8. Enhance job satisfaction, self-esteem;
9. Ensure positive work relationships.

The performance appraisal process shall include the following basic steps to be followed in the evaluation and assessment of staff. The process is circular, beginning and ending with the summative employee appraisal. Each step of the process is intended to encourage a collaborative effort between the supervisor and the employee:

1. Orientation and clarification of evaluation cycle and forms;
2. Conference to review criteria upon which evaluation will be focused;
3. Development of performance plan (as applicable);
4. Formal and informal observations and data collection;
5. Formal and informal conferences based on observations and data collection;
6. Data analysis;
7. Formal evaluation conference;
8. Summative performance appraisal.

Evaluations will be scheduled as follows:**Certificated Employees**

Certificated instructional employees shall be evaluated every year. Non-instructional certificated employees, including administrative and supervisory staff, shall be evaluated at least every year, but may be evaluated more frequently at the discretion of the evaluator, or as performance may indicate.

Classified

Probationary employees shall be evaluated at the end of 90 days of employment and at least once before the end of the one-year probationary period. Permanent classified employees shall be evaluated every year, but may be evaluated more frequently at the discretion of the evaluator, or as performance may indicate. Classified employees shall receive their annual evaluations no later than May 15 of the year in which the evaluation takes place.

Unsatisfactory Employees

Employees receiving any "unsatisfactory" rating in any evaluation area shall be evaluated periodically during the rating period in accordance with established procedure until performance improves or separation from the Lake County Office of Education occurs.

Management Employees see SP 4315

REGULATIONS REGARDING CERTIFICATED EVALUATION/SUPERVISION

The Director of Human Resources or designee shall print and make available to certificated employees written regulations related to the evaluation of their performance in their assigned duties. (EC 35171)

Certificated staff shall receive information regarding the Lake County Office of Education's evaluation criteria and procedures upon employment with the Lake County Office of Education and whenever the criteria in the Superintendent's policies and administrative regulations are revised.

Certificated employee performance shall be evaluated and assessed on a continuing basis as follows: (EC 44664)

- At least once each school year for certificated personnel employed under the authority of EC sections 1293 and 1294.5.
- Teachers employed under the authority of EC sections 1293 and 1294.5. shall be formally observed and given constructive feedback at least once each semester and more often when necessary, as part of the evaluation process.

The Superintendent or designee shall assess the performance of certificated instructional staff as it reasonably relates to the following criteria: (EC 44662)

1. Students' progress toward Lake County Office of Education standards of expected achievement for their grade level in each area of study and, if applicable, towards the state-adopted content standards as measured by state-adopted criterion-referenced assessments
2. The instructional techniques and strategies used by the employee
3. The employee's adherence to curricular objectives the establishment and maintenance of a suitable learning environment within the scope of the employee's responsibilities

The evaluation of certificated employee performance shall not include the use of publishers' norms established by standardized tests. (EC 44662)

Noninstructional certificated employees shall be evaluated on their performance in fulfilling their defined job responsibilities. (EC 44662)

Evaluations shall include recommendations, if necessary, as to areas in need of improvement in the employee's performance. If an employee is not performing satisfactorily according to teacher standards approved by the Superintendent pursuant to EC 44662, the Certificated Manager or designee shall so notify the employee in writing and describe the unsatisfactory performance. The Certificated Manager or designee shall confer with the employee, make specific recommendations as to areas needing improvement, and endeavor to provide assistance to the employee in his/her performance. (EC 44664)

REGULATIONS REGARDING CERTIFICATED EVALUATION/SUPERVISION

The Certificated Manager or designee may require any instructional employee who receives an unsatisfactory rating in the area of teaching methods or instruction to participate in a program designed to improve appropriate areas of performance and to further student achievement and the Lake County Office of Education's instructional objectives. (EC 44664)

Certificated instructional employees shall receive a written copy of their evaluation no later than 30 days before the last day of the school year in which the evaluation takes place. Before the last day of the school year, the employee and the evaluator shall meet to discuss the evaluation. (EC 44663)

Non-instructional certificated staff members shall receive a copy of their evaluation, and meet with the evaluator, no later than May 15 of the year in which the evaluation takes place

Instructional and non-instructional certificated employees shall have the right to respond in writing to their evaluation. This response shall become a permanent attachment to the employee's personnel file. (EC 44663)

REGULATIONS REGARDING CERTIFICATED EVALUATION/SUPERVISION**Teacher Evaluation Timeline:**

By September 15	Evaluator meets with certificated instructional personnel to review the evaluation process, procedures, and forms.
By October 15	Evaluator meets individually with each teacher to set goals for the year and discuss evaluation issues.
By the end of the 1st Semester	First formal classroom observation (Probationary/Temporary) completed. Post observation conference scheduled and conducted within 10 working days of receipt of the first observation document.
By March 1	Second formal classroom observation conducted and summary evaluation form completed. Post observation/evaluation conference conducted within 10 working days of receipt of the second observation form and evaluation document.
30 days before last school day	Final formal classroom observation form and summary evaluation form delivered to evaluatee.
Prior to last school day	Final post observation and evaluation conference conducted. All evaluation documents transmitted to Human Resources

Evaluation Elements:

A minimum of two formal classroom observations will be conducted for each summary evaluation. A formal observation consists of the following elements:

1. A pre-conference between evaluator and evaluatee concerning the lesson to be observed.
2. Formal classroom observation (a minimum of 30 minutes in length).
3. Post-observation conference re: the lesson's effectiveness, observation data, and possible next steps.
4. Summative evaluation conference incorporating two formal classroom observations, drop-in observation summaries, post conference summaries, and teacher performance relative to CA EC Section 44662.

Informal observations may be made at any time, at the sole discretion of the evaluator. Data from informal observations complement the formal observation process and may be incorporated into the annual evaluation. Informal observations comprise an essential element of performance improvement plans and are consistent with the principle that performance management is continuous and ongoing. Multiple certified and qualified evaluators may be involved in the observation/evaluation process. For example, a qualified content expert may accompany the supervisor/evaluator or observe the teaching process independently, at the request of the supervisor/evaluator. The evaluatee may request additional

REGULATIONS REGARDING CERTIFICATED EVALUATION/SUPERVISION

observation(s) by an evaluator certified by the Superintendent, with the express concurrence of the evaluator.

No specific form is required for informal observations. Written narrative observation records, interaction diagrams, engagement rate charts, or other symbolic representations of informal visits may be shared with the evaluatee. The evaluatee may respond in writing to the observation record in his or her own words, and the response will be attached to the record to be entered into the personnel file.

ALL PERSONNEL

RETIREMENT

Employees should notify the County Superintendent of their intention to retire as soon as possible so that a suitable replacement may be found. Certificated and management staff must give notice by April 1 preceding the intended contract year of retirement. If requested, the County Superintendent may extend the April 1 deadline. The retirement shall be effective when accepted by the County Superintendent or designee.

ALL PERSONNEL

RESIGNATION

Any County Office of Education employee who desires to resign his/her position shall submit, in writing, a letter of resignation which indicates the date which the employee intends as his/her last day at work. The County Superintendent of Schools or designee encourages employees to provide advance notice that is appropriate for the position they hold.

An employee's written resignation shall be submitted to the County Superintendent or designee. The County Superintendent or designee shall set the date when the resignation takes effect. Once the date is formally set by the County Superintendent or designee, the resignation may not thereafter be withdrawn by the employee.

The effective date of the resignation shall be a date not later than the close of the school year during which the resignation is received. However, an employee and the County Superintendent may agree that a resignation will be accepted at a mutually agreed upon date not later than two years beyond the close of the school year during which the resignation is received by the County Board. (EC 44930, 45201)

Exit interviews for resigning employees will be scheduled by the Human Resources department. Information provided by employees will be confidential. The purpose of exit interviews will be to provide positive information and constructive feedback for improvement.

Certificated

The County Superintendent discourages certificated employees from resigning during the school year in which they are contracted. Release from contract may depend on one of the following conditions:

1. The employee has acted in good faith in fulfilling his/her obligation to the Lake County Office of Education;
2. An acceptable, qualified replacement is identified and available.

When a certificated staff member leaves the employ of the Lake County Office of Education during the school year without obtaining acceptance of his/her resignation from the County Superintendent or leaves before the effective date of the resignation, the County Superintendent is obligated to report this fact with supporting evidence to the Commission for Teacher Preparation and Licensing. The Commission may suspend the credentials of an employee who leaves the Lake County Office of Education in this manner.

For purposes of this section, formal rejection or refusal to sign the employer's Offer of Employment by the date required thereon may be considered by the employer as a resignation.

Legal Reference:

EC: 35161 Board Delegation Of Any Powers Or Duties; 44242.5 Reports Of Change In Employment Status, Alleged Misconduct; 44420 Failure To Fulfill Contract As Ground For Suspension Of Diplomas And Certificates; 44433 Unauthorized Departure From Service As Unprofessional Conduct; 44930 Acceptance And Date Of Resignation; 45201 Power To Accept Resignation
Code Of Regulations, Title 5: 80303 Reports Of Change In Employment Status; 80304 Notice Of Sexual Misconduct

PERSONNEL REDUCTION

The County Superintendent of Schools or designee may reduce the number of certificated personnel, or their hours and wages, due to any of the following conditions: (EC 44955)

1. Declining enrollment, provided that the percentage of reduction in probationary and permanent certificated personnel shall not exceed the corresponding percentage of student attendance lost
2. Reduction or discontinuance of programs or services
3. State-mandated modification of the curriculum
4. The fiscal crisis that may occur after enactment of the Budget Act when the total revenue limit per ADA has not increased by at least two percent (EC 44955.5)

Except as otherwise provided by statute, a permanent employee who is certificated and competent to render a service shall not be terminated or given a reduction in hours and wages while a probationary employee or other employee with less seniority is retained to render the service. (EC 44955)

To be considered competent, an employee must have academic training and one year of full-time experience in the specialized area to which the County Office would be able to assign him/her. The County Office will also consider the recency of the employee's experience.

Legal Reference:

EC
44830 Employment Of Certificated Persons
44949 Dismissal Of Probationary Employees
44955 Reduction In Number Of Permanent Employees
44955.5 Termination Of Certificated Employees
44956-44959.5 Rights Of Employees
Government Code
3543.2 Scope Of Representation
Court Decisions
Menagh V. Montebello Unified School District (1993) 20 Cal.App.4th 1846
Forker V. Board Of Trustees (1984) 160 Cal.App.3d 13
Moreland Teachers Assoc. V. Kurze (1980) 109 Cal.App.3d 648
King V. Berkeley Unified School District (1979) 89 Cal.App. 3d 1016

REGULATIONS REGARDING CERTIFICATED PERSONNEL REDUCTION**Personnel Reduction**

For purposes of reduction of certificated personnel, terminations shall generally be in order of least seniority. The County Office of Education may deviate from terminating or reappointing a certificated employee in order of seniority for either of the following reasons: (EC 44955, 44956)

1. To fill a demonstrated specific need for personnel to teach a specific course or courses of study, or to provide services authorized by a services credential with a specialization in either student personnel services or health for a school nurse, when the certificated employee has the necessary special training and experience which others with more seniority do not possess.
2. To maintain or achieve compliance with constitutional requirements related to equal protection of the law.

Before assigning or reassigning any certificated employee to teach a subject which he/she has not previously taught, and for which he/she does not have a teaching credential or which is not within the employee's major area of postsecondary study, the County Superintendent of Schools or designee shall require the employee to pass a subject matter competency test in the appropriate subject. (EC 44955, 44956)

Terminated certificated employees shall not be subject to any requirements that were not imposed on employees who continued in service; their period of absence shall be treated as a leave of absence and not considered a break in the continuity of their service. (EC 44956, 44957)

Notice and Right to Hearing

When the County Office needs to reduce the number of certificated staff, the County Office shall adhere to the notice, hearing and layoff procedures in EC 44949 and 44955.

When the County Superintendent or designee, during the time period between five days after enactment of the Budget Act and August 15, determines that the total revenue limit per ADA has not increased by at least two percent and that the County Office therefore needs to reduce the number of certificated staff pursuant to EC 44955.5, the County Superintendent or designee shall adopt a schedule of notice and hearings, and the County Office shall otherwise proceed pursuant to EC 44949 and 44955. (EC 44955.5)

Reappointment

If the number of employees is increased or the discontinued service reestablished, permanent certificated employees under 65 years of age shall have the right to reappointment in order of seniority for 39 months after being terminated. Probationary certificated employees under 65 years of age shall have the same right for 24 months after being terminated, subject to the prior reappointment rights of permanent employees. (EC 44956, 44957)

ALL PERSONNEL

SUSPENSION/DISCIPLINARY ACTION

All employees shall exhibit professional conduct and serve as positive role models at school and in the community. Employees shall be subject to disciplinary action, including suspension, demotion and dismissal for just cause.

Suspension with Pay

The County Superintendent may place an employee on administrative leave with pay at any time.

ALL PERSONNEL

SEXUAL HARASSMENT

The Lake County Superintendent of Schools prohibits sexual harassment of Lake County Office of Education employees. The County Superintendent also prohibits retaliatory behavior or action against County Office of Education employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and accompanying administrative regulation. This policy shall apply to all County Office of Education employees and, when applicable, to interns, volunteers, and job applicants.

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

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the County Office of Education's sexual harassment policy to staff
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

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

Any County Office of Education employee who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her supervisor, an administrator, LCOE Nondiscrimination Coordinator, or County Superintendent.

The County Office of Education designates the position identified below as its Coordinator for Nondiscrimination in Employment (Coordinator) to coordinate the County Office of Education's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the County Office of Education's nondiscrimination policies. The Coordinator may be contacted at:

Ryan Mahan
Director of Human Resources
Lake County Office of Education
1152 S. Main Street
Lakeport, CA 95453
(707) 262-4115
rmahan@lakecoe.org

A supervisor, principal, or other County Office of Education administrator who receives a harassment complaint shall promptly notify the County Superintendent or designee.

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

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor. The complainant

ALL PERSONNEL

SEXUAL HARASSMENT

is encouraged to utilize the County Office of Education's *Harassment/Discrimination Complaint Form* (see AR 4030 Exhibit A).

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

Legal Reference:

EDC [200-262.4](#) Prohibition of discrimination on the basis of sex

GOV Code [12900-12996](#) Fair Employment and Housing Act, especially: [12940](#) Prohibited discrimination [12950.1](#) Sexual harassment training

LABOR CODE [1101](#) Political activities of employees [1102.1](#) Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

[11009](#) Employment discrimination

[11021](#) Retaliation

[11023](#) Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

[4900-4965](#) Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

[2000d-2000d-7](#) Title VI, Civil Rights Act of 1964

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

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

CODE OF FEDERAL REGULATIONS, TITLE 34

[106.9](#) Dissemination of policy

COURT DECISIONS

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

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

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

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

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

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

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January 1999

WEB SITES

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

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

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

Policy adopted: 02/2017

LAKE COUNTY OFFICE OF EDUCATION
Lakeport, California

ALL PERSONNEL**ADMINISTRATIVE REGULATIONS REGARDING SEXUAL HARASSMENT**

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

Definitions

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

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

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

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

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

Training

The County Superintendent or designee shall ensure that all employees receive training regarding the County Office of Education's sexual harassment policies when hired and periodically thereafter. The training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the County Office of Education's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

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

ALL PERSONNEL

ADMINISTRATIVE REGULATIONS REGARDING SEXUAL HARASSMENT

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

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

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential County Office of Education and/or individual exposure or liability
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint
5. The essential elements of the County Office of Education's nondiscrimination policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed.
6. A copy of the County Office of Education's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

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

ALL PERSONNEL

ADMINISTRATIVE REGULATIONS REGARDING SEXUAL HARASSMENT**Notifications**

A copy of the County Office of Education sexual harassment policy and administrative regulation shall: (Education Code [231.5](#))

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

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of County Office of Education information sheets that contain, at a minimum, components on: (Government Code [12950](#))

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The County Office of Education's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR [11021](#) for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the County Office of Education shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code [12950](#))

Regulation adopted: 02/2017

LAKE COUNTY OFFICE OF EDUCATION
Lakeport, California

SP 4119.2

SP 4219.2

SP 4319.2

ALL PERSONNEL

CHILDREN IN THE WORKPLACE

Lake County Office of Education does not provide any type of child care assistance program for employees. In order to fulfill insurance liability, safety standards, supervision, employee responsibilities and the purposes and functions of the Lake County Office of Education, employees are required to provide for their children's care outside of the Lake County Office of Education facilities.

ALL PERSONNEL

CODE OF ETHICS

Employees shall provide services with integrity and high ideals. Employees are expected to maintain high standards in their working relationships. These standards include the following:

Rules of Conduct

The County Superintendent all employees to follow the Rules of Conduct as outlined in the Code of Regulations, Title V, Section 80331-80338 and attached as Exhibit A (4119.21).

1. Maintaining courteous professional relationships with districts, students, fellow staff, and the public;
2. Maintaining efficiency and knowledge of the developments in assigned areas of responsibility;
3. Conducting all Lake County Office of Education related professional activities properly and within established protocol;
4. Establishing and maintaining cooperative working relationships with districts, other agencies and the community;
5. Placing the welfare of the students as first concern of the Lake County Office of Education;
6. Refraining from using Lake County Office of Education, school contacts and privileges to promote partisan politics, sectarian religious views or propaganda of any kind;
7. Protecting and properly using Lake County Office of Education properties, equipment and materials.

These rules are binding upon every employee of the Lake County Office of Education. The consequences of any willful breach may be revocation or suspension of the credential, or license, or private admonition of the holder in addition to appropriate disciplinary action;

Nothing in these rules is intended to limit or supersede any provision of law relating to the duties and obligations of the Lake County Office of Education staff or to the consequences of the violation of such duties and obligations. The prohibition of certain conduct in these rules is not to be interpreted as approval of conduct not specifically cited;

As used in regulations:

1. a. "Certificated person" means any person who holds a certificate, permit, credential, or other license authoring the performance of teaching or education-related service in grades K through 12 in California public schools;
2. "professional employment": means the performance for compensation of teaching or other education-related employment;
3. "Confidential information" means information which was provided to the certificated person solely for the purpose of facilitating his/her performance of professional services for or on behalf of the person or employer providing such information.

RULES OF CONDUCT

80332 Professional Candor and Honesty in Letters or Memoranda of Employment Recommendation

1. Employees shall not write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true relating to the professional qualifications or personal fitness to perform services of any person whom the writer knows will use the letter or memorandum to obtain professional employment nor shall (s)he agree to provide a positive letter of recommendation which misrepresents facts as a condition of resignation or for withdrawing action against the employing agency.
2. This rule has no application to statements identified in the letter or memorandum as personal opinions of the writer but does apply to unqualified statements as fact that which the writer does not know to be true or to statements as fact that which the writer knows to be untrue.

80333 Withdrawal from Professional Employment

A certificated person shall not abandon professional employment without good cause.

“Good cause” includes, but is not necessarily limited to, circumstances not caused by or under the voluntary control of the certificated person.

80334 Unauthorized Private Gain or Advantage

A certificated person shall not:

1. Use for his/her own private gain or advantage or to prejudice the rights or benefits of another person any confidential information relating to students or fellow professionals;
2. Use for his/her own private gain or advantage the time, facilities, equipment, or supplies which are the property of his/her employer without the express or clearly implied permission of his/her employer;
3. Accept any compensation or benefit or thing of value other than his/her regular compensation for the performance of any service which (s)he is required to render in the course and scope of his/her certificated employment. This rule shall not restrict performance of any overtime or supplemental services at the request of the school employer; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents or other persons in recognition or appreciation of service.

80335 Performance of Unauthorized Professional Services

A certificated person shall not, after July 1,1989:

1. Knowingly, accept an assignment to perform professional services if (s)he does not possess a credential authorizing the service to be performed; unless he or she has first exhausted any existing local remedies to correct the situation, has then notified the County Superintendent of schools in writing of the incorrect assignment, and the County Superintendent of schools has made a determination, within 45 days of receipt of the notification, that the assignment was caused by extraordinary circumstances which make correction impossible, pursuant to the procedures referred to in EC Section 44258.9 (g) (2) and (3) .

RULES OF CONDUCT

2. Knowingly and willfully assign or require a subordinate certificated person to perform any professional service which the subordinate is not authorized to perform by his or her credential or which is not approved by appropriate governing board authorization, unless he or she has made reasonable attempts to correct the situation but has been unsuccessful, and has notified the County Superintendent of those attempts, and the County Superintendent has determined, within 45 days of being notified of the assignment, that the assignment was caused by extraordinary circumstances which make correction impossible.
3. Neither (1) nor (2) shall be applicable in a situation where extraordinary circumstances make the correction of the misassignment impossible.
4. There shall be no adverse action taken against a certificated person under this rule for actions attributable to circumstances beyond his or her control.

80336 Performance with Impaired Faculties

A certificated person shall not:

1. Perform or attempt to perform any duties or services authorized by his/her credential during any period in which he or she knows or is in possession of facts showing that his or her mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.
2. Assign or require or permit a subordinate certificated person to perform any duties authorized by his or her credential during any period in which the superior certificated person knows or is in possession of facts showing that the subordinate certificated person's mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.

For the purpose of this section, substantial impairment means a visible inability to perform the usual and customary duties of the position in a manner that does not represent a danger to pupils, employees, or school property. It does not include or mean inability attributable to lack of or inadequate professional preparation or education.

80337 Harassment and Retaliation Prohibited

No certificated person shall directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever which tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any certificated person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the Lake County Board of Education, the Commission on Teacher Credentialing or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these rules of professional conduct.

80338 Discrimination Prohibited

A certificated person shall not, without good cause, in the course and scope of his/her certificated employment and solely because of race, color, creed, gender, national origin, handicapping condition or sexual orientation, refuse or fail to perform certificated services for any person.

