

Policy 4119.21: Professional Standards**McCabe Union Elementary School
District****Original Adopted Date:** 06/27/2017**Status:** ADOPTED

The Board of Trustees expects district employees to maintain the highest ethical standards, exhibit professional behavior, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employee conduct should enhance the integrity of the district, advance the goals of the district's educational programs, and contribute to a positive school climate.

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

Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of district students.

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon
2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed
3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members
7. Willfully disrupting district or school operations by loud or unreasonable noise or other action
8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace or at a school-sponsored activity
9. Dishonesty with students, parents/guardians, staff, or members of the public, including, but not limited to, falsification of information in employment records or other school records
10. Divulging confidential information about students, district employees, or district operations to persons not authorized to receive the information
11. Using district equipment or other district resources for the employee's own commercial purposes or for political activities

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

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

13. Causing damage to or engaging in theft of property belonging to students, staff, or the district

14. Wearing inappropriate attire

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

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

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

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

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

State Reference

5 CCR 80303	<u>Reports of change in employment status, alleged misconduct</u>
5 CCR 80331-80338	<u>Rules of conduct for professional educators</u>
Ed. Code 200-262.4	<u>Educational equity; prohibition of discrimination on the basis of sex</u>
Ed. Code 44050	<u>Employee code of conduct; interaction with students</u>
Ed. Code 44242.5	<u>Reports and review of alleged misconduct</u>
Ed. Code 48980	<u>Parental notifications</u>
Pen. Code 11164-11174.4	<u>Child Abuse and Neglect Reporting Act</u>

Management Resources Reference

Commission on Teacher Credentialing Publication	<u>California Professional Standards for Educational Leaders, February 2014</u>
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Commission on Teacher Credentialing Publication	<u>California Standards for the Teaching Profession, 2009</u>
Council of Chief State School Officers Publication	<u>Professional Standards for Educational Leaders, 2015</u>
National Education Association Publication	<u>Code of Ethics of the Education Profession, 1975</u>
Website	<u>CSBA</u>
Website	<u>California Department of Education</u>
Website	<u>Commission on Teacher Credentialing</u>
Website	<u>WestEd</u>
Website	<u>Association of California School Administrators</u>
Website	<u>California Federation of Teachers</u>
Website	<u>California School Employees Association</u>
Website	<u>California Teachers Association</u>
Website	<u>Council of Chief State School Officers</u>
WestEd Publication	<u>Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003</u>

Policy Reference**Description**

0200	<u>Goals For The School District</u>
0410	<u>Nondiscrimination In District Programs And Activities</u>
0450	<u>Comprehensive Safety Plan</u>
1113	<u>District And School Web Sites</u>
1312.1	<u>Complaints Concerning District Employees</u>
2111	<u>Superintendent Governance Standards</u>
3513.3	<u>Tobacco-Free Schools</u>
3513.4	<u>Drug And Alcohol Free Schools</u>
3515.2	<u>Disruptions</u>
3515.7	<u>Firearms On School Grounds</u>
3580	<u>District Records</u>
4020	<u>Drug And Alcohol-Free Workplace</u>
4040	<u>Employee Use Of Technology</u>
4112.2	<u>Certification</u>
4112.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4113.5	<u>Working Remotely</u>
4115	<u>Evaluation/Supervision</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4119.1	<u>Civil And Legal Rights</u>

4119.11	<u>Sexual Harassment</u>
4119.22	<u>Dress And Grooming</u>
4119.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4119.25	<u>Political Activities Of Employees</u>
4131	<u>Staff Development</u>
4132	<u>Publication Or Creation Of Materials</u>
4136	<u>Nonschool Employment</u>
4158	<u>Employee Security</u>
4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4213.5	<u>Working Remotely</u>
4215	<u>Evaluation/Supervision</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4219.1	<u>Civil And Legal Rights</u>
4219.11	<u>Sexual Harassment</u>
4219.22	<u>Dress And Grooming</u>
4219.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4219.25	<u>Political Activities Of Employees</u>
4231	<u>Staff Development</u>
4232	<u>Publication or Creation of Materials</u>
4236	<u>Nonschool Employment</u>
4258	<u>Employee Security</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4313.5	<u>Working Remotely</u>
4315	<u>Evaluation/Supervision</u>
4319.1	<u>Civil And Legal Rights</u>
4319.11	<u>Sexual Harassment</u>
4319.22	<u>Dress And Grooming</u>
4319.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4319.25	<u>Political Activities Of Employees</u>
4331	<u>Staff Development</u>
4332	<u>Publication or Creation of Materials</u>
4336	<u>Nonschool Employment</u>
4358	<u>Employee Security</u>
6162.54	<u>Test Integrity/Test Preparation</u>
6162.6	<u>Use Of Copyrighted Materials</u>

CODE OF ETHICS OF THE EDUCATION PROFESSION

Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurturing of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents, and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

Principle I. Commitment to the Student

The educator strives to help each student realize his/her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning
2. Shall not unreasonably deny the student access to varying points of view
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress
4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety
5. Shall not intentionally expose the student to embarrassment or disparagement
6. Shall not on the basis of race, color, creed, gender, national origin, marital status, political or religious beliefs, family, social, or cultural background, or sexual orientation, unfairly:
 - a. Exclude any student from participation in any program
 - b. Deny benefits to any student
 - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage
8. Shall not disclose information in the course of professional service unless disclosure serves a compelling professional purpose or is required by law

Principle II. Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions that attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation of the profession, the educator:

1. Shall not in any application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications
2. Shall not misrepresent his/her professional qualifications
3. Shall not assist any entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position
5. Shall not assist a noneducator in the unauthorized practice of teaching
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law
7. Shall not knowingly make false or malicious statements about a colleague
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or action

Source: National Education Association, 1975

Policy 4119.22: Dress And Grooming**McCabe Union Elementary School District****Original Adopted Date:** 06/25/2019 | **Last Revised Date:** 11/12/2019**Status:** ADOPTED

The Board of Trustees believes that appropriate dress and grooming by district employees contribute to a productive learning environment and model positive behavior. During school hours and at school activities, employees shall maintain professional standards of dress and grooming that demonstrate their high regard for education, present an image consistent with their job responsibilities and assignment, and do not endanger the health or safety of employees or students. All employees shall be held to the same standards unless their assignment provides for modified dress as approved by their supervisor.

The district shall allow employees to appear and dress in a manner consistent with their gender identity or gender expression. (Government Code 12949)

The district shall not discriminate against employees based on hair texture and protective hairstyles, including, but not limited to, braids, locks, and twists. (Government Code 12926)

The district shall not dismiss an employee, discriminate against an employee in compensation or in terms, conditions, or privileges of employment, or refuse to hire a job applicant on the basis of religious dress or grooming practices. (Government Code 12926, 12940)

This policy shall be presented to employees upon employment, through the employee handbook or other appropriate means, and may be periodically reviewed with all employees as necessary.

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

State Reference**Description**

Ed. Code 35160	<u>Authority of governing boards</u>
Ed. Code 35160.1	<u>Broad authority of school districts</u>
Gov. Code 12926	<u>Definitions</u>
Gov. Code 12940	<u>Unlawful discriminatory employment practices</u>
Gov. Code 12949	<u>Dress standards, consistency with gender identity</u>
Gov. Code 3543.2	<u>Scope of representation</u>

Management Resources Reference**Description**

CA Dept of Fair Employment and Housing Publication	<u>Transgender Rights in the Workplace</u>
Court Decision	<u>San Mateo City School District v. PERB (1983