ALL PERSONNEL

DRESS CODE

Employees shall report to work dressed in a manner that is appropriate and consistent with their job assignment. No clothing shall be worn which:

1. Creates a safety hazard;
2. Is excessively revealing or provocative;
3. Displays any words, pictures, or designs, which would be considered by reasonable standards, to be vulgar, profane, and inappropriate for the workplace; or otherwise set an inappropriate example to students, parents or other employees.

ALL PERSONNEL

REGULATIONS REGARDING APPROPRIATE WORKPLACE ATTIRE

General Dress Standards (applies to all staff and substitute staff)

Employees shall report to work dressed in a manner that is appropriate and consistent with their job assignment and that does not endanger the health or safety of students or staff.

The following is not permitted at any time:

1. Skirts, dresses, pants, shorts, or tops that fail to conceal undergarments, back, abdomen, or cleavage.
2. Fishnet or see-through clothing that fails to conceal undergarments
3. Flip Flops (rubber beach foot-wear)
4. Sleepwear
5. Workout Sweats
6. Spandex
7. Clothing with inappropriate messages (ex. Sex, drugs, alcohol, foul language)
8. Worn, torn jeans (including jeans with fashion holes)
9. Skirts, dresses, shorts, skorts that are shorter than mid-thigh
10. Uncovered tattoos that are offensive or gang affiliated

ALL PERSONNEL

UNAUTHORIZED RELEASE OF CONFIDENTIAL/PRIVILEGED INFORMATION

The County Superintendent, the Lake County Board of Education, administration and staff shall maintain the confidentiality of all confidential records until such time as laws, state regulations and/or bylaws of the Lake County Office of Education permit disclosure. Information and records pertaining to closed sessions; negotiations and student records are not subject to public disclosure

Any employee who willfully releases confidential/privileged information about students, staff or any topic properly confined to a closed session shall be subject to disciplinary action up to and including dismissal. Confidential information includes any information relating to the County Superintendent's employer-employee strategies on matters of negotiation with employee groups.

Any employee who willingly and for monetary gain uses or discloses confidential/privileged information as defined in Government Code § 1098 is guilty of a misdemeanor.

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

CONFIDENTIALITY AGREEMENT

As an employee of the Lake County Office of Education, you may have access to confidential information. This information includes, but is not limited to, documents concerning employees, students or members of the public. The documents may include medical information; home address or telephone number; social security number; payroll deductions; salary documents, data, and reports; personnel files and any personally identifiable information regarding employees or applicants; and student files and data. This agreement also applies to E-mail and other electronically accessible information.

You are personally responsible for maintaining the confidential nature of these materials by carefully observing the security measures listed below:

1. Permit no other persons to have access to confidential information or materials and do not discuss any aspect of the data/information or other confidential personnel-related matters with any other persons unless they are:
 - a) members of the LCOE staff who need the information to perform their work
 - b) authorized by your supervisor or another designated member of the LCOE staff
2. Secure all confidential materials when you are not directly working with them.
3. Do not retain any copies or make personal file copies of confidential materials unless necessary. Any extra copies of confidential materials should be destroyed by shredding when they are no longer necessary.
4. If you have any questions about the confidentiality of any of the information to which you have access, you should assume the information is confidential and handle it as such until you are informed otherwise by your supervisor.

These security standards apply to any and all confidential materials to which you have access. It is essential that these standards and any additional ones that are requested or may be necessary are maintained at every stage of a confidential process in which you assist, participate, or review.

Because of the importance of security, you should notify your supervisor or another designated staff member if any circumstances cause you to believe that confidential nature of any material or process has not been maintained.

A copy of this form will be maintained in your personnel file.

I have read the above Confidentiality Agreement and understand the policy regarding security and misuse of confidential information. I accept the responsibility of maintaining the strict confidentiality of all materials and information to which I have access.

(Print Name)

(Signature)

Date

(Position Title)

ALL PERSONNEL

POLITICAL ACTIVITIES OF EMPLOYEES

The County Superintendent respects the right of school employees to engage in political activities on their own time. When engaging in such activities, employees shall make it clear that they are acting as individuals and not as representatives of Lake County Office of Education.

Under no circumstances shall Lake County Office of Education employees:

1. Conduct political activities on Lake County Office of Education property during duty hours;
2. Solicit campaign support or contributions on Lake County Office of Education property during duty hours;
3. Use Lake County Office of Education equipment for the preparation or reproduction of campaign materials;
4. Post or distribute campaign materials on Lake County Office of Education property;
5. Disseminate campaign materials through Lake County Office of Education mail service or place them in staff mailboxes;
6. Permit the use of students to write, address or distribute campaign materials;
7. Wear button or articles of clothing that express political opinions on ballot measures or political candidates during instructional time.

Like other citizens, employees may use school facilities for meetings under the Civic Center Act.

ALL PERSONNEL

EMPLOYEES WITH INFECTIOUS DISEASE

The County Superintendent encourages each employee to inform the Lake County Office of Education as soon as possible if he/she contracts an infectious disease, which creates a physical or mental disability. The Lake County Office of Education will reasonably accommodate the needs of such individuals.

The County Superintendent may reassign or grant disability leave to an employee who is unable to perform his/her job responsibilities because of illness or because the employee's illness significantly endangers his/her health or safety or the health or safety of others.

No employee will be discriminated against because of his/her disability. Legal protections established for disabled persons extend to individuals significantly impaired by infectious diseases.

When informed that an employee has a disabling infectious disease, the County Superintendent or designee may request that the employee sign a release form to provide confidential medical information and records.

In determining a reasonable accommodation of the employee's condition, the County Superintendent or designee may consult with public health officials or physicians with expertise in the diagnosis and treatment of infectious disease. The County Superintendent or designee may also communicate with the employee's physician regarding the employee's ability to perform the essential requirements of the job with reasonable accommodation and make recommendations based on medical information received.

To determine whether the employee should continue working in his/her present capacity, including whether the employee can perform the essential requirements of the job with reasonable accommodations and without posing a significant health risk to others, the County Superintendent or designee shall weigh the following factors:

1. The nature of the disease and the probability of its being transmitted, including the duration and severity of the risk;
2. The physical condition of the employee, including diagnosis, treatment, and prognosis of the condition;
3. The actual requirements of the employee's job and the expected type of interaction with others in the school setting.

The job assignment of an employee with a disabling infectious disease shall be reevaluated whenever there is a change in medical knowledge or in the employee's medical regimen or health, which might affect his/her assignment.

The County Superintendent or designee shall ensure that employee rights to confidentiality are strictly observed. The Lake County Office of Education shall disclose medical record information only to the extent required or permitted by law. The medical records of any employee with a disabling infectious disease shall be held in strict confidence.

ALL PERSONNEL

EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

The County Superintendent or designee shall meet state and federal standards for dealing with bloodborne pathogens and other potentially infectious materials in the workplace. A written Exposure Control Plan designed to protect employees from possible infection due to contact with bloodborne viruses, including human immunodeficiency virus (HIV) and hepatitis B virus (HBV) shall be established.

The County Superintendent or designee shall determine which employees have occupational exposure to bloodborne pathogens and other potentially infectious materials. In accordance with the Lake County Office of Education's Exposure Control Plan, employees having occupational exposure shall be offered the hepatitis B vaccination.

Any employee not identified as having occupational exposure in the Lake County Office of Education's exposure determination may petition to be included in the employee in-service and hepatitis B vaccination program. Any such petition should be submitted to the Human Resources Director who shall evaluate the request and notify the petitioners of his/her decision. The Human Resources Director may deny a request when there is no reasonable anticipation of contact with infectious material.

ALL PERSONNEL

REGULATIONS REGARDING EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

Definitions

Occupational Exposure means “reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.” [Title 8, Section 5193(b)]

Exposure Incident means “a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.” Parenteral contact means “piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.” [Title 8, Section 5193(b)]

Exposure Control Plan

The Lake County Office of Education’s Exposure Control Plan shall contain at least the following components: [Title 8, Section 5193(c)]

1. A determination of which employees have occupational exposure to blood or other potentially infectious materials;
2. A description of the schedule and method for implementing exposure control requirements, including, but not limited to:
 - a. Universal precautions;
 - b. Engineering and work practice controls;
 - c. Personal protective equipment;
 - d. Housekeeping schedules;
 - e. Hepatitis B vaccination;
 - f. Post-exposure evaluation and follow-up;
 - g. Informing employees about biohazards, including (1) labels and signs, and (2) training;
 - h. Maintenance of training and medical records.
3. The Lake County Office of Education’s procedure for evaluating circumstances surrounding exposure incidents.

The Human Resources Department shall annually and whenever necessary, review and update the exposure control plan to:

1. Reflect new or modified tasks and procedures affecting occupational exposure;
2. Reflect new or revised employee positions with occupational exposure;
3. Review the exposure incidents, which occurred since the previous update. [Title 8, Section 5193(c)]

The Lake County Office of Education’s Exposure Control Plan shall be accessible to employees in accordance with law. It also shall be made available to the Chief or Director of the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services, or his/her designee, upon request for examination and copying. [Title 8, Section 5193(c)]

ALL PERSONNEL

REGULATIONS REGARDING EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

Exposure Determination

The Lake County Office of Education's exposure determination shall be made without regard to the use of personal protective equipment and shall include:

1. All job classifications in which all employees have occupational exposure to bloodborne pathogens.
2. Job classifications in which some employees have occupational exposure.
3. All tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs and which are performed by employees listed in item #2 above. [Title 8, Section 5193(c)]

Hepatitis B Vaccination

Hepatitis B vaccinations shall be provided at no cost to those employees determined to have occupational exposure to blood and other potentially infectious materials. Employees who decline to accept the vaccination shall sign the hepatitis B waiver statement as required by law. [Title 8, Section 5193(f)]

Protective Equipment

The Lake County Office of Education shall provide appropriate personal protective equipment at no cost to the employee. The Lake County Office of Education shall maintain, repair, make accessible and require employees to use and properly handle protective equipment. [Title 8, Section 5193(d)]

Information and Training

The Lake County Office of Education shall provide a training program as specified by law to all employees in job classifications which have been determined to have some degree of occupational exposure. This program shall be offered at the time of initial assignment, annually thereafter, and whenever a change of tasks or procedures affect the employee's exposure.

Employees who fall within the definition of designated first-aid providers shall also receive training. Such training shall include the specifics of reporting first-aid incidents which involve blood or body fluids which are potentially infectious. [Title 8, Section 5193(g)]

Exposure Incidents

All exposure incidents must be reported as soon as possible to the Human Resources Director. Following a report of an exposure incident, the Lake County Office of Education shall provide the exposed employee with a confidential medical evaluation and follow-up, as required by law. The Lake County Office of Education shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation. [Title 8, Section 5193(f)]

AR 4119.42

AR 4219.42

AR 4319.42

ALL PERSONNEL

REGULATIONS REGARDING EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS

Records

Medical and training records shall be kept in accordance with law. Medical records shall be maintained for the duration of employment plus thirty years. Training records shall be maintained for three years from the date of training. [Title 8, Section 5193(h)]

An employee's records shall be made available to that employee and to the National Institute for Occupational Safety and Health in accordance with law. [Title 8, Section 5193(h)]

Medical records for each employee with occupational exposure will be kept confidential as appropriate and transferred or made available in accordance with law. [Title 8, Section 5193(h)]

ALL PERSONNEL

UNIVERSAL PRECAUTIONS

All employees of Lake County Office of Education will be annually informed about precautions that can be taken to prevent exposure to AIDS/HIV and Hepatitis B in the school setting.

Employees with responsibility for administering first aid in school and on school buses should have current instruction and certification.

When providing school employee's first-aid training and training in CPR, adherence to current recommendations of the American Red Cross and the American Heart Association about using universal precautions to prevent the spread of infectious diseases is essential.

Universal precautions shall be observed throughout the Lake County Office of Education to protect employees, students, and any other persons in the school environment from contact with potentially infectious blood or other body fluids.

Universal precautions are appropriate for preventing the spread of all infectious disease and shall be used regardless of whether bloodborne pathogens are known to be present.

ALL PERSONNEL

REGULATIONS REGARDING UNIVERSAL PRECAUTIONS**Definition**

Universal precautions are an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens. [Title 8, Section 5193]

Human immunodeficiency virus (HIV) and hepatitis B virus (HBV) can be found in blood, semen, vaginal secretions, and breast milk. Other body fluids such as feces, urine, vomit, nasal secretions, sputum, and saliva may contain infectious germs that cause other disease. It is not always possible to know when blood or body fluids are infectious; therefore, all body fluids shall be handled as if infectious.

All students and staff shall routinely observe the following universal precautions for the prevention of infectious disease:

1. Wear disposable waterproof gloves whenever you expect to come into direct contact with blood, other body fluids, or contaminated items or surfaces. This applies to incidents including, but not limited to, caring for nosebleeds or cuts, cleaning up spills, or handling clothes soiled by blood or body fluids. Do not reuse gloves. After each use, remove the gloves without touching them outside and dispose of them in a lined waste container. Gowns or smocks should also be worn if you anticipate soiling of clothes by body fluids or secretions;
2. Wash hands and any other contacted skin surfaces thoroughly for 15 to 30 seconds with dispensable soap and warm running water, rinse under running water, and thoroughly dry with disposable paper towels:
 - a. Immediately after any accidental contact with blood, body fluids, drainage from wounds, or with soiled garments, objects for surfaces.
 - b. Immediately after removing gloves, gowns, or smocks.
 - c. Before eating, drinking or feeding.
 - d. Before handling food, cleaning utensils or kitchen equipment.
 - e. Before and after using the toilet or diapering.
3. When running water is not available, use antiseptic hand cleanser and clean towels or antiseptic towelettes, and use soap and running water as soon as feasible.
4. Clean surfaces and equipment contaminated with blood with soap and water and disinfect them promptly with a fresh solution of bleach (ten parts water to one part bleach) or other disinfectant. While cleaning, wear disposable gloves and use disposable towels whenever possible. Rinse mops or other nondisposable items in the disinfectant.
5. Properly dispose of contaminated materials and label them as biohazardous.
 - a. Place blood, body fluids, gloves, bloody dressings, and other absorbent materials into appropriately labeled plastic bags or lined waste containers.
 - b. Place needles, syringes, and other sharp disposable objects in leak-proof, puncture-proof containers.
 - c. Bag soiled towels/other laundry. Presoak with disinfectant and launder with soap and water.
 - d. Dispose of urine, vomitus, or feces in the sanitary sewer system.

ALL PERSONNEL

REGULATIONS REGARDING UNIVERSAL PRECAUTIONS

6. Do not care for others' injuries if you have any uncovered bleeding or oozing wounds or nonintact skin conditions.
7. Use a mouthpiece, resuscitation bag, or other ventilation device when readily available in place of mouth-to-mouth resuscitation.

Staff shall immediately report any exposure incident or first aid incident in accordance with the Lake County Office of Education's Exposure Control Plan.

ALL PERSONNEL

OTHER PERSONNEL

Professional Experts

Professional experts are employees who are hired on a temporary basis for a specific project or purpose regardless of the length of employment.

They are hired at the discretion of the County Superintendent.

They are not required to have certification and will not be a part of the classified service or represented by an employee bargaining unit.

Their employment is determined by the continuation of the specific program or project for which they were hired and the availability of funds in that project. The length of time for their employment and the conditions thereof will be determined by the availability of those special project funds and/or the discretion of the County Superintendent.

The County Superintendent fixes the duties and sets the compensation of professional expert employees. The County Superintendent will also determine the line of responsibility, supervision and evaluation.

TEMPORARY/SUBSTITUTE PERSONNEL

The County Superintendent may employ substitute certificated personnel to fill positions of regularly employed persons absent from service.

The County Superintendent may classify as a temporary employee a teacher who is employed at least one semester and up to one school year. Persons whose service begins in the second semester and before March 15 may be classified as temporary employees even if employed for less than a semester. The County Superintendent shall determine the number of persons who shall be so employed based on the absence of regular employees due to leaves or long-term illness.

At the time an individual is hired, a written statement clearly indicating the temporary or long-term (over 20 days) substitute nature of the employment and the length of time for which the individual is being employed shall be provided to the employee.

The County Superintendent may dismiss substitute employees at any time.

The County Superintendent may release temporary employees at his/her discretion if such employees have served less than 75 percent of the school year. Temporary employees who have served 75 percent or more of the school year may be released as long as such employees are notified at point of hire and prior to the end of the school year of their temporary status and the Lake County Office of Education's decision not to re-elect them for the succeeding school year.

Temporary employees employed for more than 75 percent of the school year must be re-employed to fill any vacant position unless notified in writing that they will be released at the end of the school year.

Any temporary employee who performs the duties normally required of certificated employees for at least 75 percent of the school year shall be deemed to have served a complete school year as a probationary employee if employed as a probationary employee for the following school year.

REGULATIONS REGARDING TEMPORARY/SUBSTITUTE PERSONNEL**Substitute Employees**

1. Employ a person as a substitute on a day-to-day basis for various teachers or teaching assignments for the same teacher but not to exceed 20 continuous days.
RATE: \$200 per day/Full Day - \$105.00/Half-day - No Benefits (rate to be established by the Lake County Superintendent)
2. Employ a person as a substitute on a day-to-day basis for the same teacher for a continuous period of time exceeding 20 days but not longer than one semester.
RATE: \$225 per day - No Benefits
3. Employ a person as a substitute on a day-to-day basis for a maximum of 60 days during recruitment for a new or vacated position.
RATE: \$225 a day - No Benefits

Temporary Employees

1. Employ an individual as a temporary employee if the individual is going to teach a temporary class or classes for less than a full school year.

RATE: Placement Certificated Salary Schedule according to credential status and/or years of service (maximum placement on step 11) and units beyond BA
2. Employ an individual as a temporary employee if the individual is going to be employed to replace a certificated employee who has been granted a leave for one semester or longer, or is experiencing a long-term illness that is expected to last more than one semester (18 weeks).

RATE: Placement on Certificated Salary Schedule according to credential status and/or years of service (maximum placement on step 11) and units beyond BA
3. Employ an individual as a temporary employee if the individual is employed to provide services less than one year in county community schools due to a temporary increase in enrollment.

RATE: Placement on the Certificated Salary Schedule according to credential status and/or years of service (maximum placement on step 11) and units beyond BA
4. Summer school non-categorical classroom teachers, currently not employed by the Lake County Office of Education, shall be classified as temporary employees.

RATE: Range CE 20, Step 1 Certificated Salary Schedule

REGULATIONS REGARDING TEMPORARY/SUBSTITUTE PERSONNEL**SUBSTITUTE EMPLOYEE SICK LEAVE PROVISION****Paid Sick Leave**

Temporary and substitute persons employed by the Lake County Office of Education , who are not covered by AR 416131(a), AR 436131(a), and AR 426131(a) are entitled to rights to sick leave as outlined by the Healthy Workplaces/Healthy Families Act of 2014. The Lake County Office of Education recognizes the rights of these individuals and outlines the procedures of enacting this law in this policy.

Any temporary or substitute employee who works for 30 or more days within the year shall be entitled to one hour of paid sick leave for every 30 hours worked. Such employee may begin to use accrued paid sick days on the 90th work-day of his/her employment, after which he/she may use the sick days as they are accrued. Employees may use up to 24 hours or 3 days in each year of employment. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

A temporary or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. The diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or his/her family member as defined in Labor Code 245.5 (see below for definition of family member).
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

Procedure

To use sick leave an individual covered by this policy must be scheduled in advance to report to work on the day the use of sick leave is requested.

If the use of the sick leave is foreseeable, the employee shall provide reasonable advance notification of two days. If the need is unforeseeable, the request must be made by telephone conversation with the program director or designee prior to the scheduled start time of the work shift. In addition to the telephone conversation the individual must also provide a Report of Leave of Absence Form. Verification of illness may be required at the discretion of the Superintendent of Schools.

An individual requesting sick leave is not responsible for securing a replacement worker to cover the time during which the individual uses sick leave.

Sick leave must be taken in minimum increments of 15 minutes (.25 hour) not to exceed eight (8) hours in one day.

An individual will be paid no later than the payday for the next regular payroll period after the sick leave is requested and taken. The rate of pay will be at the rate of the assignment the individual was scheduled to work on the day of request for use of sick leave. If the employee in the 90 days of employment before taking accrued sick leave had different hourly pay rates, the rate of pay shall be calculated by dividing

REGULATIONS REGARDING TEMPORARY/SUBSTITUTE PERSONNEL**SUBSTITUTE EMPLOYEE SICK LEAVE PROVISION**

the employee's total wages, not including overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment.

The Lake County Office of Education shall not deny an individual the right to use accrued sick leave, discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an individual for using accrued sick leave, attempting to exercise the right to use accrued sick leave, filing a complaint with the Labor Commission Schools or alleging a violation of this law, cooperating in an investigation or prosecution of an alleged violation of this law, or opposing any policy or practice or act that is prohibited by this law.

The County Superintendent or designee shall display a poster containing required information, provide notice to eligible employees of their sick leave rights (AR 4121, Exhibit A), keep records of employees' use of sick leave for three years, and comply with other requirements specified in Labor Code 245-249.

For the purposes of this policy family member is defined as follows:

- 1) A child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
- 2) A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- 3) A spouse.
- 4) A registered domestic partner.
- 5) A grandparent.
- 6) A grandchild.
- 7) A sibling.

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

REGULATIONS REGARDING TEMPORARY/SUBSTITUTE PERSONNEL

SUBSTITUTE EMPLOYEE SICK LEAVE PROVISION

Earning Sick Leave

Beginning July 1, 2015, if a substitute employee works in California for thirty (30) days or more with the same employer within a year from the start of employment, he/she may be entitled to paid sick days. The substitute employee shall accrue paid sick days at the rate of one (1) hour per every 30 hours worked beginning July 1, 2015. The substitute employee shall be entitled to use the accrued paid sick days beginning on the 90th day of employment by the employer.

Using Sick Leave

Accrued unused sick leave shall carry over to the following year of employment. Substitute employees may use up to 24 hours or three days in each year of employment. The minimum increment of use of paid sick leave shall be 15 minutes (.25 hour)

If a substitute employee cease to work for the employer and is rehired within one (1) year from the date of separation, previously accrued and unused paid sick days shall be reinstated.

The maximum number of sick leave days that may be accrued is 48 hours or 6 days.

The substitute employee shall not be entitled to claim sick leave pay from more than one (1) employer for the same period of time.

I hereby declare under penalty of perjury that I have read and understand my entitlement to sick leave and agree to not to claim sick leave pay from more than one employer for the same period of time.

Dated: _____

Signed

[Print Name]

ALL PERSONNEL

STAFF DEVELOPMENT

The County Superintendent recognizes that a competent well-trained staff is essential to carrying out the Lake County Office of Education's goals. Besides providing opportunities for professional growth, staff development is viewed as a necessary, continuous and systematic effort to improve the Lake County Office of Education services and educational programs by involving all employees in activities that improve their skills and broaden their perceptions.

The County Superintendent recognizes that he/she shares with his/her staff the responsibility of upgrading and updating abilities, performance, knowledge and attitudes. In our rapidly changing society, teachers must constantly review curriculum content, teaching methods and materials, and related goals. The County Superintendent encourages the ongoing training of teachers and improvement of instructional methods.

Employees shall be provided opportunities to develop increased competence beyond that which may be attained through the performance of assigned duties. Administrators, teachers, and support staff shall cooperate in planning and implementing such programs.

ALL PERSONNEL

PUBLICATION OR CREATION OF MATERIALS

In the absence of a specific agreement to the contrary, materials written or developed by an employee arising out of or in the course of his or her duties during or after the normal school day are presumed to be Lake County Office of Education's property.

The County Superintendent may secure copyrights in the name of the Lake County Office of Education for all copyrightable works developed by the Lake County Office of Education. All royalties or revenues from these copyrights shall be used for the benefit of the Lake County Office of Education.

The County Superintendent may market or license any non-educational mainframe electronic software developed by the Lake County Office of Education. Proceeds from this marketing or licensing shall be used exclusively for educational purposes.

ALL PERSONNEL

SOLICITING AND SELLING

The County Superintendent fully supports school and non-profit organization fundraising activities by employees and students. Group and organization fundraising will be for the benefit of Lake County Office of Education programs and/or scholarships. Such activities are to take place during non-work and non-instructional time. All such activities are to be approved by the appropriate program manager prior to the activity.

Employees may bring school and non-profit organization fundraiser products to the Lake County Office of Education as long as all food items are commercially prepared and packaged.

Staff members shall not use their status as Lake County Office of Education employees to secure information such as names, addresses and telephone numbers for use in profit-making ventures.

Staff participation in “flower funds,” “sickness and bereavement funds,” “anniversary funds” and the like shall be a matter of individual discretion.

ALL PERSONNEL

NONSCHOOL EMPLOYMENT

In order to help maintain public trust in the integrity of district operations, the Superintendent expects all employees to give the responsibility of their positions precedence over any other outside employment. An LCOE employee may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to his/her district duties.

An outside activity shall be considered inconsistent, incompatible, or inimical to district employment when such activity: (Government Code 1126)

1. Requires time periods that interfere with the proper, efficient discharge of the employee's duties or requires restructuring of a contract calendar.
2. Entails compensation from an outside source for activities which are part of the employee's regular duties
3. Involves using the district's name, prestige, time, facilities, equipment, or supplies for private gain
4. Involves service which will be wholly or in part subject to the approval or control of another district employee or Board member

An employee wishing to accept outside employment that may be inconsistent, incompatible, in conflict with, or inimical to the employee's duties shall file a written request with his/her immediate supervisor describing the nature of the employment and the time required. The supervisor shall evaluate each request based on the employee's specific duties within the district and determine whether to grant authorization for such employment.

The supervisor shall inform the employee whether the outside employment is prohibited. The employee may appeal a supervisor's denial of authorization to the Superintendent or designee. An employee who continues to pursue a prohibited activity may be subject to disciplinary action.

Tutoring

A certificated employee shall not accept any compensation or other benefit for tutoring a student enrolled in his/her class(es). An employee who wishes to tutor another district student shall first request authorization from his/her supervisor in accordance with this Board policy. If authorization is granted, the employee shall not use district facilities, equipment, or supplies when providing the tutoring service.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

51520 Prohibited solicitation on school premises

GOVERNMENT CODE

1126 Incompatible activities of employees

1127 Incompatible activities; off duty work

1128 Incompatible activities, attorney

CODE OF REGULATIONS, TITLE 5

80334 Unauthorized private gain or advantage

ATTORNEY GENERAL OPINIONS

70 Ops.Cal.Atty.Gen. 157 (1987)

SP 4143.1

SP 4243.1

SP 4343.1

ALL PERSONNEL

PUBLIC NOTICE – PERSONNEL NEGOTIATIONS

Meeting and negotiating on matters within the scope of representation shall take place in compliance with public notice requirements contained in the Government Code.

ALL PERSONNEL

GRIEVANCES

The County Superintendent recognizes the need for providing employees a process to remedy grievances.

The County Superintendent expects that employees and supervisors will make every effort to resolve employee grievances informally before resorting to formal procedures.

The following guidelines shall prescribe the manner in which complaints are handled:

1. A “grievance” is defined as an alleged violation, misapplication, or misinterpretation of a policy, rule, regulation, or procedure set forth in the Personnel Policies of the Lake County Superintendent of Schools. Procedures for the resolution of employee grievances provide a route of appeal through administrative channels and to the County Superintendent, if necessary.
2. A “grievant” is an employee, covered by the terms and conditions of the Personnel Policies of the Lake County Superintendent of Schools, who has filed a grievance.
3. A “day” means a day on which the administrative office of the Lake County Office of Education is open for business. Vacation time of an employee, or summer recess for a ten-month employee, shall not be included in time limits.
4. The purpose of the grievance procedure is to provide an informal procedure for discussing and settling differences fairly and expeditiously at the lowest possible level of supervision to the alleged act or omission, which occasions the grievance.
5. Disciplinary actions against employees and the content of evaluations, and issues related to such actions, are not subject to grievance proceedings under the grievance policy and procedure.
6. If a complaint is related to discrimination or sexual harassment, the procedure for complaints concerning discrimination and sexual harassment should be used. Complaints subject to the Uniform Complaint Procedure or the Williams Settlement Procedure should be filed and processed according to the applicable provisions of those policies.
7. All matters related to either a grievance or complaint concerning an employee/program shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.
8. No reprisals shall be taken against any participant in a grievance or complaint concerning an employee/program procedure by reason of such participation.

ALL PERSONNEL

REGULATIONS REGARDING GRIEVANCE PROCEDURES**Grievance Procedure:***1. General Provisions:*

- a. The employee may discuss the grievance issue informally with his/her supervisor. If such informal discussion does not resolve the matter, the grievance must be presented in writing at all further steps in the grievance procedure. The written grievance must include a statement as to the relief requested. A Grievance Claim Form is available from Human Resources and is appended to the Certificated Handbook and the Classified Handbook.
- b. All parties to the grievance shall attempt to resolve the issues in dispute as fully and informally as possible, and shall disclose as much information as is available to them, which pertains to the matters in dispute.
- c. The time limits set forth in these grievance procedures may be extended by mutual consent of the parties.

2. Procedures and Levels of Review:

- a. **INFORMAL LEVEL:** Within fifteen (15) days after the grievant knew or should have known of the event or circumstances occasioning the grievance, the grievant shall initially meet with his/her immediate supervisor in an attempt to resolve the grievance informally.
- b. **STEP 1:** If informal discussion has not satisfactorily resolved a grievance, a formal grievance claim may be initiated in writing no later than ten (10) days after the informal discussion.

The formal claim shall contain a concise statement of the grievance, stating the specific article and/or section of the Personnel Policies allegedly violated, misinterpreted, or misapplied, the circumstances involved, and the specific remedy sought.

Within ten (10) days after the filing of the formal grievance claim, the immediate supervisor shall investigate the grievance claim and give his/her decision in writing to the grievant.

- c. **STEP 2:** If the grievant is not satisfied with the written response at Step 1, he/she may present the grievance in writing to the Director of Human Resources within ten (10) working days after receipt of the written response from his/her immediate supervisor. Copies of the Grievance Claim Form and/or documents pertaining to the grievance at the level of the immediate supervisor shall accompany the written grievance to the Director of Human Resources.

The Director of Human Resources shall make such inquiry and investigation as is necessary into the circumstances and shall respond to the parties in writing within ten (10) working days after receipt of the grievance at Step 2.

- d. **STEP 3:** If the grievant is not satisfied with the written Response at Step 2, he/she may present the grievance in writing to the Superintendent/Designee within ten (10) working days after the receipt of the written response from the Director of Human Resources.

ALL PERSONNEL

REGULATIONS REGARDING GRIEVANCE PROCEDURES

Copies of the Grievance Claim Form and/or documents pertaining to the grievance shall accompany the written grievance to the Superintendent/Designee.

Within ten (10) days after the receipt of the appeal from Step 2, The Superintendent /Designee shall investigate the grievance and give his/her decision to the grievant in writing. The decision of the Superintendent/Designee shall be final.

3. *Miscellaneous:*

- a. Response: If the immediate supervisor or Director of Human Resources fails to respond within the time limits specified for the level of the grievance claim, the grievant shall have the right to appeal to the next level.
- b. Records: All records of the proceedings shall be retained by the Human Resources Department in a confidential file, separate from the grievant's personnel file.
- c. Confidentiality: All parties agree that the proceedings will be kept confidential. Breaches of confidentiality may be subject to disciplinary review.
- d. Retaliation: No retaliation shall be taken by or against any participant in a grievance procedure by reason of such participation.
- e. Representation: Each party may be represented by a conferee at each stage of the grievance procedure. A Grievance Representative will be designated for each recognized Meet and Confer group to assist employees with policy interpretation and assistance through the grievance procedure. It shall be the responsibility of the Director of Human Resources to provide training for grievance representatives.
- f. Time Limits: Time limits between levels in the procedure are considered maximums. However, time limits may be extended by mutual agreement of the parties. Failure at any step to communicate the decision within the specified time limit shall permit the grievant to appeal at the next step of the procedure. Failure to appeal a decision within the specified time limit shall be deemed acceptance of the decision.
- g. Directives: In the event the alleged grievance involves an order, requirement, or other directive, the grievant shall fulfill or carry out the order, requirement, or directive pending the final the final decision of the grievance, unless it endangers the safety of employees.

GRIEVANCE CLAIM FORM	
Name of Grievant _____	Date Filed _____
Site _____	Position _____
Date of Informal Meeting _____	
Step 1	
A. Date alleged violation occurred _____	
B. Policy Article/Section(s) violated _____	
C. (1) Statement of Grievance _____	

(2) Relief sought _____	

Signature of Grievant/Grievance Rep. _____ Date _____	
Disposition by Supervisor _____	
Signature of Supervisor _____ Date _____	
Meeting Date Requested _____ Meeting Date _____	
Step 2	
A. Date appealed (filed) at Step 2 _____ Meeting Date _____	
Disposition by Director/Director of Human	
B. Resources _____	
Signature of Director/Director of Human _____ Date _____	
Resources _____	
Step 3	
A. Date submitted to Superintendent/Designee _____ Meeting Date _____	
B. Decision _____	
Signature of Grievant/Grievance Rep. _____ Date _____	
Signature of Superintendent/Designee _____ Date _____	

ALL PERSONNEL

COMPLAINTS CONCERNING PERSONNEL/PROGRAMS

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints. Every effort should be made to resolve a complaint at the earliest possible stage.

Complaints concerning Lake County Office of Education (LCOE) personnel should be made directly by the complainant to the person against whom the complaint is lodged; or, in the case of a program complaint, the complaint should be made directly to the program administrator.

Parents/guardians/citizens are encouraged to attempt to orally resolve concerns with the staff member personally.

If the complaint is not resolved at this level, the complainant may submit the complaint in writing to the immediate supervisor of the employee or to the supervisor of the program administrator if the complaint concerning a program is not resolved through informal discussion.

A written complaint must include the name of each employee or program involved and a brief, but specific summary of the complaint and the facts surrounding it. A form will be provided for the complainant's convenience. It must also include a specific description of any prior attempt to discuss the complaint with the employee or program administrator involved and the failure to resolve the matter.

The supervisor is responsible for investigating complaints and will attempt to resolve the complaint to the satisfaction of the person(s) involved. If the complaint is resolved, the supervisor will so advise all concerned parties.

If the complaint remains unresolved after review by the immediate supervisor, the supervisor shall refer the written complaint, together with a report and analysis of the situation, to the Superintendent or his/her designee.

The Superintendent/Designee, shall investigate the claims contained in the written complaint and determine what action, if any, may be necessary. The findings of the Superintendent/Designee shall then be communicated to the complainant in writing within ten working days from the date of receipt of the written complaint.

The decision of the Superintendent shall be final as to remedies provided by LCOE.

Complaints subject to the Uniform Complaint Procedure, the Williams Settlement Procedure, the Sexual Harassment Complaint Procedure, or the Grievance Procedure shall be filed and processed according to the applicable provisions of those policies.

As a result of any investigation conducted in accordance with the procedures outlined in this policy:

- Information of a derogatory nature shall not be entered into an employee's personnel records unless and until the employee is given notice and an opportunity to review and comment on that information. The employee shall have the right to enter, and have attached to any derogatory statement, his or her own comments. (ref. EC Section 44031)

COMPLAINT AGAINST AN EMPLOYEE/PROGRAM

To: _____

From: _____
Name(s)

Address(es)

Telephone Number

Name of person(s)/program against whom/which complaint is made:

Nature of complaint: (This should be a description in your own words of 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 if you so desired.)

COMPLAINT AGAINST AN EMPLOYEE/PROGRAM

Has the complaint been discussed with the employee named in this complaint, his/her school principal, his/her supervisor, or program administrator? Yes No

To whom have you spoken? Name(s) _____

When? Date(s) _____

What was the result of the discussion: _____

I (we) understand that the Superintendent/Designee may request from me (us) further information about this complaint, and if such information is available, I (we) shall present it upon request.

I (we) also understand that a copy of this complaint may be given by the Superintendent/Designee 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) certify under penalty of perjury that the forgoing is true and correct.

Executed this _____ day of _____, 20__ at _____, California.

Signature(s)

ALL PERSONNEL

EMPLOYEE COMPENSATION AND RELATED BENEFITS/SALARY SCHEDULES

The County Superintendent recognizes the importance of a competitive salary schedule and salary policies in securing and retaining competent staff.

The County Superintendent assigns the responsibility for maintaining salary schedules to the Human Resources Department. The schedules shall contain a class or position title and a number of steps which provide salary increments for service and professional growth within each class.

All employees entering the Lake County Office of Education service are placed on a salary schedule based upon the position, training, and experience.

Overtime

The Lake County Office of Education will calculate overtime based on the hourly rate in effect when the overtime work is performed.

Overtime will be paid at one and one-half times the employee's rate of pay for hours worked in excess of eight hours up to and including twelve hours in any workday. Overtime will be paid at double the rate of pay in effect for hours worked in excess of twelve hours in any workday.

An employee having an average workday of four hours or more during the workweek shall be compensated for any work required to be performed on his or her sixth or seventh day following the commencement of their workweek at one and one-half times the rate in effect.

An employee having an average workday of less than four hours during a workweek shall, for any work required to be performed on the seventh day following the commencement of their workweek, be compensated at the rate of one and one-half times the rate in effect.

REGULATIONS REGARDING EMPLOYEE COMPENSATION AND RELATED BENEFITS/SALARY SCHEDULES**Classification**

Certificated personnel shall be assigned to a class in accordance with training and experience. Step placement shall be based on previous fulltime related or in-kind experience granted at the time of initial employment. In each salary class, a valid authorizing California credential or permit is required.

Experience Credit - Initial Placement

1. Personnel may be credited for previous public or private service if such service has been rendered under contract in an accredited system. Credit will be given on a year-for-year basis, providing:
2. Personnel must have taught on a full-time basis for 75 percent or more of the number of days in a given school year for a year of experience to be credited.

Unit Verification - Initial Employment

1. Newly employed personnel shall present student copies of transcripts with the registrar's signature or copies of official transcripts with the registrar's signature or grade reports/credit certificates with an official seal and registrar's signature to verify initial placement on the salary schedule.
2. Newly employed personnel shall be responsible for securing and presenting to the Human Resources Department all documentation required for unit verification and/or in support of salary schedule placement. All documentation must be received within thirty (30) days following the effective date of the initial contract. Failure to present required documentation within the thirty (30) day period will result in the withholding of salary warrants until such documents are placed on file.

Step Advancement

1. Personnel will be entitled to advance one horizontal step on the appropriate salary schedule for each year of service, except those whose placement is at the maximum step.
2. Personnel must have rendered paid service for 75 percent or more of the number of days in the regular school year, counting days of used sick leave, to advance one horizontal step on the schedule.

Advancement on Schedule

All employees are encouraged to improve their proficiency through study. Approved courses completed at a college or university accredited by one of the six regional associations of the American Association of Colleges and Universities will be credited to the individual for salary advancement purposes. Such credit shall be given provided that the following requirements are met: Employees will be allowed to take a maximum of nine (9) semester units per school year, exclusive of summer school, for advancement on the County Office's Salary Schedule. Units over this amount during the period of time mentioned will not be counted for salary schedule purposes. Employees enrolled in advanced degree or required credential programs may seek approval to enroll and receive credit for a maximum of six (6) semester units per semester.

REGULATIONS REGARDING EMPLOYEE COMPENSATION AND RELATED BENEFITS/SALARY SCHEDULES

Credit for advancement on the salary schedule will only be given for those units earned after granting of a BA degree, clear teaching credential, professional clear teaching credential, or services credential. Advancement credit will not be allowed for courses necessary to complete a degree or to obtain a clear credential.

Advancement credit will not be allowed for lower division or general education classes unless they are completed ***after*** the awarding of a degree or credential and are directly related to your program/curriculum and have the approval of your immediate supervisor and the Director of Human Resources.

The procedures for course approval are as follows:

1. Employees planning to receive credit for courses are required to submit a Course Approval Form to the Director of Human Resources ***prior*** to enrollment.
 - a. The Course Approval Form must be signed by the employee's program director.
2. In order to receive Salary Schedule credit, employees must present transcripts or grade cards for completed courses.

Upon recommendation of the program director or supervisor, the Director of Human Resources will consider such requests for application to the Salary Schedule. It shall be the responsibility of the Director of Human Resources to consider each request, individually, without precedent to any other like request.

One of the following standards shall be used to determine course approval for Salary Schedule advancement:

1. Upper Division or Graduate Courses.
2. A course in an employee's major or core content area the employee is assigned to.
3. A course required for an advanced degree in education or in the employee's major or assigned core content area, or a course required for a credential authorization or Highly Qualified status for the employee's assignment. To receive credit under this section, an employee must be actually enrolled in an advanced degree program or have submitted written intent to enroll to the Director of Human Resources. Such written intent will be limited to six (6) semester units per semester.
4. A course directly related to a subject presently taught in the school or county program or a course directly related to a subject tentatively planned for implementation within the County Office. "Directly related to" is to be interpreted to mean that the course content has a direct immediate benefit to the classroom instruction as contrasted to an indirect benefit which would accrue from the pursuit of courses of general interest or generalized knowledge concerning education matters.
5. A lower division, upper division, or graduate course which does not meet one of the requirements above may be approved by the Director of Human Resources on an individual basis. In the event the Director of Human Resources does not approve such course, the individual may appeal that decision, in writing, to the Superintendent, whose decision shall be final.

For salary advancement, credit will be granted for only courses in which a grade of C or better, or "Pass" is earned.

**Lake County Office of Education
Human Resources**

EXHIBIT A

COURSE APPROVAL FORM

Name: _____ Date: _____

Teaching Assignment: _____

Present Salary Placement Range: _____ Step: _____

COURSE TITLE(S) NUMBER(S)	UNITS	START DATE(S)	NAME OF COLLEGE/UNIVERSITY
	Qtr.		
	Sem.		
	Qtr.		
	Sem.		

Have you ever taken this course or one similar to it before? NO YES

Outline briefly your reasons for taking this course and its relationship to your job role responsibilities:

Employee Signature: _____ Print Name: _____

Program/Department	Human Resources
Program Director's Signature:	Authorization:
Approved:	Approved:
Not Approved:	Not Approved:
Comments:	Comments:
Distribution: <input type="checkbox"/> Human Resources	<input type="checkbox"/> HR Action Form completed <input type="checkbox"/> Copy provided to employee

REGULATIONS REGARDING EMPLOYEE COMPENSATION AND RELATED BENEFITS/SALARY SCHEDULES**Classification**

Non-management classified personnel shall be assigned to a class in accordance with training and experience. Step placement shall be based on experience and education as it relates to the position. Initial placement for a promotion shall normally be on a step that provides a minimum three percent increase unless placed on the maximum step of the range

Initial Placement

Initial placement on the salary schedule normally shall be at the first step. Exceptions to this placement for reasons such as previous experience substantially equal in nature may be recommended by a Program Director with concurrence of the Director of Human Resources up to Step 3.

Placement above Step 3 must be approved by the Superintendent.

Step Increments

Step increments will occur for regular part time and full time classified employees on July 1 of each fiscal year. New employees hired before January 1 will advance the first July 1 of employment. Regular classified employees hired January 1 through June will advance the second July 1 of employment.

Career/Professional Development Stipend

A four-tier Education Award provides an annual stipend to be granted to any classified support staff completing the following degree requirements that exceed the minimum educational qualifications required for the classification:

- Associate Degree - \$350
- Bachelor's Degree - \$700
- Master's Degree - \$1,050
- Doctoral Degree - \$1,400

The maximum of one stipend shall be paid per employee and shall be based on the highest degree earned. All coursework must be completed by June 30 prior to granting the initial stipend. Official transcripts and/or the official document verifying completion of degree requirements must be attached to the application to be received in the Human Resource Department no later than July 15, in order to qualify for the stipend beginning July 1 of the ensuing fiscal year. All degrees must be from USDE recognized regional accreditors.

Appointed employees who work less than full time or less than twelve months will receive the award in the ratio their service bears to fulltime employment-twelve months per year, 40 hours per week, and 52 weeks per year.

Education Award Application

Date: _____

Employee Name: _____

Program: _____

Position Title _____

Award Applying for:

Associate \$350 Bachelor's \$700 Master's \$1,050 Doctorate \$1,400

Degrees must be earned from a regionally-accredited college or university. Eligibility for an award earned while employed with LCOE requires the program manager's approval of the degree/training plan prior to beginning the course of study and must be job-related. The application process requires proper submission of this form accompanied by evidence of degree completion in the form of transcript or diploma copy. Appointed employees who work less than full time or less than twelve months will receive the award in the ratio that their service bears to fulltime employment.

Evidence of completion of degree requirements, i.e. copy of transcript or diploma, must accompany this application form.

Required Signatures:

Employee: _____ Date: _____

Supervisor: _____ Date: _____

Program Director: _____ Date: _____

Human Resources: _____ Date: _____

ALL PERSONNEL

REGULATIONS REGARDING EMPLOYEE COMPENSATION AND RELATED BENEFITS/SALARY SCHEDULES

New Teaching Credential Stipend

In order to increase the number of qualified teachers in Lake County, the Superintendent has implemented a New Teacher Credential Stipend program. Permanent classified employees and certificated employees who have worked for the agency continuously for at least one year who attain a new K-12 teacher credential will be awarded a one-time stipend of \$2000.

Employees who are currently serving on a Provisional Internship Permit (PIP) or Short-term Staff Permit (STP) are eligible to receive this stipend, provided they do not currently possess a teaching credential.

This stipend is only for newly-attained credentials. Current credential holders who get additional authorizations are not eligible. The credential must be based on a college degree and passing the CBEST/CSET.

Official documentation verifying credential completion must be attached to the application in order to receive the stipend.

Employees who are qualified for the stipend must apply through the Human Resources department.

Bilingual Proficiency Stipend

Employees who demonstrate bilingual proficiency will be awarded an annual stipend. LCOE will administer two exams in order to determine language proficiency:

Listening & Speaking
Reading & Writing

Employees must attain a passing grade on one exam in order to receive an annual stipend of \$375. Employees who pass both exams will receive an annual stipend totaling \$750.

There must be a demonstrated need for the target language in the employee's work area in order to qualify for the stipend. Employees who receive the stipend must be willing and available to translate for LCOE business, as needed, during regular working hours.

LCOE will pay for the first exam in each testing area. In the case of a non-passing score, employees must pay to retake the exam.

Employees will not be compensated for the time spent taking the exams.

Employees in positions requiring bilingual proficiency as requirement of employment are not eligible for the Bilingual Stipend. Compensation for such bilingual proficiency will be included in the position's regular rate of pay. Review job descriptions or contact Human Resources to check eligibility.

CLASSIFIED PERSONNEL

REGULATIONS REGARDING EMPLOYEE COMPENSATION AND RELATED BENEFITS/SALARY SCHEDULES

Awarded employees who work less than full time or less than twelve months will receive the award in the ratio their service bears to fulltime employment—twelve months per year, 40 hours per week, and 52 weeks per year. Awarded stipends will take effect on the payroll cycle following receiving a passing grade.

Employees wishing to be tested for bilingual proficiency must inquire with the Human Resources Department.

New Teaching Credential Stipend Application

Employee Name: _____ **Date:** _____
Program: _____ **Email**
address: _____
Position Title _____
Credential attained: _____

In order to increase the number of qualified teachers in Lake County, the Superintendent has implemented a New Teacher Credential Stipend program. Permanent classified employees and certificated employees who have worked for the agency continuously for at least one year who attain a new K-12 teacher credential will be awarded a one-time stipend of \$2000.

Employees who are currently serving on a Provisional Internship Permit (PIP) or Short-term Staff Permit (STP) are eligible to receive this stipend, provided they do not currently possess a teaching credential.

This stipend is only for newly-attained credentials. Current credential holders who get additional authorizations are not eligible. The credential must be based on a college degree and passing the CBEST/CSET.

Official documentation verifying credential completion must be attached to the application in order to receive the stipend.

Employees who are qualified for the stipend must apply through the Human Resources department.

Required Signatures:

Employee: _____ **Date:** _____
Supervisor: _____ **Date:** _____
Program Director: _____ **Date:** _____
Human Resources: _____ **Date:** _____

ALL PERSONNEL

HEALTH AND WELFARE BENEFITS

The County Superintendent may offer benefit programs, such as, but not limited to, health, dental, vision and life insurance to employees and their eligible dependents. The County Superintendent shall select the carrier or carriers after meeting and conferring with respective employee groups. Descriptions of group health insurance programs are contained in master insurance contracts with the carrier(s). Such information shall be maintained in the Business Services Department. In the event of a contradiction between the information contained in County Office publications and master contract documents, master contracts shall govern in all cases. The Business Services Department shall advise employees of their rights and responsibilities related to continuing their health and insurance benefits when their eligibility changes. In general, benefits commence on the first of the month following their date of hire and cease on the last day of the month in which they terminate employment.

Management and Confidential - The County Superintendent shall specify the benefits provided to management and confidential employees. Further, the County Superintendent reserves the right to amend or terminate any program provided to management and confidential employees or to require or increase employee premium contributions toward any benefit. This right may be exercised in the absence of financial necessity.

Health and Welfare Benefits Upon the Death of Employee

Upon the death of an active employee (classified, certificated, confidential, board member or management), LCOE will offer the surviving spouse the same medical and dental benefits offered to the active employee. The cost of medical and dental benefits referenced above, will be paid by the surviving spouse.

Retiree Health and Welfare Benefits Eligibility

Any Lake County Office of Education employee officially retiring under either PERS or STRS will be allowed to continue medical, dental and/or vision benefit coverage under the existing approved plan by paying the appropriate premium.

Retiree Medical Insurance - For management and confidential employees, the County Superintendent directs that the County Office shall make a contribution for medical benefits (health, vision, dental) upon voluntary termination of employment of the employee, subject to the following conditions:

- The employee is at least fifty-five (55) years of age and voluntarily terminates active service with the County Office.
- The employee has rendered a minimum of twenty (20) consecutive and full time years of service for the County Office.
- The employee has met the age and continuous service criteria by September 30, 2014.
- The best interests of the County Office would be served by encouraging highly compensated certificated and classified management and confidential employees to retire early from service and that the retirement will result in a net savings to the County Office.

For each qualifying employee the county superintendent of schools shall not increase the retirement benefits of that employee of the county office of education unless the matter is brought to the attention of the County Board of Education and the County Board of Education approves the increase.

ALL PERSONNEL

HEALTH AND WELFARE BENEFITS

Benefits provided under this policy shall be suspended during the time the former employee is eligible to be covered by comparable medical benefits from another employer, either by virtue of his/her own employment or by his/her election to a legislative body of a governmental agency. It shall be the duty of the former employee to disclose such information to the County Office on a timely basis. Failure to do so shall constitute grounds to limit or revoke the benefits otherwise available under this policy.

Effective September 30, 2007 and until such time as the County Superintendent desires to increase it, the maximum employer contribution to premiums for medical benefits (health, vision, dental) related to years of service for the County Office shall be as follows:

1. With twenty (20) or more years of service, the figure shall be 100% of the employer contribution to health benefits premiums for regular fulltime non-management certificated and classified employees, but not to exceed \$862.15 per month.
2. The employer contribution towards benefits under this policy will remain in effect, if the former employee remains otherwise eligible, until the former employee reaches age 65 and becomes eligible for Medicare benefits. At that time, the former employee will have a one-time-only opportunity to elect to purchase medical, dental, and vision coverage for the employee and his/her dependents at no cost to the County Office; or, in the alternative, the former employee may purchase on his/her own the Medicare supplement plan.
3. Once a retiree terminates coverage, the retiree and his or her dependents shall not be eligible to reinstate coverage. Other than as provided under COBRA or by the carrier, dependents shall not be eligible for coverage in the group benefit plans once the employee (retiree) is deceased. Except as provided above, surviving dependents shall be responsible for the entire cost of any premiums and COBRA administration fees, and shall be subject to termination of benefits for non-payment of premiums or fees.
4. In the event that the former employee relocates to an area where any of the benefits provided under this policy are unavailable, the County Office shall provide the premiums set forth above to any other recognized health plan(s) designated by the former employee.

Continuation of Benefits

In implementing the Consolidated Omnibus Budget Reconciliation Act (COBRA), the County Superintendent allows employees the option, subject to carrier approval, of retaining health insurance coverage when they retire, reduce their working hours or are released from employment. Continued coverage through the County Office shall also be made available to an employee's spouse and dependents upon the employee's death, separation or divorce, until eligibility for Medicare is attained or upon termination of a child's dependent status under the County Office health insurance program. Employees who are terminated for gross misconduct may not retain health insurance coverage.

Persons who choose to retain health insurance coverage under COBRA shall be charged the full cost of coverage plus two (2) percent. All qualifying persons may retain coverage for no more than thirty-six (36) months, except for those persons who become disabled as defined by Social Security within the

ALL PERSONNEL

HEALTH AND WELFARE BENEFITS

first sixty (60) days of COBRA. Such individuals may continue coverage at their own expense for an additional twenty-one (21) months. Coverage will end if the employee or dependent:

- fails to pay the insurance premium and administration fee;
- secures health insurance coverage through subsequent employment or through a spouse or parent;
- remarries and is no longer eligible for coverage under the former spouse's coverage; or
- becomes eligible for Medicare benefits. Coverage for any or all plans will be terminated if the plans are no longer in effect

Legal References:

Consolidated Omnibus Reconciliation Act of 1986
EC: 1209, 1302, 7000,
Government Code: 22009.03, 22156, 53200-53210

ALL PERSONNEL

AWARDS AND RECOGNITION

The County Superintendent believes Lake County Office of Education's employees are its most valuable resource and encourages recognition of the services they provide. The County Superintendent or designee may issue service pins, certificates, plaques or other mementos in accordance with policy and administrative regulations.

The County Superintendent authorizes awards to employees whom:

1. Propose ideas or procedures, which eliminate or reduce Lake County Office of Education expenditures or improve Lake County Office of Education operations.
2. Perform special acts or services in the public interest.
3. By their superior accomplishments, make exceptional contributions to the efficiency, economy, or other improvement in Lake County Office of Education operations.

Members of the Superintendent's Cabinet may recommend individuals to the County Superintendent for awards.

ALL PERSONNEL

REIMBURSEMENT, LOSS OF PERSONAL PROPERTY

Employees are not encouraged to bring personal property or materials to the classrooms or other workstations. Responsibility for loss or destruction of such property is not assumed by the Lake County Office of Education except as noted below.

Management/Confidential Personnel

When personal property of the employee is damaged in the line of duty without fault of the employee, or is stolen from the employee while the employee is in the line of duty, payment of the cost of replacing or repairing such property may be provided on a case-by-case basis.

If the property is not fully covered by insurance, payment of the difference between the insurance settlement and actual value or cost of repairing may be provided on a case-by-case basis.

Employees may be reimbursed up to \$500 for payment of damaged or stolen property upon presentation of a receipt for the purchase of a replacement with like property. The amount of the reimbursement shall not exceed the amount of the receipt or \$500 maximum.

As a condition for reimbursement, employees must file a claim with the business office within five (5) calendar days after the property is damaged or stolen.

ALL PERSONNEL

EMPLOYEE SAFETY

Safety is every employee's responsibility. The County Superintendent expects all employees to use safe work practices and to report and correct any unsafe conditions, which may occur. Supervisors shall constantly promote safety and correct any unsafe work practice through education, training and enforcement.

No employee shall be required to work under unsafe or hazardous conditions or to perform tasks that endanger their health, safety, or well being. Working conditions and equipment shall be maintained in compliance with standards prescribed by federal, state, and local laws and regulations.

A written Safety Program and Injury and Illness Prevention Program are established by Lake County Office of Education which includes Right to Know Training. All employees shall be provided a copy of the program and receive training in safe and healthful work practices.

Emergency and Disaster Preparedness Plan

Lake County Office of Education's Emergency and Disaster Preparedness Plan, which includes earthquake preparedness, provides an effective method in which to protect the health, safety and well being of its students, staff, employees and property during time of an emergency or disaster. School Safety Plans will be completed and available at all Lake County Office of Education school sites.

A copy of the plans shall be placed at each Lake County Office of Education site in a readily accessible location and regularly reviewed with all employees. Procedures and staff responsibilities during an emergency or disaster are clearly stated in the plans.

The County Superintendent or designee shall implement an emergency communication plan to supplement the Emergency and Disaster Preparedness Plan. It will include:

1. Communications - assuring that "phone trees" and communication processes are up-to-date and useable.
2. Computers - assuring that computers are marked for match and workstation location
3. Critical documents - identifying and locating critical documents, which should be saved in an emergency situation.

Pursuant to EC Section 45203, should school closure occur during a regular pupil attendance day and certificated employees receive regular pay, classified employees will receive regular pay whether or not they are required to report for duty that day. Should a site closure occur during a non-pupil attendance day in which classified employees are scheduled for duty, the same standards apply.

Employees not available to work during a term of emergency or disaster due to any scheduled leave of absence shall remain in leave status.

ALL PERSONNEL

EMPLOYEE SECURITY

Employee Security

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

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

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

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

Reporting of Injurious Objects

The Superintendent requires school employees to take immediate action upon being made aware that any person is in possession of a weapon or an unauthorized injurious object on school ground or at a school-related or school-sponsored activity. The employee shall use his/her own judgment as to the potential danger involved and, shall do one of the following:

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

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

ALL PERSONNEL

EMPLOYEE SECURITY

Legal Reference:

EC

32210-32212 Willful disturbance, public schools or meetings

32225-32226 Communication devices

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

35205 Contract for legal services

35208 Liability insurance

35213 Reimbursement for loss, destruction or damage of school property

44014 Report of assault by pupil against school employee

44807 Duty concerning conduct of students

48201 Transfer of student records

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

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

49330-49335 Injurious objects

CIVIL CODE

51.7 Freedom from violence or intimidation

CODE OF CIVIL PROCEDURE

527.8 Workplace violence safety act

GOVERNMENT CODE

995-996.4 Defense of public employees 3543.2 Scope of representation

PENAL CODE

71 Threatening public officers and employees and school officials 240 Definition of assault

241.2 Assault on school or park property against any person

241.3 Assault against school bus drivers

241.6 Assault on school employee includes board member 242 Definition of battery

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

243.2 Battery on school or park property against any person

243.3 Battery against school bus drivers

243.6 Battery against school employee includes board member

245.5 Assault with deadly weapon; school employee includes board member

290 Registration of sex offenders

601 Trespass by person making credible threat

626.9 Gun-Free School Zone Act of 1995

626.10 Exceptions to bringing weapons on school grounds

646.9 Stalking 12403.7 Weapons approved for self defense

WELFARE AND INSTITUTIONS CODE

827 Juvenile court proceedings; reports; confidentiality

828.1 District police or security department, disclosure of juvenile records

ALL PERSONNEL

LEAVES

The County Office of Education shall provide for paid and unpaid employee leaves of absence in accordance with law, County Office policy, and administrative regulation.

The County Office recognizes the following justifiable reasons for absence as provided by law:

1. Personal illness or injury
2. Industrial accident or illness
3. Childbirth and recovery, care of newborn, placement of a child with the employee for foster care or adoption of a child
4. Military service
5. Family illness or accident; bereavement; fire, flood or other immediate danger to the employee's home or property; and other personal emergencies
6. Vacations for classified staff
7. Jury duty or required court appearances
8. Participation in child's school or day care activities
9. Attendance at work-related meetings and staff development opportunities
10. Administrative leave
11. Compulsory leave

Leave can be utilized in increments of one-quarter hour.

Long-Term Leaves

With County Superintendent of School's or designee approval, employees may receive a long-term leave of absence without pay and without increment, seniority or service credit, for a period of up to one school year. Applications for long-term leave shall be made in writing and shall state the purpose for which leave is requested. All long-term leave agreements shall be in writing and shall state the terms and conditions of the leave, including the conditions governing the employee's return.

At the end of a long-term leave, the employee shall be reinstated in a position at the same level as that held at the time leave was granted, unless otherwise agreed upon.

The County Superintendent or designee shall consider any written request by an employee to return to work prior to the expiration date of the leave.

Disability Leave

The County Office of Education may grant a leave of absence to any certificated employee who has applied for disability benefits, not to exceed 30 days beyond final determination of the employee's eligibility for disability benefits by the State Teachers' Retirement System. If the employee is determined to be eligible, that leave shall be extended for the term of the disability, but not more than 39 months. (EC 44986)

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LEAVES

Return to Service After Leaves

By May 30 of each school year, the County Superintendent of School or designee may request any certificated employee on leave of absence to notify the County Office, in the manner described in EC 44842, of his/her intention to remain in service with the County Office the following school year. (EC 44842)

Following a request by the County Office to give notice in the manner described in EC 44842, an employee who is on leave of absence for 20 or more consecutive working days after April 30 of any school year may have his/her employment terminated if: (EC 44842)

1. The employee, without good cause, fails to notify the County Office by July 1 that he/she intends to remain in service the following school year.
2. The employee, without good cause and without being granted a leave of absence, fails to report for duty at the beginning of the next school year for 20 consecutive days after being notified at least five days in advance of the time and place at which to report to work.

Use of Leaves by Classified Employees

A classified employee may interrupt or terminate vacation leave in order to begin another type of paid leave without a return to active service, as long as the employee provides adequate notice and relevant supporting information regarding the basis for such interruption or termination. (EC 45200)

Legal Reference:

Education Code:

44036 Leaves Of Absence For Judicial And Official Appearances; 44037 Unlawful To Encourage Exemption From Jury Duty; 44842 Failure To Provide Notice Or To Report To Work; 44940 Sex Offenses And Narcotic Offenses; Compulsory Leave Of Absence; 44962-44988 Leaves Of Absence (Certificated); 45190-45210 Leaves Of Absence (Classified)

Government Code

3543.2 Scope of Representation

REGULATIONS REGARDING CERTIFICATED MEDICAL LEAVE

Full-time certificated employees are entitled to 10 days leave of absence for personal illness or injury (sick leave) per school year, with full pay. Employees working less than five days per week shall be granted comparable sick leave in proportion to the time they work. (EC 44978)

An employee may take sick leave at any time during the school year, even if credit for sick leave has not yet been accrued. (EC 44978)

An employee who does not complete a given year of service shall be charged for any unearned sick leave used as of the date of termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (EC 44978)

At the beginning of each school year, employees shall be notified of the amount of sick leave they have accumulated.

Any certificated employee who leaves the County Office of Education after at least one year of employment and accepts a certificated position in a school district, another county office of education or community college district within one year shall have transferred with him/her the total amount of accumulated sick leave. The County Office may not require new employees to waive their leave accumulated in a previous district. (EC 44979, 44980)

Sick leave may be used by certificated employees for:

1. Cases of temporary inability to perform duties because of illness, accident or quarantine, whether or not the cause of absence arises out of and in the course of employment (EC44964)
2. Absences due to pregnancy, miscarriage, childbirth and recovery (EC 44965, 44978)
3. Cases of personal necessity (EC 44981)
4. Medical and dental appointments, in increments of not less than one-quarter hour.
5. Cases of industrial accidents or illnesses when leave granted specifically for that purpose has expired (EC 44984)
6. Illness of the employee's child, parent or spouse, up to the amount of sick leave that would be accrued during six months (Labor Code 233).
7. In addition, the employee may request, in writing, to utilize accrued sick leave to extend time to care for a child, parent, or spouse during a serious illness.

An employee shall notify his/her immediate supervisor of the need to be absent as soon as such need is known. This notification shall include an estimate of the expected duration of absence. In the case of court and community school teachers, the employee shall then secure the services of a substitute from the list maintained by the program and transmit to the substitute, by the best means available, detailed lesson plans for the duration of the anticipated absence. If the absence becomes longer than estimated, the employee shall so notify his/her immediate supervisor and secure the services of a substitute for the longer period. If the duration of absence becomes shorter than estimated, the employee shall notify his/her immediate supervisor not later than 3 p.m. of the day preceding the day on which he/she intends to return to work. According to the rules and procedures of a given program, the duty to inform a substitute of an earlier-than-anticipated return-to-work may reside with the regular certificated employee.

REGULATIONS REGARDING CERTIFICATED MEDICAL LEAVE**Sick Leave beyond Ten Days**

On July 1 of each fiscal year, employees shall be credited with 100 working days of differential sick leave, including days to which he/she is entitled under Ed Code Section 44978. After an employee has exhausted all paid leave, he/she shall receive 50 percent of their regular salary for each hour/day absent, regardless of whether or not a substitute is hired, for no more than 100 days (EC 44983). Verification of illness is required. Such leave does not accumulate year to year. Any remaining balance shall be reset to zero on June 30 of each fiscal year.

After five months, if a certificated employee has exhausted all available sick leave and is not medically able to resume his/her duties, the employee shall be placed either in another position or on a reemployment list. If the employee is on probationary status, he/she shall be placed on the reemployment list for 24 months beginning at the expiration of the five-month period provided pursuant to EC 44977; if on permanent status, the employee shall be placed on the reemployment list for 39 months. If during this time the employee becomes medically able, he/she shall be returned to employment in a position for which he/she is credentialed and qualified. (EC 44978.1)

Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed County Office of Education absence form to his/her immediate supervisor. Written verification of an injury or illness is required after three consecutive working days of absence. Such verification shall be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

The County Superintendent or designee may require an employee to visit a physician selected by the County Office and at County Office expense in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis for when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the County Superintendent or designee may, after giving notice to the employee, deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

Legal Reference:

Education Code

44964 Power To Grant Leave Of Absence In Case Of Illness, Accident Or Quarantine; 44965 Granting Of Leaves Of Absence For Pregnancy And Childbirth; 44976 Transfer Of Leave Rights When School Is Transferred To Another District ; 44977 Salary Deduction During Absence From Duties; 44978 Provisions For Sick Leave Of Certificated Employees; 44979 Transfer Of Accumulated Sick Leave To Another District ; 44980 Transfer Of Accumulated Sick Leave To A County Office Of Education; 44981 Leave Of Absence For Personal Necessity; 44983 Exception To Sick Leave When District Adopts Specific Rule; 44986 Leave Of Absence For Disability Allowance Applicant

Labor Code

233 Illness Of Child, Parent Or Spouse

Code Of Regulations, Title 5

5601 Transfer Of Accumulated Sick Leave

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REGULATIONS REGARDING PERSONAL LEAVES

Bereavement

Employees are entitled to a leave of up to three days, or five days if out-of-state travel is required, upon the death of any member of the employee's immediate family. No deduction shall be made from the employee's salary, nor shall such leave be deducted from any other leave to which the employee is entitled. (EC 44985, 45194)

Members of the immediate family include the mother, father, grandmother, grandfather, or grandchild of the employee or of the employee's spouse; the employee's spouse, son, son-in-law, daughter, daughter-in-law, brother or sister; or any relative living in the employee's immediate household. (EC 44985, 45194)

At his/her discretion, the County Superintendent of Schools or designee may grant additional unpaid bereavement leave.

At the employee's request, bereavement leave may be extended under personal necessity leave provisions. (EC 44981, 45207)

Personal Necessity

Employees may use up to seven (7) days of accumulated illness/injury leave each year for personal necessity for matters which cannot reasonably be taken care of during work hours. Two (2) of the seven (7) days may be used for matters of personal importance.

Advance permission for personal necessity shall not be required for the following specified reasons:

- 1) Death of a member of the employee's immediate family when additional leave is required beyond Bereavement Leave as provided herein.
- 2) Accident involving the employee's person or property, or the person or property of a member of his or her immediate family.

Advance permission shall be required for all other circumstances involving personal necessity or personal importance, unless an emergency exists which prohibits the employee from providing such advance notice. Other reasons for requesting personal necessity leave include:

- 1) Appearance in any court or before any administrative tribunal as a litigant, party, or witness under subpoena or any order made with jurisdiction.
- 2) An emergency requiring prompt response, which response cannot reasonably be made by anyone other than the employee and cannot be made any time other than during the employee's working hours.
 - a. In order to obtain advance permission, the employee must notify his/her immediate supervisor and secure permission two (2) days prior to taking leave.
 - b. Employees are not required to specify the exact nature of the circumstances giving rise to the request for personal importance leave under this section. They must, however, certify that the reasons do not include:

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REGULATIONS REGARDING PERSONAL LEAVES

- 1) Pursuit of business, financial, or economic interests of the employee.
- 2) Extension of holidays or vacations.
- 3) Recreational pursuits or matters of personal convenience.

c. In exceptional cases, the Superintendent or designee may grant additional days.

After any absence due to personal necessity, the employee shall verify the absence by submitting a completed and signed County Office absence form to his/her immediate supervisor.

Legal Duties

Classified employees called for jury duty shall be granted leave with pay up to the amount of the difference between the employee's regular earnings and any amount received for jury or witness fees. (EC 44037)

Certificated employees also shall be granted leave for jury duty with pay up to the amount of the difference between the employee's regular earnings and any amount received as juror's fees. Employees shall be granted leaves to appear in court as witnesses other than litigants or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee. Such employees shall receive pay up to the amount of the difference between the employee's regular earnings and any amount received for witness fees.

An employee may take time off work in order to: (Labor Code 230)

1. Serve on an inquest jury or trial jury
2. Comply with a subpoena or other court order to appear as a witness, including but not limited to cases in which the employee is a victim of a crime

Notices, summons and subpoenas for court appearances shall be submitted to the County Office when requesting leave.

Leaves for Victims of Domestic Violence

An employee who is a victim of domestic violence may take time off work to obtain or attempt to obtain a temporary restraining order, restraining order or other injunctive relief to help ensure the health, safety or welfare of the employee or his/her child. (Labor Code 230)

In addition, an employee who is a victim of domestic violence may take time off work to attend to the following activities: (Labor Code 230.1)

1. Seek medical attention for injuries caused by domestic violence
2. Obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence
3. Obtain psychological counseling related to an experience of domestic violence
4. Participate in safety planning and take other actions to increase safety from future domestic violence, including temporary or permanent relocation

An employee may use vacation, personal leave, or compensatory time off that is otherwise available to the employee under the applicable terms of employment. (Labor Code 230.1)

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REGULATIONS REGARDING PERSONAL LEAVES

Prior to taking this time off, an employee shall give reasonable notice to his/her supervisor, unless advance notice is not feasible. When an unscheduled absence occurs, the employee shall provide to his/her supervisor sufficient certification of the absence in the form of any of the following documents: (Labor Code 230)

1. A police report indicating that the employee was a victim of domestic violence
2. A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court or prosecuting attorney that the employee has appeared in court.
3. Documentation from a medical professional, domestic violence advocate, health care provider, or counselor that the employee was undergoing treatment for physical or mental injuries or abuse from an act of domestic violence

The supervisor and County Superintendent or designee shall maintain the confidentiality of such an employee to the extent authorized by law. (Labor Code 230, 230.1)

Personal Leave for a Child's School Activities

Any employee who is a parent, guardian or grandparent having custody of one or more children who are enrolled in grades kindergarten through 12, or who attend a licensed day care facility, may use up to 40 hours of personal leave, vacation or compensatory time off each school year in order to participate in school or day care activities. Such leave shall not exceed eight hours in any month of the school year, and the employee shall give reasonable advance notice of the absence. (Labor Code 230.8)

If both parents of a child are employed at the same work site, this leave shall be allowed for the first parent who applies; simultaneous absence by the second parent may be granted by the County Superintendent or designee. (Labor Code 230.8)

The employee shall use existing vacation, personal leave or compensatory time off for purposes of this leave. (Labor Code 230.8)

Leave for Volunteer Firefighters

An employee who is a volunteer firefighter may take time off to perform emergency duty as a firefighter. (Labor Code 230.3)

An employee who is a volunteer firefighter shall be permitted to take temporary leaves of absence, not to exceed an aggregate total of 14 days per calendar year, for the purpose of engaging in fire or law enforcement training. (Labor Code 230.4)

Legal Reference:

EC 44036-44037 Leaves Of Absence For Judicial And Official Appearances; 44963 Power To Grant Leaves Of Absence (Certificated); 44981 Leaves Of Absence For Personal Necessity (Certificated); 44985 Leave Of Absence Due To Death In Immediate Family (Certificated); 44987.3 Leave Of Absence To Serve On Certain Boards, Commissions, Etc; 45190 Leaves Of Absence And Vacations (Classified); 45194 Bereavement Leave Of Absence (Classified); 45198 Effect Of Provisions Authorizing Leaves Of Absence; 45207 Personal Necessity (Classified)

Family Code

6211 Domestic Violence

Labor Code

230 Appear In Court; 230.1 Victims Of Domestic Violence; 230.3 Volunteer Firefighters Discrimination; 230.4 Volunteer Firefighters; 230.8 Leave To Visit Child's School; 233 Illness Of Child, Parent Or Spouse

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REGULATIONS REGARDING STATE DISABILITY INSURANCE

State Disability Insurance (SDI) and Paid Family Leave (PFL) For Classified Employees

Purpose:

The regulations that follow are intended to provide general information on the State Disability Insurance (SDI) program for an employee's serious health condition; and, to provide information on the reporting of claims.

It provides employees reduced compensation to care for parents, children, and domestic partners or to bond with a new child and offers up to six (6) weeks of benefits in a 12-month period.

Regulations:

All full-time and part-time regular classified employees shall be covered by the State Disability Insurance Program.

Generally, leave taken by an employee under the SDI program qualifies for coverage under the Family, Medical, and Pregnancy Disability Leave (FMLA) policy. Employees and supervisors are responsible for completing all required forms for FMLACFRA leave for tracking purposes and in obtaining necessary approvals.

1. Coverage

Any off-the-job illness or injury, either physical or mental, including pregnancy, childbirth, or related medical condition that prevents the performance of regular or customary work by an employee, may be covered by the SDI program.

Benefits begin the day after a mandatory 7-day waiting period following illness or injury.

With eligibility established, an employee may:

- a. Receive benefits for up to fifty-two (52) weeks for SDI: receive benefits for up to six (6) weeks for Paid Family Leave.
- b. Receive benefits based on the wages paid during a twelve (12) month base period (the four consecutive quarters immediately preceding the month in which the claim is filed). Note: Consult the State Disability Insurance Department to determine your base period.
- c. Receive weekly payments per SDI.
- d. Receive a full paycheck as long as fully-paid accrued leave is available.

2. Enrollment

Enrollment is automatic and mandatory for all regular full-time and part-time classified employees.

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REGULATIONS REGARDING STATE DISABILITY INSURANCE

3. Claims

To file a claim, an employee must:

- a. Obtain a claim form.
- b. Complete the claim form and sign.
- c. Have attending physician complete the "Doctor's Certificate" portion of the claim form.
- d. Mail the completed claim form to the address provided on the form.

4. Deadline

An eligible employee must file an SDI claim within forty-nine (49) days of illness or injury. Late filing shall result in delay of payment for the number of days the claim is late unless "good cause" for the delay is established with the State.

5. LCOE Verification

The Payroll Section shall, when contacted by the State in determining eligibility, verify an employee's salary and last day worked.

6. SDI and Sick Leave/Vacation Leave

An employee with sick leave accruals available must use this paid leave in conjunction with SDI benefits until exhausted. When sick leave is exhausted, an employee shall be required to use accumulated vacation leave and may also elect to use compensatory time to extend full pay as long as possible.

As of November 1, 2010, LCOE does not coordinate or integrate SDI benefits with forms of paid leave authorized by the EC. State law prohibits an employee from receiving more than 100% of salary in combined sick/vacation leave and SDI benefits. Any overpayment of SDI benefits, when combined with LCOE pay, is solely the responsibility of the employee.

LCOE Employees who are eligible for LCOE's Catastrophic Leave Donation Plan may not receive more than 100% of salary when combined with the SDI benefit.

When the employee has exhausted all forms of fully-paid leave, including vacation, and the employee remains on SDI, the employee will be on "difference leave" for up to five months dating from the first date of absence of the qualifying extended, non-industrial medical or injury leave. Difference leave entitles the employee to receive the difference between what is actually paid a substitute and the employee's hourly rate of pay during the period the employee is actually disabled by his/her healthcare provider.

When all forms of leave have been exhausted, the employee will be on unpaid leave from LCOE, even if the employee is receiving SDI benefits.

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REGULATIONS REGARDING MILITARY LEAVE

Military leave shall be granted in accordance with applicable state and federal law to employees performing military duties on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, examination to determine fitness for duty, and performance of funeral honors duty. (EC 44800; Military and Veterans Code 395, 395.01, 395.02, 395.05, 395.1, 395.2, 395.9; 38 USC 4301, 4303, 4316)

An employee who needs to be absent from the Lake County Office of Education to fulfill his/her military service shall provide advance written or verbal notice to the Lake County Superintendent of Schools or designee, unless the giving of such notice is precluded by military necessity or is otherwise impossible or unreasonable. (38 USC 4312; 20 CFR 1002.85, 1002.86)

Salary/Compensation

An employee shall receive his/her salary or compensation for the first 30 days of any one absence for military leave or during one fiscal year, under any of the following conditions:

1. **Active Military Training or Exercises:** The employee is granted a temporary military leave of absence to engage in ordered military duty for purposes of active military training, encampment, naval cruises, special exercises, or like activity as a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia, provided that: (Military and Veterans Code 389, 395, 395.01)
 - a. He/she has been employed by the County Office for at least one year immediately prior to the day the military leave begins.
 - b. The ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.
2. **Active Military Duty:** The employee is on military leave, other than a temporary military leave, to engage in active military duty as a member of the reserve corps or force of the United States Armed Forces, the National Guard, or the Naval Militia, provided that he/she has been employed by the County Office for at least one year immediately prior to the day the military leave begins. (Military and Veterans Code 389, 395.02)
3. **War or Other Emergency:** The employee, however long employed by the County Office, is a member of the National Guard who is engaged in military or naval duty during a state of extreme emergency as declared by the Governor, or during such time as the National Guard may be on active duty in situations described in Military and Veterans Code 146, including travel time to and from such duty. (Military and Veterans Code 395.05)
4. **Inactive Duty Training:** The employee is a member of the reserve corps or force of the United States Armed Forces, National Guard, or Naval Militia who is engaged in temporary inactive duty training, provided that he/she has been employed by the County Office for at least one year immediately prior to the day the military leave begins and the ordered duty does not exceed 180 days, including time involved in going to and returning from such duty.

In determining the length of County Office employment when necessary to determine eligibility for compensation for military leave, all recognized military service performed during and prior to district employment shall be included.

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ADMINISTRATIVE REGULATIONS REGARDING MILITARY LEAVE

For classified employees, 30 days' compensation shall be one month's salary. For certificated employees, 30 days' compensation shall be one-tenth of the employee's annual salary. (EC 45059)

Certificated employees shall not be entitled to compensation during non-teaching, non-paying months of the year.

During the period of military leave, an employee may, upon his/her own request, use any vacation or similar paid leave accrued before the commencement of the military leave. The district shall not require the employee to use such leave. (38 USC 4316; 20 CFR 1002.153)

Benefits

An employee may elect to continue his/her health plan coverage during the military leave. The maximum period of coverage for the employee and his/her dependents shall be either 24 months from the beginning of the leave or until the day after the employee fails to apply for or return to employment, whichever is less. (38 USC 4317; 20 CFR 1002.164)

An employee on military leave may be required to pay the employee cost, if any, of any funded benefit to the extent that other employees on leave are so required. (38 USC 4316)

An employee absent for 30 days or fewer shall not be required to pay more than the employee share for such coverage. An employee absent for 31 days or more may be required to pay not more than 102 percent of the full premium under the plan. (38 USC 4317; 20 CFR 1002.166)

Vacation and Sick Leave Accrual

An employee on temporary military leave under the conditions described in item #1 Active Military Training or Exercises, in the section entitled "Salary/Compensation" above, shall continue to accrue the same vacation, sick leave, and holiday privileges to which he/she would otherwise be entitled if not absent. (Military and Veterans Code 395)

An employee on military leave who is serving in active duty in time of war, national emergency, or United Nations military or police operation shall not accrue sick leave or vacation leave during the period of such leave. (Military and Veterans Code 395.1)

However, an employee who is a National Guard member on active duty as described in item #3 War or Other Emergency, in the section entitled "Salary/Compensation" above, shall not suffer any loss or diminution of vacation or holiday privileges because of his/her leave of absence. (Military and Veterans Code 395.05)

Pension Plan Service Credit

Pension plan service credit and vesting shall continue during an employee's military leave as though no break in service had occurred. Payment of employer and employee contributions shall be made in accordance with law for members of the State Teachers' Retirement System or Public Employees' Retirement System. (EC 22850-22856; Government Code 20990-21013)

ALL PERSONNELADMINISTRATIVE REGULATIONS REGARDING MILITARY LEAVE**Employment Status**

Absence for military leave shall not affect the classification of any certificated employee. In the case of a certificated probationary employee, the period of such absence shall not count as part of the service required to obtain permanent status, but shall not be construed as a break in the continuity of service for any purpose. (EC 44800)

Reinstatement Rights

At the conclusion of the military duty, an employee shall be promptly reinstated in the position held at the beginning of the leave, at the salary to which he/she would otherwise have been entitled, except under the conditions noted below. (EC 44800; Military and Veterans Code 395, 395.2; 38 USC 4304, 4313; 20 CFR 1002.180-1002.181)

Any employee who performs active military duty in time of war, national emergency, or United Nations military or police operation has a right to return to his/her position within six months of an honorable discharge or placement on inactive duty. Reinstatement rights shall not be extended to any such employee who fails to return within 12 months after the first date upon which he/she could terminate or could cause to be terminated his/her active service. (EC 44800; Military and Veterans Code 395.1)

When an employee has been on military leave for reasons other than war or national emergency, the time frame for reinstatement shall depend on the length of military service as follows: (38 USC 4312; 20 CFR 1002.115, 1002.118)

1. For a leave of 30 days or fewer, the employee shall report for duty no later than the beginning of the first full work day following the completion of military service, provided the employee has a period of eight hours to rest following transportation to his/her residence.
2. For a leave of 31-180 days, the employee shall submit a written or verbal application for reinstatement not later than 14 days after the completion of military service.
3. For a leave of more than 180 days, the employee shall submit a written or verbal application for reinstatement within 90 days after the completion of military service.

In cases where reporting within the periods specified in items #1 and #2 above is impossible or unreasonable through no fault of the employee, he/she shall report as soon as possible after the expiration of the period. (38 USC 4312; 20 CFR 1002.115, 1002.117)

An employee who is hospitalized for, or convalescing from, an illness or injury incurred in or aggravated during the performance of military service shall report for duty or submit an application for reinstatement at the end of the period that is necessary to recover from such illness or injury, but no more than two years after the completion of military service unless circumstances beyond the employee's control make reporting within the two-year period impossible or unreasonable. (38 USC 4312; 20 CFR 1002.116)

Upon receiving an application for reinstatement, the County Superintendent or designee shall reinstate the employee as soon as practicable under the circumstances of his/her case, but within a time period not to exceed two weeks, absent unusual circumstances. (20 CFR 1002.181)

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ADMINISTRATIVE REGULATIONS REGARDING MILITARY LEAVE

If the employee's previous position has been abolished, he/she shall be reinstated in a position of like seniority, status, and pay, if such position exists, or to a comparable vacant position for which he/she is qualified. (Military and Veterans Code 395, 395.1; 38 USC 4313; 20 CFR 1002.192)

An employee failing to apply for reinstatement within the appropriate period does not automatically forfeit his/her rights, but shall be subject to the County Board's rules governing unexcused absences. (38 USC 4312)

The County Superintendent or designee may elect not to reinstate an employee following military leave if any of the following conditions exists:

1. The County Office's circumstances have so changed as to make such re-employment impossible or unreasonable, such as a reduction in force that would have included the employee. (38 USC 4312; 20 CFR 1002.139)
2. The accommodation, training, or effort described in 38 USC 4313(a)(3), (a)(4), or (b)(2)(B) would impose an undue hardship on the district as defined in 20 CFR 1002.5 or 1002.198. (38 USC 4312; 20 CFR 1002.139)
3. The employee's position was for a brief, non-recurrent period and there was no reasonable expectation that such employment will continue indefinitely or for a significant period. (38 USC 4312; 20 CFR 1002.139)
4. The employee's cumulative length of absence and length of all previous military leave while employed with the County Office exceeds five years, excluding those training and service obligations specified in 38 USC 4312(c). (38 USC 4312; 20 CFR 1002.99-1002.103)
5. The employee was separated from military service with a disqualifying discharge or under other than honorable conditions. (Military and Veterans Code 395.1; 20 USC 4304, 4312; 20 CFR 1002.134-1002.138)

Notices

The County Superintendent or designee shall provide employees a notice of the rights, benefits, and obligations of employees granted military leave and of the district under the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301-4334. (38 USC 4334)

This requirement may be met by posting the notice where the district customarily places notices for employees. (38 USC 4334)

Legal Reference:

EC

22850-22856 Pension Benefits, Strs Members On Military Leave; 44018 Compensation For Employees On Active Military Duty; 44800 Effect Of Active Military Service On Status Of Employees; 45059 Employee Ordered To Military/Naval Duty - Computation Of Salary

Government Code

18540 Definition Of Armed Forces; 18540.3 Recognized Military Service; 20990-21013 Pension Benefits, Pers Members On Military Leave

Military And Veterans Code

146 Events Justifying Calling Of Militia Into Active Service; 389 Definitions; Temporary Military Leave; 394 Nondiscrimination Based On Military Service; 395-395.9 Military Leave

United States Code, Title 38

4301-4334 Uniformed Services Employment And Reemployment Rights Act Of 1994

Code Of Federal Regulations, Title 20

1002.1-1002.314 Uniformed Services Employment And Reemployment Rights Act Of 1994

U.S. Department Of Labor, Userra: [Http://www.dol.gov/vets/programs/userra](http://www.dol.gov/vets/programs/userra)

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REGULATIONS REGARDING FAMILY CARE AND MEDICAL LEAVE

Eligibility: Any employee who has served the Lake County Office of Education more than twelve (12) months which does not have to be consecutive and who has at least 1,250 hours of service during the previous twelve (12) month period, shall be eligible to take unpaid family care or medical leave under the provisions of state and federal law and this administrative regulation.

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

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

The Lake County Office of Education shall not interfere with, restrain or deny the exercise of any right provided to an eligible employee under the law. Also, the Lake County Office of Education shall not discharge or discriminate against any employee for opposing any practice made unlawful by, or because of his/her involvement in any proceedings related to the family care and medical leave. (Government Code 12945.2; 29 USC 2615)

Definitions: "Child" means a biological, adopted or foster son, or daughter, a stepson or stepdaughter, a legal ward or a child of a person standing in loco parentis as long as the child is under 18 years of age or an adult dependent child (29 USC 2611; Government Code 12945.2).

"Eligible employee" means an employee who has at least 12 months of service with the employer, and who has at least 1,250 hours of service with the employer during the previous 12-month period. (29 USC 2611; Government Code 12945.2) Full-time teachers are deemed to meet the 1,250 hours of service requirement. (29 CFR 825.110)

"Instructional employee" means an employee whose principal function is to teach; instructional employees include athletic coaches, driving instructors, special education assistants and signers for the hearing impaired. The term does not include teacher assistants or aides, counselors, psychologists, curriculum specialists or other primarily non-instructional employees. (29 CFR 825.600)

"Parent" means a biological, foster or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to an employee when the employee was a child (29 USC 2611; Government Code 12945.2).

"Serious health condition" means an illness, injury, impairment or physical or mental condition that involves either: Inpatient care in a hospital, hospice or residential health care facility; or continuing treatment or continuing supervision by a health care provider (29 USC 2611; Government Code 12945.2).

ALL PERSONNEL

REGULATIONS REGARDING FAMILY CARE AND MEDICAL LEAVE

Rights to Reinstatement and Maintenance of Benefits Upon granting an employee's request for family care and medical leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (29 USC 2614; Government Code 12945.2)

The Lake County Office of Education may refuse to reinstate an employee returning from leave to the same or a comparable position if all of the following apply:

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of those Lake County Office of Education employees who are employed within 75 miles of the employee's worksite
2. The refusal is necessary to prevent substantial and grievous economic injury to Lake County Office of Education operations
3. The Lake County Office of Education informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service

An employee who takes leave has no greater right to reinstatement than if he/she had been continuously employed during the leave period. If The Lake County Office of Education reduces its work force during the leave period and the employee is laid off for legitimate reasons at that time, he/she is not entitled to reinstatement, provided the Lake County Office of Education has no continuing obligations under a collective bargaining agreement or otherwise. (29 CFR 825.216)

During the period when an employee is on family care and medical leave, he/she shall maintain his/her status with the Lake County Office of Education and the leave shall not constitute a break in service for purposes of longevity, seniority or any employee benefit plan.

The district shall continue to provide an eligible employee on family care and medical leave, the group health plan coverage that was in place before he/she took the leave. If the employee fails to return to district employment after the expiration of the leave, for any reason other than the continuation, recurrence or onset of a serious health condition, or other circumstances beyond his/her control, he/she shall reimburse the district for premiums paid during the family care and medical leave. (cf. 4154/4254/4354 - Health and Welfare Benefits). An employee will be considered to have returned to work if s/he works for at least 30 calendar days commencing with the scheduled return date.

Duration of Leave: Family care and medical leave shall not exceed twelve (12) workweeks during any twelve (12) month period. The twelve (12) month period in which the twelve (12) weeks of leave entitlement occurs shall commence on the date the employee's first family care or medical leave begins. The twelve (12) weeks of family care and medical leave to which an employee is entitled under state law shall run concurrently with the twelve (12) weeks of family care and medical leave to which an employee is entitled under federal law, except for any leave taken under federal law for disability on account of pregnancy, childbirth, or related medical condition

Leave taken for a birth, or placement for adoption or foster care, must be initiated within one year of the birth or placement. Such leave shall not be taken intermittently or on a reduced schedule unless Lake County Office of Education and the employee agree otherwise.

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REGULATIONS REGARDING FAMILY CARE AND MEDICAL LEAVE

Terms of Leave: The 12 work-week period of family care or medical leave shall commence on the first date FMLA/CFRA is taken in any 12 month period, counting forward from that date.

During the period of family care or medical leave, the employee shall use his/her accrued vacation leave, and any other accrued time off. Accrued sick leave shall be used when the purpose of the family care and medical leave is one for which sick leave may be taken pursuant to Superintendent's policy. (Government code 12945.2)

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

Leave taken pursuant to the California Family Rights Act shall run concurrently with leave taken pursuant to the federal Family and Medical Leave Act (FMLA), except for any leave taken under the FMLA for disability on account of pregnancy, childbirth, or related medical conditions. In addition to family care and medical leave, an employee may be entitled to take pregnancy disability leave of up to four months. During the otherwise unpaid portion of pregnancy disability leave, the employee may use any accrued vacation, sick time or other paid leave. (Government Code 12945, 12945.2)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not have to be taken in one continuous period of time. The basic minimum duration of the leave shall grant a request for leave of less than two weeks' duration on any two occasions. (29 USC 2612; 2 CCR 7297.3)

If both parents of a child work for Lake County Office of Education, their family care and medical leave related to the birth or placement of the child should be limited to a total of twelve (12) weeks.

Intermittent Leave/Reduced Leave Schedule: Leave related to serious health condition of the employee or his/her child, parent or spouse may be taken intermittently or on a reduced leave schedule when medically necessary. In such a case, the Lake County Office of Education may require the employee to transfer temporarily to a different position for which he/she is qualified, with equivalent pay and benefits, and that could better accommodate recurring periods of leave. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced leave schedule. (2 CCR 7297.3)

Where the employee involved is an instructional employee and would be on leave for greater than 20 percent of the total number of working days in the leave period, the employee shall have the option of temporarily transferring to an available alternative position or taking leave for periods of a particular duration, not to exceed duration of the planned medical treatment. (29 USC 2618)

Instructional Employees: Leaves Near the End of Term The Lake County Office of Education may require an instructional employee to continue taking a requested leave until the end of the term in any of the following situations: (29 USC 2618)

ALL PERSONNELREGULATIONS REGARDING FAMILY CARE AND MEDICAL LEAVE

1. If the instructional employee begins a leave of three or more weeks duration more than five weeks before the end of a term and would subsequently return to work during the last two weeks of the term
2. If the instructional employee, for reasons other than his/her own serious health condition, begins a leave of more than two weeks duration during the period that begins five weeks before the end of the term and would subsequently return to work during the last two weeks of the term
3. If the instructional employee, for reasons other than his/her own serious health condition, begins a leave of more than five days duration during the period that begins three weeks before the end of the term

Advance Notice and Certifications: If an employee learns of the need for family care or medical leave more than thirty (30) days before the leave is to begin, he/she shall give the Lake County Office of Education at least thirty (30) days advance notice. If the employee learns of the need for family care or medical leave fewer than thirty (30) days in advance, he/she shall provide such notice as soon as practicable. If leave is needed for a planned medical treatment or supervision, the employee shall make a reasonable effort to schedule the treatment or supervision to avoid disruption of the Lake County Office of Education operations. This scheduling shall be subject to the health care provider's approval.

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

- The date, if known, on which the serious health condition began; and
- The probable duration of the condition.
- In addition, if the request for leave is to care for a family member, the certification shall include an estimate of the amount of time the employee needs to care for the person requiring care, and a statement that the serious health condition warrants the participation of a family member to provide care during the period of the leave.
- If the request for leave is based on the employee's own serious health condition, the certification shall include a statement that, due to the serious health condition, the employee is unable to perform the functions of his/her position.
- If the employee is requesting leave for intermittent treatment or leave on a reduced leave schedule for planned medical treatment, the certification must also state the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of the treatment and the expected duration of the leave.

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

If additional leave is needed when the time estimated by the health care provider expires, the Lake County Office of Education may require the employee to provide recertification in the manner specified in the preceding paragraph. (29 USC 2613; Government Code 12945.2)

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REGULATIONS REGARDING FAMILY CARE AND MEDICAL LEAVE

Employees who take family care and medical leave for their own serious health conditions shall present certification from their health care provider to the effect that they are able to resume work.

Reinstatement/Non-Discrimination: Upon granting an employee's request for family care or medical leave, the Lake County Office of Education shall guarantee to reinstate the employee in the same or a comparable position when the leave ends to the extent required by law.

Notifications: In accordance with law, Lake County Office of Education shall notify employees of their right to request family care and medical leave.

When an employee requests family care and medical leave, the Director of Human Resources or designee shall provide written notice detailing specific expectations and obligations, and explaining any consequences of a failure to meet these obligations. The notice shall include: (29 CFR 825.301)

1. A statement that the leave will be counted against the employee's annual family care and medical leave entitlement.
2. Requirements for the employee to furnish medical certification of a serious health condition
3. The employee's right to substitute paid leave, conditions related to any substitution, and whether the Lake County Office of Education requires this substitution
4. Health benefit arrangements
5. If applicable, the employee's status as a "key employee" and information related to restoration of that status
6. The employee's right to restoration to the same or an equivalent job
7. The employee's potential liability for health benefits should the employee not return to service
8. The Lake County Office of Education's requirement that the employee, upon return, present medical certification to the effect that he/she is able to resume work.

Records: The Director of Human Resources or designee shall maintain records pertaining to individual employees' use of family care and medical leave.

Legal Reference: Government Code

12940 Unlawful Employment Practices 12945 Pregnancy; Childbirth Or Related Medical Condition; Unlawful Practice 12945.1-12945.2 California Family Rights Act 19702.3 Family Care Leave; Exercise Of Rights

Code Of Regulation, Title 2 7291.2-7291.16 Sex Discrimination: Pregnancy And Related Medical Conditions 7297.0 - 7297.9 11 Family Care Leave

United States Code, Title 29 2601-2654 Family And Medical Leave Act Of 1993

Code Of Federal Regulations, Title 29 825.100-825.800 Family And Medical Leave Act Of 1993

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CATASTROPHIC LEAVE BANK

Employees of the Lake County Office of Education may donate eligible leave credits to a Leave Bank to be used by an employee when that employee or a member of his or her family suffers from a catastrophic illness or injury.

For the purposes of this section the following terms are defined as follows:

1. "Catastrophic illness" or "injury" means an illness or injury that is expected to incapacitate the employee for an extended period of time, or that incapacitates a member of the employee's family which incapacity requires the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he or she has exhausted all of his or her sick leave and other paid time off.
2. "Eligible leave credits" means vacation leave and sick leave accrued by the donating employee.

Employees may use donated credits from the Leave Bank only if all of the following requirements are met:

1. The requestor is a permanent classified employee or certificated employee who has been employed continuously with LCOE for 1 year.
2. The employee requesting use of the Leave Bank provides verification of catastrophic injury or illness. Verification shall be made by means of a letter, dated and signed by the sick person's physician, indicating the incapacitating nature and probable duration of the illness or injury.
3. The Superintendent or designee determines that the employee is unable to work due to the employee's or his or her family member's catastrophic illness or injury.
4. The employee has exhausted all accrued paid leave credits.

If the transfer of eligible leave credits is approved by the Superintendent or designee, any employee may, upon written notice to the Director of Human Resources, donate eligible leave credits at a minimum of eight hours, and in one-hour increments thereafter.

The following rules apply to the provision of catastrophic leave under this policy:

1. The maximum amount of time for which donated leave credits may be used is up to, but not to exceed, a maximum period of 12 consecutive months. At the end of the 12-month period, any remaining credits will be removed from the requestor's leave balance and returned to the Leave Bank.
2. The verification of catastrophic injury or illness is required, as set forth above.
3. All transfers of eligible leave credit shall be irrevocable.
4. An employee who receives paid leave pursuant to this section shall use any leave credits that he or she continues to accrue on a monthly basis prior to receiving paid leave pursuant to this section.

ALL PERSONNEL

REGULATIONS REGARDING CATASTROPHIC LEAVE BANK

An employee of the Lake County Office of Education who is, or whose family member is, suffering from a catastrophic illness or injury may request to use available credits from the Leave Bank.

For the purpose of this program, “catastrophic illness” or injury means an illness or injury that is expected to incapacitate the employee for an extended period of time or that incapacitates a member of the employee's family which incapacity requires the employee to take time off from work for an extended period of time to care for that family member, and taking extended time off work creates a financial hardship for the employee because he or she has exhausted all of his or her sick leave and other paid time off. (EC 44043.5)

For the purpose of this program, “family member” means spouse or registered domestic partner, child or domestic partner’s child, parent, stepchild, sibling or other permanent household member whose well-being is dependent on the employee's care.

Any employee who meets the criteria of this administrative regulation may donate eligible accrued leave benefits to the Leave Bank by completing a *Request to Donate Catastrophic Leave* form.

Eligibility for Use of Leave Bank

1. A permanent full-time or part-time classified employee, or certificated employee who has worked for LCOE continuously for 1 year, becomes eligible to use credits from the catastrophic leave bank when the employee has exhausted, or will soon exhaust, all of his/her accrued paid leave, as a result of a verifiable long-term illness or injury suffered by the employee or family member.
2. A long-term absence for purposes of this regulation shall be an absence which exceeds fifteen (15) consecutive workdays.

Request for Catastrophic Leave

1. The employee shall complete and submit to the Human Resource Department a completed *Request to Receive Donation of Catastrophic Leave* form.
2. Verification shall be made by means of a letter, dated and signed by the sick or injured person's physician, indicating the incapacitating nature of the illness or injury and an estimated time the employee will be unable to work.
3. The employee's family may make this request on behalf of an employee who is unable to make such a request due to the illness or injury.
4. The Superintendent or designee shall determine:
 - a. That the employee is unable to work due to the employee's or his/her family member's catastrophic illness or injury, and
 - b. That the employee has exhausted all accrued paid leave credits.
5. When the above verification and determinations are made, the Superintendent or designee may approve the use of donated sick leave and/or vacation. (EC 44043.5)

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REGULATIONS REGARDING CATASTROPHIC LEAVE BANK

6. Benefiting employees may use donated leave credits up to a maximum of thirty (30) days in twelve (12) consecutive months, providing that level of donation is available in the Leave Bank. A day is defined as the number of regular daily hours assigned to the recipients.
7. Any employee who receives paid leave pursuant to this program shall use all leave credits that he/she has accrued, including sick leave accrued through June 30 and vacation earned to date, before receiving paid leave in accordance to this program.
8. Any employee who receives paid leave pursuant to this program will have his/her SDI benefits reduced by the amount of sick leave wages received, if s/he is also eligible for and receiving SDI benefits.
9. All requests will remain confidential.
10. When the need for the donated leave credits ends or the maximum of thirty (30) days is used, whichever comes first, all remaining donated leave credits will be removed from the benefiting employee's leave record and returned to the Leave Bank.

Catastrophic Leave Donation

1. Employees may donate accumulated sick leave or vacation credits to the Leave Bank
2. To ensure that employees retain sufficient accrued sick leave to meet needs that normally arise; donors shall not reduce their accumulated earned sick leave to fewer than 10 days.
3. Donations to the Leave Bank shall be irrevocable.

Donation Procedure

1. Donation of leave will be voluntary; the identity of leave donors will be confidential.
2. Employees may only donate earned sick leave and/or vacation.
3. Donations must be for a minimum of eight (8) hours and thereafter in one-hour increments to a maximum of 40 hours.
4. Employees wishing to donate time will submit a Request to Donate Catastrophic Leave form to the Human Resources Department.

Donation Period

1. Every year on September 1 Human Resources will request voluntary donations to the Leave Bank.
2. In order to avoid the appearance of nepotism and favoritism, donations to the Leave Bank will not be considered at any other time in the year, unless in the case of a low balance.

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REGULATIONS REGARDING CATASTROPHIC LEAVE

Low Balance

1. When available credits in the Leave Bank fall below 40 hours, Human Resources will request additional voluntary donations be made in order to accommodate any future requests for use of catastrophic leave.

Adopted 04/10/02

Revised 02/09/17

REGULATIONS REGARDING INDUSTRIAL ACCIDENT/ILLNESS LEAVE

In each fiscal year, allowable leave for certificated employees for any single industrial accident or illness shall be for 60 days during which the schools of the County Office of Education are in session or when the employee would otherwise have been performing work for the County Office.

Allowable industrial accident/illness leave shall not accumulate from year to year. (EC 44984)

When a certificated employee is absent from his/her duties because of an industrial accident or illness: (EC 44984)

1. Industrial accident or illness leave shall start on the first day of absence.
2. The employee shall be paid such portion of the salary due for any month in which the absence occurs as, when added to the temporary disability indemnity under Division 4 or 4.5 of the Labor Code, will result in a payment to the employee of not more than his/her full salary.
3. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a temporary disability indemnity award.
4. When an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only the amount of unused leave due the employee for the same illness or injury.

Upon expiration of allowable leave for an industrial accident or illness, the employee may use personal illness and injury leave. If the employee continues to receive temporary disability indemnity, he/she may elect to take as much of the accumulated sick leave which, when added to his/her temporary disability indemnity, will result in a payment to the employee of not more than the employee's full salary. (EC 44984)

During any paid leave of absence, the employee may endorse to the County Office the temporary disability indemnity checks received on account of his/her industrial accident or illness. In those cases, the County Office shall issue appropriate salary warrants for payment of the employee's salary, and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by such salary warrants. (EC 44984)

Whenever possible, employees shall request personal leaves in advance and prepare suitable lesson plans or instructions for a substitute employee.

Legal Reference:

Education Code:

44977 Salary Deductions During Absence From Duties; 44978 Provisions For Certificated Employee Sick Leave
44983 Exception To Sick Leave; 44984 Required Rules For Industrial Accident And Illness Leave Of Absence

CLASSIFIED PERSONNEL

The County Office of Education desires to fill each of its classified positions with highly skilled and qualified persons, consistent with position requirements. The primary role of classified personnel is to provide services that support and enhance the County Office's educational program.

The classified service shall consist of all employees in positions not requiring certification unless the position is specifically exempted from the classified service. Individuals who possess certification qualifications shall not be prohibited from being employed in a classified position. (EC 45104)

Each classified staff member shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with the Superintendent's policy and administrative regulations.

Policies, rules and regulations related to classified personnel shall be available to all concerned and shall be administered in a fair and equitable fashion.

Individuals hired solely for the following purposes are exempt from the classified service: (EC 45103)

1. Substitute or short-term employees who are employed for less than 75 percent of the school year to replace any classified employee who is temporarily absent from duty
2. Part-time playground positions (noon duty aides)
3. Apprentices and professional experts employed on a temporary basis for a specific project
4. Full-time day students employed part time
5. Part-time students employed part time in any program conducted by a community college district pursuant to EC 51760 et seq. and which is financed by state or federal funds.

Persons hired solely for purposes which are exempted from the classified service shall nevertheless fulfill the obligations of classified employees related to physical examinations pursuant to EC 45122, fingerprinting pursuant to EC 45125, and tuberculosis tests pursuant to EC 49406. Employment for such purposes after conviction of a sex or controlled substance offense shall be subject to the provisions of EC 45123 and 45124. (EC 45106)

Legal Reference:

EC

45100-45139 Employment Of Classified Staff; 45160-45166 Salaries And Differential Compensation; 45190-45210 Resignation And Leaves Of Absence; 45220-45320 Merit System; 49406 Examination For Tuberculosis; 51760-51769.5 Work Experience Education

RECLASSIFICATION PROCESS**I. POLICY**

A reclassification is defined as an approved change in pay grade of an existing position as a result of significant changes in the duties and responsibilities of that position. A reclassification may result in a pay grade and/or title change.

Reclassification is defined as the assignment of a filled position to a different classification. It is based on permanent and significant job change where higher level duties and responsibilities are performed to the extent that the position is better identified by a higher level classification. The following criteria must be present to support reclassification:

- Higher level responsibilities must be performed for a minimum of six months.
- New duties are a natural, logical and gradual change of a permanent nature in the job duties performed.
- The classification specification for a higher level class more appropriately identifies the major functions of the position a majority of the time.

An employee must be in the current position a minimum of two (2) years to be eligible to apply for reclassification.

II. PROCEDURES**A. Definitions**

1. Classification consists of the following: a designated title; a regular minimum number of assigned hours per day, days per week, and months per year; a specific statement of the duties required to be performed by the employees in each such position; any minimum qualifications needed in order to perform the duties; and, the regular monthly salary ranges for each such position. (EC §45101(a).
2. Classification Plan consists of all classes which have been established, together with the specifications or descriptions of each class.
3. Employee is a person employed by the Lake County Superintendent to perform the work of a position.
4. Position is a group of duties and responsibilities to be performed by an employee. The position may be full-time or part-time, occupied or vacant, temporary or permanent.
5. Position Analysis is the process of studying positions in order to obtain the information needed to classify those positions properly.
6. Position Description is the official description of the duties, responsibilities, and qualification requirements of the position.

RECLASSIFICATION PROCESS

7. Reclassification Committee consists of three voting members: the Director of Human Resources, the Senior Director of Business Services, and a peer currently in a position at the requested classification level. A reclassification recommendation to the Superintendent requires three votes.

B. Format

Positions are reclassified when there have been significant changes in job responsibility and duties. They are not reclassified because of an employee's qualifications or because of salaries offered in other service areas for similar jobs. Increase in workload is not a basis for reclassification, nor is length of service. The following information must be provided in any request for reclassification of a position:

1. The changes that have occurred in the duties or responsibilities of the position since the last classification.
2. The reasons why these changes warrant reclassification.
3. The changes in duties and responsibilities which are significantly different from those of positions in the same general class.

C. Process

1. An employee or the employee's supervisor may initiate a reclassification request by submitting the following documents to the Director of Human Resources by April 15 of each fiscal year:
 - a. a completed Reclassification Questionnaire (available from the Human Resources Office);
 - b. a copy of the current position description;
 - c. a copy of the proposed position description; and,
 - d. a narrative identifying what caused significant changes in responsibilities since the position was last classified and why those changes warrant reclassification consideration.
2. By May 1, The Director of Human Resources convenes the Reclassification Committee which conducts the position analysis required for reclassification and recommends, by a majority vote, the subsequent approval recommendation, modification, or denial of the reclassification request.
3. By May 15, the Director of Human Resources notifies the initiator of each reclassification request, in writing, of the Reclassification Committee's recommendation.
4. By May 15, the Director of Human Resources forwards the Committee's recommendations to the Superintendent.
5. By June 1, the Superintendent reviews and acts upon the Committee's recommendations.

RECLASSIFICATION PROCESS

6. The effective date of all reclassification actions utilizing this policy and set of procedures shall be July 1 of the next fiscal year.

Note: Nothing in the foregoing policy and procedures shall limit the authority of the Superintendent to reclassify positions, create new positions, abolish positions, or allocate positions to new classes or grades at any time the Superintendent deems necessary for the effective operation of the Office of the Superintendent of Lake County Schools.

PROBATIONARY / PERMANENT STATUS

Employees newly hired for regular positions in the classified service shall be considered probationary employees until they have satisfactorily completed one year of probationary service. Upon satisfactorily completing this period, they shall become permanent classified employees of Lake County Office of Education.

The Superintendent or designee may extend the one-year probationary period when an employee has been on an approved long-term leave of absence. The extension period shall not be greater than the duration of the leave of absence. The extension is intended to allow adequate time for evaluation of the employee's performance.

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed one year of service in that position.

Probationary employees shall receive a written performance evaluation by their respective supervisors after three months of service and again prior to the completion of the probationary period. These evaluations shall indicate whether the evaluator is satisfied or not satisfied with the employee's ability, performance, and compatibility with the job.

The County Superintendent or designee may dismiss an employee during the initial probationary period. A permanent employee who was promoted to a higher classification may be returned during the probationary period to his/her former classification.

Substitute and short-term employees who are employed for less than seventy-five percent (75%) of the school year shall not be considered part of the classified service and shall not qualify for benefits of the regular classified employees.

REGULATIONS REGARDING CLASSIFIED PERSONNEL REDUCTION

When an employee is notified of a vacancy and fails to respond or report to work within time limits specified by County Office procedures, his/her name will be removed from the reemployment list and he/she will forfeit all rights to which he/she would otherwise be entitled.

Reemployment Procedures

Reemployment shall be in reverse order of layoff. (EC 45114, 45298, 45308)

In order to be reinstated, an employee must be fully capable of performing the normal and customary duties of the job. Employees whose physical condition is such that they cannot be reinstated at the time called for reemployment will be kept on the reemployment list until physically capable of returning to work or for a period not to exceed 39 calendar months.

When a vacancy occurs, the senior employee who has held prior permanency in the position will be so notified by certified U.S. mail at his/her last known address and given the opportunity to accept or reject appointment into the vacant position. The employee must advise the County Office of his/her decision no later than 10 calendar days following notification. If the employee accepts, he/she must report to work no later than two calendar weeks from the vacancy notification date or on a later date specified by the County Office.

When a laid-off employee is reemployed, all accumulated sick leave credit will be restored.

A laid-off permanent employee will be reemployed with all rights and benefits accorded to him/her at the time of layoff. A laid-off probationary employee will be reemployed as a probationary employee, and the time served toward the completion of the required probationary period will be counted. He/she will also be reemployed with all rights and benefits accorded to him/her at the time of layoff.

A laid-off employee, when reemployed, will be placed on the salary step held at the time of layoff. An employee who bumped into a lower class will, when reinstated to the previous class, be placed on the salary step to which he/she would have progressed had he/she remained there. An adjusted anniversary date will be established for step increment purposes so as to reflect the actual amount of time served in the County Office.

Legal Reference:

EC

45101 Definitions

45103 Classified Service In Districts Not Incorporating The Merit System

45105 Positions Under Various Acts Not Requiring Certification Qualifications; Classification

45113 Rules And Regulations For Classified Service In Districts Not Incorporating The Merit System

45114 Layoff And Reemployment Procedures; Definitions

45115 Layoff: Reinstatement From Service Retirement

45117 Notice Of Layoff Due To Expiration Of Specially Funded Programs Or Bona Fide Reduction Or Elimination Of Service

45286 Limited Term Employees

45297 Right To Take Equivalent Examination While Employee In Military Service

45298 Reemployment And Promotional Examination Preference Of Persons Laid Off; Voluntary Demotions Or Reductions In Time

45308 Order Of Layoff And Reemployment; Length Of Service

45309 Reinstatement Of Permanent Noncertified Employees After Resignation

United States Code, Title 38

4301-4307 Veterans' Reemployment Rights

Court Decisions San Mateo City School District v. Public Employment Relations Board (1983) 33 Cal.3d 850, 866

REGULATIONS REGARDING CLASSIFIED PERSONNEL REDUCTION**Layoff/Rehire:**

Classified employees shall be subject to layoff for lack of work or lack of funds. (EC 45114, 45308)

Order of Layoff; Determination of Seniority

The order of layoff within the class shall be determined by length of service. (EC 45114, 45308)

The County Superintendent of Schools or designee shall maintain a current determination of each employee's seniority in the County Office of Education.

Seniority shall include the total of the seniority in the current class and in an equal or higher class. Seniority will be determined by length of service by hire date in classification. The employee who has been employed the shortest time in a particular class, including time served in equal or higher classes, shall be laid off first. (EC 45308) In the event that two employees have the same length of service, the decision as to which employee is to be laid off shall be within the sole discretion of the County Superintendent. The County Superintendent may also elect to choose the employee who remains based upon the Superintendent's sole discretion as to what constitutes the best interests of the public service.

Length of service credit shall be granted for military leave of absence, including voluntary or involuntary active duty during a period of national emergency or war as a member of the Military Reserve or the National Guard. (EC 45297, 45308)

Length of service credit may be granted for time spent on unpaid illness or maternity leave, unpaid family care leave, or unpaid industrial accident leave. Length of service credit shall not be granted for other types of unpaid leaves. (EC 45308)

Persons employed under EC Section 45105(b) or 45259 in "restricted" positions do not acquire permanent status under EC 45113 or 45301 and do not acquire seniority credits for the purpose of layoff for lack of work or lack of funds. After completing six months of satisfactory service, however, persons hired into these positions shall be given the opportunity to take qualifying examinations. If they successfully complete the examination, they shall be entitled to the full rights, benefits and burdens of regular classified employees, and his/her service for layoff purposes shall be counted from the original date of employment in the "restricted" position. (EC 45105)

Short-term or substitute employees may be separated at the completion of their assignment without regard to the procedures in this regulation.

Layoff Procedures

Classified employees subject to layoff because of lack of work in the event of a bona fide reduction or elimination of service being performed shall receive notice of the layoff 60 days before the effective date. They shall be informed of their reemployment rights and displacement rights, if any. (EC 45117)

REGULATIONS REGARDING CLASSIFIED PERSONNEL REDUCTION

In cases where specially funded programs expire at the end of any school year, classified employees subject to layoff for lack of funds shall receive written notice on or before April 29. The notice shall inform them of the layoff effective at the end of the school year and of their displacement and reemployment rights. If the termination date of the specially funded program is other than June 30, the notice shall be given at least 60 days before the effective date of the layoff. (EC 45117)

The County Office is not bound to provide 60 days' notice in the event that it 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 County Office. The County Office will provide information about reemployment and displacement rights, if any, to all employees laid off under these conditions. (EC 45117)

Bumping Rights

An employee in the classified service who is laid off from a class, and who has passed a probationary period and has seniority, shall have the right to bump, as outlined below, a less senior employee. Seniority for purposes of bumping shall include the total of the seniority in the current class and in an equal or higher class. In the event of a layoff the following bumping option process will be followed:

1. An employee whose position is eliminated or reduced shall first be placed in a vacant position with an equal assignment in the same class when compared with the employee's current position. To determine if a position is equal, hours per day, hours per week, and work months per year will be considered.
2. If the previous option is unavailable, the employee will be allowed to bump into a position providing an equal assignment in the same class when compared with the employee's current position, and which is occupied by a less senior employee in the class with the same number of assigned hours per day and days per week. In this case the employee will not be placed on the reemployment list.
3. If the previous option is unavailable, the employee will bump into a position with less assigned time in the class that is closest to the employee's current assigned time, and which is held by a less senior employee in the class. The employee shall be placed on a reemployment list.

The employee will repeat the sequence of options outlined in this article for the current class as positions become available. If no alternative position equal to these options is available in the equal class, the employee will repeat the sequence of options outlined in this rule for the next lower class for which the employee has passed a probationary period and as a result has seniority in that class. If no assignment is available on the basis of greater seniority, the employee shall be laid off and placed on a reemployment list.

Layoff in Lieu of Bumping

An employee who elects a layoff in lieu of bumping maintains his/her reemployment rights under this Agreement.

REGULATIONS REGARDING CLASSIFIED PERSONNEL REDUCTION**Equal Seniority**

If two (2) or more employees subject to layoff have equal seniority, the determination as to who shall be laid-off will be made on the basis of the date of first rendered paid service as a regular classified employee with the County Office. If rendered-paid-service-date seniority is equal, this situation shall be resolved by the Superintendent or designee through a review of the employees' evaluation reports, training, education, and experience.

Voluntary Demotion or Voluntary Reduction of Hours

Employees may sometimes take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or in order to remain in their present position rather than be reclassified or reassigned. Employees who do so shall be granted the same rights as persons laid off. (EC 45114, 45298)

Reemployment Eligibility

Classified employees laid off because of lack of work or lack of funds are eligible for reemployment within a period of 39 months and shall be reemployed in preference to new applicants. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the County Office during the 39-month period. (EC 45114, 45298)

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff, reclassification or reassignment shall retain eligibility to be considered for reemployment in a position of the previously held class or number of hours for an additional period of time, provided that the same tests of fitness under which they qualified for appointment to the class are still applicable. The length of this additional period of time shall not exceed 24 months. (EC 45114, 45298)

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall have the option of returning to a position in their former class or to positions with increased assignment time as vacancies become available, and without limitation of time. If there is a valid reemployment list they shall be ranked on that list in accordance with their proper seniority. (EC 45114, 45298)

Upon rejecting two offers of reemployment, the employee's name will be removed from the reemployment list and he/she will forfeit all rights to which he/she would otherwise be entitled.

DISMISSAL/DEMOTION/SUSPENSION (DISCIPLINARY ACTION)

A permanent classified employee may be dismissed, demoted, or suspended for reasonable cause as determined by the Superintendent.

No dismissal, demotion, or suspension shall be taken against any permanent employee for any cause which arose prior to the date upon which the employee became permanent, nor for any cause which arose more than two (2) years preceding the date of the filing of the notice of cause, unless such cause was concealed or not disclosed by such employee when it could reasonably be assumed that the employee should have disclosed the facts to the appropriate authority in the Lake County Office of Education.

Probationary employees may be dismissed or demoted prior to completion of the probationary period.

Suspension with Pay

The County Superintendent may place an employee on administrative leave with pay at any time.

REGULATIONS REGARDING DISMISSAL/DEMOTION/SUSPENSION (DISCIPLINARY ACTION)**Dismissal**

Dismissal means an involuntary separation from service initiated by the employee's supervisor and approved by the Director of Human Resources.

Demotion

Demotion means an involuntary change in the employee's classification resulting in a reduction in pay rate, either rate per month or rate per hour.

Demotion due to reclassification when the employee is performing satisfactorily shall not be considered disciplinary action.

Suspension

Suspension means an involuntary absence from work, either with pay or without pay, imposed by the employee's immediate supervisor or the Director of Human Resources subject to the following conditions:

1. An employee may be suspended with pay by a management employee for up to three (3) working days. The management employee may not impose such suspension until having verbally informed the employee of the specific act(s) or omission(s) causing the suspension. The Director of Human Resources shall be notified immediately of the suspension.
2. A permanent employee may be suspended without pay by the Director of Human Resources for up to three (3) working days. Prior to such suspension, the employee shall be notified in writing of the specific act(s) or omission(s) causing the suspension and shall be provided the right to a hearing with the County Superintendent or designee.

Cause

A permanent classified employee may be subject to disciplinary action, i.e. dismissal, demotion or suspension, for the following causes:

1. **Unsatisfactory attendance, such as:**
 - a. Repeated absence without advance notification, except in cases of personal necessity as defined in EC section 45207 paragraphs (1) and (2) of subdivision (2), or medical emergency.
 - b. Excessive absence.
 - c. Repeated unauthorized absence or tardiness.
 - d. Abandonment of position, which shall be interpreted to mean an absence without continued notification in excess of one (1) day, except in case of extreme emergency.
 - e. Abuse of sick leave privilege.
 - f. Incarceration which adversely affects job performance.

REGULATIONS REGARDING DISMISSAL/DEMOTION/SUSPENSION (DISCIPLINARY ACTION)**2. Unsatisfactory personal conduct, such as:**

- a. Conviction of a felony.
- b. Conviction of any crime involving moral turpitude.
- c. Immorality.
- d. Discourteous, offensive, or abusive conduct or language toward another employee, a pupil or member of the public.
- e. Dishonesty.
- f. Reporting for work while intoxicated, drinking alcoholic beverages on the job, or working while under the influence of alcohol.
- g. Addiction to the use of narcotics or habit-forming drugs or working while under the influence of a drug which was not taken by lawful prescription.
- h. Conviction (or proof of commission) of any sex offense as defined in EC §44010, or conviction (or proof of commission) of Penal Code §261.5
- i. Conviction (or proof of commission) of any narcotics offense as defined in EC §44011 or conviction (or proof of commission) of Health and Safety Code §11361.
- j. Falsifying any information supplied to the Superintendent, including but not limited to information supplied on application forms, employment records, or any other records.
- k. Making a knowingly false, frivolous, malicious, or reckless complaint against any other employee or officer of the agency.
- l. Altering or falsifying records of the district.
- m. Repeated malingering during the course of a normal working day.
- n. Engaging in political activities during work hours.
- o. Release of personal information concerning any pupil who is not his own child or ward to any person other than a teacher or administrator in the school which the pupil attends or is enrolling.

3. Unsatisfactory Fulfillment of Job Responsibilities, such as:

- a. Incompetency or inefficiency in the performance of the duties of the position.
- b. Insubordination (including, but not limited to, failure or refusal to do assigned work).
- c. Carelessness or negligence in the performance of duty, or in the care and use of Office of Education property.
- d. Misuse or misappropriation of Office of Education property.
- e. Willful violation of the EC , Title 5, of the California Administrative Code, any other administrative code, or any rules of the Superintendent.
- f. Loss or non-renewal of licenses, permits or other documents required by the nature of the position.
- g. Receipt by the Superintendent from the Superintendent's insurance carrier of a request for an endorsement excluding the employee from coverage under the Superintendent's policy while driving a motor vehicle because of increased risk due to the employee's poor driving record.
- h. Physical or mental incapacity to perform essential duties of the assignment.
- i. Refusal to take a physical examination when requested to do so in writing by the Superintendent.

REGULATIONS REGARDING DISMISSAL / DEMOTION / SUSPENSION (DISCIPLINARY ACTION)

- j. Persistent violation or refusal to obey safety rules or regulations made applicable to public schools by the board or by any appropriate state or local governmental agency.

4. Other reasons, such as:

- a. Advocacy of overthrow of federal, state or local government by force, violence or other unlawful means.
- b. Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the Office of Education.
- c. Any willful failure of good conduct tending to injure the public service. (Ref: EC §45113).

B. Written Notice of Suspension without Pay and/or Dismissal:

Permanent employees shall be given written notice of suspension without pay or dismissal. The written notice of suspension without pay and/or dismissal shall contain the following:

1. A statement, in ordinary and concise language, of the specific acts and omissions upon which the disciplinary action is based.
2. The cause or causes or grounds for disciplinary action as established by these policies, or any other lawful rule, regulation, or statute.
3. It is claimed that an employee has violated a rule or regulation, such rule or regulation shall be set forth in said notice.
4. Notice of the proposed action.
5. A copy of the materials upon which the action is based.
6. The time and place of the hearing before the Lake County Superintendent of Schools (the hearing should be at least ten (10) days from when the notice is given).
7. A statement that the employee may be represented by counsel at the hearing.
8. A statement that the employee may present oral and documentary evidence and give his or her reasons to the Superintendent why he or she feels that the Superintendent's reasons for dismissing him or her are incorrect and why he or she feels that he or she should not be dismissed.
9. A statement that he or she will have the opportunity to examine the evidence presented by the representative of the administration and cross-examine (ask questions of) the witnesses presenting oral testimony on behalf of the administration. (Ref: EC §§45116 and 45113)
10. A card or paper shall be enclosed, and the notice shall state that the signing and filing of this card or paper shall constitute a demand for hearing and a denial of all charges.

REGULATIONS REGARDING DISMISSAL / DEMOTION / SUSPENSION (DISCIPLINARY ACTION)**C. Suspension or Dismissal Hearing for Permanent Classified Employees:**

The dismissal hearing shall be conducted in the following manner:

1. The hearing shall be prosecuted by the immediate supervisor or a representative of the immediate supervisor and heard by the Lake County Superintendent of Schools.
2. The employee may be represented by counsel at his/her own expense.
3. A transcript shall be made of the proceedings by tape recording or by reporter.
4. The Superintendent shall provide a copy of the letter to the employee setting forth the charges against him or her.
5. The immediate supervisor or representative of the immediate supervisor prosecuting the case and the employee or his or her attorney shall be allowed to make opening statements.
6. The immediate supervisor or representative of the immediate supervisor shall then begin by presenting its case. This should be done by the presentation of documentary evidence and the calling of witnesses.
7. Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness regardless of which party first called the witness to testify; and to rebut the evidence against the witness. If the accused employee (respondent) does not testify, the employee may be called and examined as if under cross-examination.
8. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection of civil actions. Hearsay evidence may be used for the purpose of supplementing and examining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.
9. The hearing shall be conducted in the English language. The proponent of any testimony to be offered by a witness who does not speak English proficiently shall provide an interpreter. The cost of the interpreter shall be paid by the side calling the witness who uses the interpreter.
10. Witnesses shall be sworn and testify under oath.

REGULATIONS REGARDING DISMISSAL/DEMOTION/SUSPENSION (DISCIPLINARY ACTION)

11. The Superintendent shall swear the witnesses. The form of oath should be as follows:

“Do you solemnly swear (or affirm, as the case may be), that the evidence you shall give in this matter pending before the Lake County Superintendent of Schools, shall be the truth, sole truth, and nothing but the truth, so help you God?”
12. The Superintendent may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the Superintendent.
13. When the administration has presented the case against the employee, the employee shall be allowed to present his case in the same manner stated above.
14. The parties may wish to make closing statements.
15. The Superintendent may hold the hearing in closed session unless the employee requests a public hearing. In the event the meeting is willfully interrupted, the procedures may be closed to the public.
16. The Superintendent shall make specific findings and reach a decision.
17. If the employee or his or her attorney fails to object at the hearing that these rules are not being properly followed, or that any other law or requirement of due process is not being followed, these objections shall be deemed waived.

D. Notice of Decision:

The employee shall be notified of the decision of the Superintendent in writing. The letter of notification will contain the following:

1. A statement in ordinary and concise language of the specific acts and omissions upon which the disciplinary action is based.
2. The cause or causes or grounds for disciplinary action as established by these policies, or any other lawful rule, regulations, or statute.
3. If it is claimed that an employee has violated a rule or regulation, such rule or regulation shall be set forth in said notice.
4. The decision of the Superintendent.

REGULATIONS REGARDING DISMISSAL/DEMOTION/SUSPENSION (DISCIPLINARY ACTION)

LEGAL REFERENCE

EC

35161 Delegation Of Powers And Duties; 44009 Conviction Of Specified Crimes; 44010 Sex Offense; 44011 "Controlled Substance Offense" Defined; 44940 Leave Of Absence; Employee Charged With Mandatory Or Optional Leave Of Absence Offense; 44940.5 Compulsory Leave Of Absence; Procedures; Extension; Compensation; Bond Or Security; Reports; 45101 Definitions (Including "Disciplinary Action," "Cause"); 45109 Fixing Of Duties; 45113 Rules And Regulations For Classified Service In Districts Not Incorporating The Merit System; 45123 Employment After Conviction Of Sex Or Narcotics Offense; 45302 Demotion And Removal From Permanent Classified Service; 45303 Additional Cause For Suspension Or Dismissal Of Employees In Classified Service; 45304 Suspension For Reasonable Cause; Filing Of Charges; Employee Charged With Mandatory Or Optional Leave Of Absence Offense

Vehicle Code

1808.8 School Bus Drivers; Dismissal For Safety-Related Cause

United States Code, Title 42

12101 -12213 Americans With Disabilities Act

REGULATIONS REGARDING CLASSIFIED MEDICAL LEAVE**Personal Illness/Injury Leave**

Full-time classified employees are entitled to 12 days leave of absence, with full pay, for personal illness or injury per fiscal year. Employees who serve less than a full fiscal year or less than five days a week shall be granted comparable sick leave in proportion to the actual time worked, exclusive of vacation and paid holidays. (EC 45191)

An employee may take sick leave at any time during the year, even if credit for sick leave has not yet been accrued. (EC 45191)

When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave. (EC 45195)

An employee who does not complete a given year of service shall be charged for any unearned sick leave used as of the date of termination.

Unused days of sick leave shall be accumulated from year to year without limitation. (EC 45191)

Sick leave may be used by a classified employee for:

1. Absences caused by accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact during the performance of the employee's duties with other persons having a contagious disease (EC 45199)
2. Absences due to pregnancy, childbirth and recovery (EC 45193)
3. Cases of personal necessity (EC 45207)
4. Medical or dental appointments, in increments of not less than one-quarter hour.
5. Cases of industrial accidents or illnesses when leave granted specifically for that purpose has expired (EC 45192)
6. Illness of the employee's child, parent, spouse, registered domestic partner or domestic partner's child, up to the amount of sick leave that would be accrued during six months (Labor Code 233)
7. In addition, the employee may request, in writing, to utilize accrued sick leave to extend time to care for a child, parent, or spouse during a serious illness.

An employee shall notify the County Office of Education of his/her need to be absent as soon as such need is known, so that substitute services may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the County Office of Education. If the duration of absence becomes shorter than estimated, the employee shall notify the County Office of Education by not later than 3 p.m. of the day preceding the day on which he/she intends to return to work. If failure to so notify the County Office of Education results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Sick Leave beyond 12 Days

On July 1 of each fiscal year, employees shall be credited with 100 working days of differential sick leave, including days to which he/she is entitled under Ed Code Section 45191. After an employee has exhausted all paid leave, he/she shall receive 50 percent of their regular salary for each hour/day absent, regardless of whether or not a substitute is hired, for no more than 100 days (EC 45196). Verification of illness is required. Such leave does not accumulate year to year. Any remaining balance shall be reset to zero on June 30 of each fiscal year.

REGULATIONS REGARDING CLASSIFIED MEDICAL LEAVE

After a permanent employee who is absent because of non-industrial accident or illness has exhausted all available sick leave, vacation, compensatory overtime and any other paid leave, he/she shall be so notified in writing and offered an opportunity to request additional leave. The County Superintendent may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. Total leave so granted shall not exceed 18 months. (EC 45195)

When a classified employee has exhausted all available leaves, paid or unpaid, and is still not able to resume his/her duties, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able, he/she shall be reemployed in the first vacancy in the classification of his/her previous assignment. The employee's reemployment shall take preference over all other applicants except those laid off for lack of work or funds, in which case the employee shall be ranked according to his/her seniority. (EC 45195)

Verification Requirements

After any absence due to illness or injury, the employee shall verify the absence by submitting a completed and signed County Office of Education absence form to his/her immediate supervisor. Written verification of an injury or illness is required after three consecutive working days of absence. Such verification shall also be required whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever clear evidence indicates that an absence is not related to illness or injury.

The County Superintendent of Schools or designee may require an employee to visit a physician selected by the County Office of Education and at County Office of Education expense in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for further leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the County Superintendent of Schools or designee, after giving notice to the employee, may deny further leave.

Before returning to work, an employee who has been absent for surgery, hospitalization or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return and stipulating any recommended restrictions or limitations.

Legal Reference:

EC

45190 Leaves Of Absence And Vacations

45191 Leaves Of Absence For Illness And Injury

45193 Leave Of Absence For Pregnancy (Re Use Of Sick Leave Under Certain Circumstances)

45195 Additional Leave For Non-industrial Accident Or Illness; Reemployment Preference

45196 Salary; Deductions During Sick Leave

45202 Transfer Of Accumulated Sick Leave And Other Benefits

Labor Code

233 Illness of child, parent, spouse or domestic partner

REGULATIONS REGARDING INDUSTRIAL ACCIDENT/ILLNESS LEAVE

Leave of absence for industrial accidents or illnesses shall be provided to classified employees. In each fiscal year, allowable leave for any single industrial accident or illness shall be for 60 working days. (EC 45192)

Allowable leave shall not accumulate from year to year. (EC 45192)

When a classified employee is absent from his/her duties because of an industrial accident or illness: (EC 45192)

1. Industrial accident or illness leave shall start on the first day of absence.
2. Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.
3. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence, regardless of a compensation award made under workers' compensation.
4. If an industrial accident or illness leave overlaps into the next fiscal year, the employee is entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

Upon expiration of allowable leave for an industrial accident or illness, the employee shall use personal illness and injury leave as provided by EC 45191. If the employee continues to receive workers' compensation, he/she shall be entitled to use only as much of his/her accumulated or available sick leave, accumulated compensating time, vacation or other available leave as, when added to the employee's workers' compensation award, will provide for a full day's wage or salary. (EC 45192)

During any paid leave of absence, the employee shall endorse to the County Office of Education any workers' compensation checks received on account of his/her industrial accident or illness. In those cases, the County Office of Education shall issue appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement and other authorized contributions. (EC 45192)

When available paid leave has been exhausted, the employee shall be so notified in writing and shall be offered an opportunity to request additional leave. (EC 45192)

When all available leaves of absence, paid or unpaid, have been exhausted and the employee is not medically able to assume the duties of his/her position, the employee shall be placed either in another position or on a reemployment list for a period of 39 months. If during this time the employee becomes medically able, he/she shall be employed in a vacant position in the classification of his/her previous assignment over all other available candidates, except for a reemployment list established because of lack of work or lack of funds, in which case the employee shall be listed in accordance with appropriate seniority regulations. An employee who has been placed on a reemployment list and has been medically released for return to duty, but fails to accept an appropriate assignment, shall be dismissed. (EC 45192)

REGULATIONS REGARDING INDUSTRIAL ACCIDENT/ILLNESS LEAVE

During this leave, the employee may return to his/her position without suffering any loss of status or benefits. Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee. (EC 45192)

Legal Reference:

EC

45191 Leave of absence for illness or injury

45192 Industrial accident and illness leaves for classified employees

VACATIONS and HOLIDAYS

Education code Section 45203 provides that “...all probationary or permanent employees...shall be entitled to the following paid holidays **provided** they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday:”

LCOE observes the following holidays:

- New Year’s Day
- Martin Luther King, Jr. Day
- Lincoln’s Birthday
- Presidents’ Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Friday after Thanksgiving*
- Christmas Day

* *Education code 45206.5* provides a substitute holiday for September 9, Admission Day. The Superintendent has designated the day following Thanksgiving as the substitute holiday.

NOTE: In addition to Martin Luther King, Jr. day, the Superintendent has granted three local holidays, for a total of 14 paid holidays for 12-month full-time employees. The three additional holidays will be determined by the Superintendent of Schools.

Revised 07/01/04

Revised 11/16/04

Adopted 11/16/04

VACATION and HOLIDAYS

1. Vacation Accrual - Full Time Classified Employees:

Definition: Full time for the purposes of this section is defined as 2080 hours per year: 12 months, 52 weeks, 40 hours per week, 8 hours per day.

Full time classified employees shall earn paid vacation time at the following rate:

YEARS OF ELIGIBLE SERVICE	VACATION PER MONTH	TOTAL VACATION DAYS FULL TIME/12 MONTHS
0-5 years	1 ¼ days	15
6-10 years	1 ¾ days	21
11-15 years	2 days	24
16-20 years	2 ¼ days	27

2. Accrual Limits:

All regular fulltime classified employees may accumulate vacation credit to a total not exceeding that which the employee could earn in fourteen (14) months. Any employee whose vacation accrual exceeds fourteen (14) months, at the time of adoption of this provision, shall have six (6) months to take vacation which exceeds the above limit. Vacation shall cease to accrue, after the six-month grace period, to the extent that the accrual would exceed the amount allowed by this accrual limit.

3. Other Provisions:

- a. This policy is applicable to all employees of the Lake County Office of Education receiving vacation benefits.
- b. Vacation requests shall be submitted to the employee’s supervisor, who shall approve or deny the request based on the needs of the office and as nearly as possible, the convenience of the employee.
- c. Earned vacation shall not become a vested right until completion of the initial six (6) months of employment.
- d. Upon separation from service, the employee shall be entitled to lump sum compensation for all earned and unused vacation, except employees who have not completed six (6) months of employment in a regular status shall not be entitled to such compensations.
- e. Eleven-month full time, ten-month full time, and regular part-time classified employees shall earn vacation time at the ratio that their actual service, exclusive of paid holidays, bears to full time service (2080 hours).

VACATION

- f. All classified employees who resign or whose employment is terminated shall receive the paid vacation to which they are entitled at the time of severance. A classified employee who is placed on administrative leave pending termination shall be required to use his/her accrued vacation time pending termination.

- g. Vacation shall become a vested right only as it is earned by service at the monthly rate, as provided above. An employee may, with the advance approval and in the sole discretion of the County Superintendent, be allowed to use in advance unearned vacation leave, which shall be deducted from subsequent vacation leave as it is earned. Upon voluntary or involuntary termination of employment, if the employee has been granted and used any such unearned vacation leave, which remains unearned as of the effective date of termination, deduction of the full amount of salary or wages for the period of unearned vacation leave shall be made from any sum remaining to the employee.

MANAGEMENT/SUPERVISORY/CONFIDENTIAL PERSONNEL

It is the intent of the County Superintendent to analyze the needs of the Lake County Office of Education on an annual basis to determine which management positions may not be necessary for the following year.

Management, supervisory and confidential positions shall be defined as follows:

1. Management employees are those having significant responsibilities for formulating County Office of Education policies or administering Lake County Office of Education programs and whom the County Superintendent has legally designated as management.
2. Supervisory employees are those who have the authority to make recommendations to the County Superintendent or designee concerning the employees under their supervision. This authority shall extend to the following areas: hiring, transfer, suspension, layoff, recall, promotion, discharge, assignment, reward, direction, work assignment and discipline.
3. Confidential employees are those employees who, in the regular course of their duties, may have access to or possess information relating to their employer's employer-employee relations.

ASSIGNMENT

The County Superintendent shall make employee assignments in accordance with the needs of the Lake County Office of Education.

Employees have no right of assignment to a particular work site.

Except where otherwise appropriate, certificated management employees shall be assigned within the scope of their credential and competency.

All certificated and classified management and professional staffs are exempt employees for the purpose of the Fair Labor Standards Act. The hours of work shall be determined by their work assignments.

The County Superintendent reserves the right to assign, reassign, schedule and modify all terms and conditions of employment in accordance with the needs of the Lake County Office of Education.

The County Superintendent designates in accordance with law salaried positions, which are exempt from overtime. Persons holding these positions work whatever hours are necessary in order to fulfill their assignments. Their positions are set apart from other positions by virtue of the duties, flexibility of hours, salary, benefit structure and authority that they entail.

Management Work Year

The “regular” work year for certificated management positions is stated in number of days for contract purposes. The “regular” work year for classified management positions is 12 months. The regular work year shall start on July 1 and extend through June 30. The number of days as indicated on the management salary schedule, and on individual contracts, shall comprise the “regular” work year.

Work Schedules

Management work schedules may be fulfilled in a flexible manner in order to best meet the demands of the tasks to be accomplished. The standard workweek for management employees is Monday through Friday.

Saturday and/or Sunday may be considered a duty day only under the following circumstances:

1. Prior approval or directive by the Director of Human Resources, and
 - a. It is a mandatory activity of Lake County Office of Education; or
 - b. The activity is required as a part of employee’s job responsibilities; or
 - c. It is a conference that has been requested, pre-approved in writing, and meets the criteria of a. or b.
2. A maximum of four (4) weekend duty days may be approved for conferences during a work year.

ASSIGNMENT**Certificated Management**

A maximum of eight (8) work days over the contracted work year may be carried over to the next contracted work year and taken as non-duty days that count towards the fulfillment of the contract.

Upon termination of employment, a maximum of eight (8) unused carry over workdays shall be paid at the employee's daily rate.

A record of the days worked shall be maintained and reported on the Dates of Service Calendar.

Extra Work for Extra Pay

Management personnel may be assigned "extra work for extra pay" responsibilities as determined by the County Superintendent.

"Extra work for extra pay" requests may also be made by management personnel to the County Superintendent. Requests will be submitted in writing with a recommendation by the program administrator. Requests for "extra work for extra pay" may be made annually.

Consideration for approval will be made on an individual basis. The rationale for the request must include a description of the work that will be accomplished during the "extra work" assignment.

If approved, "extra work for extra pay" assignments will be identified as such in contracts which will be separate and apart from the regular work year contracts.

"Extra work for extra pay" time will not be counted as part of the regular contract year. It will not be used for the purpose of extending the regular contract year, or for the purpose of calculating employer contributions for employee benefits under STRS.

EMPLOYEE TELECOMMUTING**Definition**

Telecommuting is defined as working at home, for a predetermined time period, during work hours to fulfill a specific task or assignment designated by the employee's supervisor and approved by the Director of Human Resources.

The telecommuting work option is available to management employees only. Telecommuting is a cooperative arrangement between supervisor and employee, not an entitlement, and is based on:

1. The needs of the job, work group and Lake County Office of Education;
2. The employee's past and present levels of performance.

Jobs suitable for telecommuting are characterized by clearly defined tasks and work products. A telecommuter's performance is measured by product results, not work location.

Each telecommuting arrangement will be jointly agreed between the supervisor and employee with approval by the Program Manager and Director of Human Resources (Exhibit A). Telecommuting is voluntary and may be terminated at any time, at will, by either Lake County Office of Education or the employee.

Telecommuting does not change the basic terms and conditions of employment as a manager of Lake County Office of Education.

Responsibilities

Lake County Office of Education provided equipment, supplies or software at home is not an entitlement of telecommuting. Telecommuters may be expected to provide telecommuting equipment such as computer, modem, printer and telephone access line at their own expense. Lake County Office of Education does not assume any liability for loss, damage or wear of employee-owned equipment nor its technical support.

At the County Superintendent's discretion, telecommuting equipment, internet access, supplies or software may be provided based on business need. Such equipment and/or software will remain the property of Lake County Office of Education and is insured under the Lake County Office of Education liability policy. However, the employee's homeowner's policy will incur primary responsibility for theft or vandalism. Damage to equipment and/or software due to negligence is the employee's responsibility.

Employees who work at home will take all precautions necessary to secure proprietary information in their home and prevent unauthorized access to any Lake County Office of Education system from their home.

Telecommuters who work at home will have a designated work space maintained by the employee.

EMPLOYEE TELECOMMUTING

The employee has the responsibility to maintain his/her home work space in safe condition, free from hazards or other dangers. The employee agrees that Lake County Office of Education reserves the right to visit the employee's home work space for the purpose of determining that it is safe and free from hazards. The employee remains liable for injuries to third parties and/or members of the employee's family on the employee's premises.

Telecommuting is not an alternative to Lake County Office of Education's established leave provisions, e.g., sick leave and family care. Telecommuters who work at home will manage dependent care and personal responsibilities in a way that allows them to successfully fulfill job responsibilities.

TELECOMMUTING AGREEMENT
Between
LAKE COUNTY OFFICE OF EDUCATION
and

(Employee Name)

DESCRIPTION OF ASSIGNMENT:

CONDITIONS OF AGREEMENT:

Beginning Date: Completion Date:

Scheduled Work Days:

Scheduled Work Hours: to

WORK LOCATION (Employee Residence):

(Street Address) (City)

Homeowner's Insurance Provider:

Employee-owned equipment, software, and data permitted to be used with Lake County Office of Education assets or information systems to which employee has access from remote work location (if any):

LCOE information systems to which employee will have access from remote work location (if any):

LCOE assets (if any) provided for use at remote work location:

I have read and understand the attached Employee Telecommuting policy, and agree to the duties, obligations, responsibilities and conditions for telecommuters expressed in that document, in addition to my normal duties, obligations and responsibilities as a Lake County Office of Education management employee.

I agree that, among other things I am responsible for establishing specific scheduled telecommuting work hours, furnishing and maintaining my designated work space in a safe manner, employing appropriate telecommuting security measures and protecting Lake County Office of Education assets, information and information systems.

I understand that telecommuting is voluntary and I may stop telecommuting at will at any time. I also understand that Lake County Office of Education may at will, at any time, change any or all of the conditions under which this agreement is made or withdraw permission to telecommute.

Date Employee Signature

Date Supervisor Signature

APPROVED:

Date Director of Human Resources Signature

DISTRIBUTION: Original – Human Resources Department; Copy - Department

PERFORMANCE EVALUATION

The County Superintendent or designee shall establish and define job responsibilities for administrative personnel. The evaluation and assessment of the competency of administrative personnel shall be based on:

1. The administrator's progress toward agreed-upon goals, objectives and tasks
2. General expectations of performance which recognize professional responsibility, accountability and attitude
3. The fulfillment of responsibilities contained in the specific job descriptions adopted by the Lake County Office of Education
4. Additional factors as determined by the County Superintendent or designee

The evaluation shall recognize the worth and needs of the individual in the total working environment and shall provide direction toward the improvement of his/her effectiveness.

Each administrator shall be evaluated formally at least once every other school year. Administrators new to a position may be evaluated each year for the first two (2) years in the position. Evaluation is a continuous process and may occur between scheduled periods at the request of the administrator, the administrator's immediate supervisor or any higher supervisor.

Formal management evaluations shall be recorded in writing on a form prescribed by the County Superintendent. The evaluation shall include recommendations for improvement if needed.

The evaluation report must be signed by the evaluator and the employee and may be reviewed by the evaluator's immediate supervisor at the request of either party. The signature of the evaluated administrator shall not show agreement with the evaluation unless so indicated above his/her signature.

A copy of the report shall be given to the administrator no later than May 15. The employee may make a written response to the evaluation at any time up to 30 days after receiving a copy of the evaluation. The response shall be attached to the evaluation and permanently placed in the employee's personnel file.

Confidential and Supervisory Employees

The County Superintendent or designee shall develop appropriate procedures for the evaluation of confidential and supervisory employees. Evaluations shall be administered in the same manner and time schedule as classified employees who have non-confidential or supervisory positions with the Lake County Office of Education.

COMPETENCE IN EVALUATION

The County Superintendent or designee will assess and certify the competency of management and supervisory employees assigned to evaluate employees every two (2) years. Certification of competency will be part of management and supervisory employee evaluation.

Evaluator competency will be based on the following criteria:

All Evaluators

1. Be familiar with Lake County Office of Education policies and procedures for personnel supervision, performance evaluation and staff development:
 - a. Be knowledgeable of the legal provisions and policies and procedures governing supervision, evaluation and dismissal.
 - b. Follow Lake County Office of Education procedures, policies and priorities relating to job requirements.
 - c. Ensure that employees are aware of Lake County Office of Education adopted evaluation procedures and the criteria for judging performance quality.
 - d. Apply Lake County Office of Education criteria for judging employee performance.
 - e. Use goals and objectives for improved performance practices.
 - f. Design competency building opportunities and provide resources for employees acquiring needed skills to meet performance standards.
 - g. Monitor employee progress toward goals and objectives.
 - h. Summarize evaluations, making recommendations and commendations.

Evaluators of Teaching Staff

1. Possess a valid administrative credential.
2. Be competent in instructional methodologies used by teachers they are assigned to evaluate, including:
 - a. Knowledge of expected content coverage.
 - b. Planning for the achievement of specified objectives.
 - c. Analyzing a task into its prerequisite skills and sequences of learning.
 - d. Applying principles of learning, including human development.
 - e. Applying a repertoire of teaching strategies depending on the instructional objectives and the learners' needs, styles and capacities.
 - f. Monitoring students' progress toward goal achievement.
 - g. Monitoring students' on-task behavior.
 - h. Gathering data about and keeping records of student progress.
 - i. Analyzing, evaluating and modifying the effectiveness of teaching strategies.
 - j. Applying classroom management skills, including setting classroom rules and using appropriate interventions.
 - k. Demonstrating behaviors that promote equal opportunity, such as proximity and opportunity for response and access to student leadership opportunities.

COMPETENCE IN EVALUATION

3. Be skilled in the supervision of instruction and in techniques and procedures related to the evaluation of instruction:
 - a. Conference with teachers before and after instruction.
 - b. Observe classroom instruction and student performance.
 - c. Facilitate the teacher's analysis, evaluation and modification of the teaching strategies and lesson design.
 - d. Design competency building strategies for instructional improvement.
 - e. Facilitate the acquisition of materials, facility arrangement, scheduling and provide resources or other support services needed to improve instruction and learning.
4. Be familiar with Lake County Office of Education curriculum priorities, policies and practices, Lake County Office of Education standards for student progress, and Lake County Office of Education policies and procedures related to personnel supervision, performance evaluation and staff development.
5. Participate in at least one training per year in clinical supervision and/or other approved instructional and evaluation techniques.

REGULATIONS REGARDING MANAGEMENT PERSONNEL REDUCTION**Certificated Management**

Certificated management staff serves at the pleasure of the County Superintendent.

When the County Superintendent needs to reduce the number and/or kind of certificated management, staff notification shall be by certified mail or in person. If the notice is presented in person, the employee's signature acknowledging receipt of the notice shall be obtained on the Lake County Office of Education copy of the notice.

Certificated managers do not earn permanency as teachers. If permanency was earned as a teacher by teaching in the county service, it is retained on advancement to an administrative position. The County Superintendent may place displaced personnel in other certificated positions (causing no reduction in the overall number of certificated employees of the Lake County Office of Education).

Classified Management/Supervisory/Confidential Employees

Classified managers, supervisory, and confidential employees shall be entitled to the same procedure and have the same layoff rights as all other classified employees. Layoff proceedings shall be carried out in consultation with legal counsel.

The County Superintendent may abolish any or all positions of classified management service.

LEAVES FOR MANAGEMENT

Classified management employees shall be entitled to the leave provisions provided regular classified employees, with the added benefit that management employees may adjust their calendars of service with the permission of the Director of Human Resources.

Educational Leave for Management Employees

The County Superintendent recognizes that opportunities arise, which if taken advantage of, can enhance both the skill level of the employee and future operations of the Lake County Office of Education. For example, an employee may be invited as a guest lecturer at a university for a period of time or may be invited to work for another public agency in a related professional position. Should a management employee wish to take advantage of these or similar circumstances, the following procedures and time lines must be followed:

1. The employee must notify, in writing, his/her immediate supervisor prior to March 1st preceding the fiscal/academic year for which the leave is requested.
2. The leave request must be accompanied by a written rationale which describes how the activities the employee is engaged in during the leave period will benefit:
 - a. the professional growth of the employee, and
 - b. the Lake County Office of Education upon the employee's return to the Lake County Office of Education.
3. The request for the leave must receive a positive recommendation from the Director of Human Resources before it goes to the County Superintendent for final approval.
4. The leave may be granted for one fiscal/academic year.
5. The employee must notify his immediate supervisor in writing no later than February 15th of the leave year of his/her decision to return or not return the next fiscal/academic year. Failure to notify will result in a notification of non-reemployment for the next fiscal/academic year.
6. The County Superintendent will make efforts to reinstate the employee in the same position held prior to taking the leave.
7. A leave that imposes any additional expenses upon the Lake County Office of Education will not be approved.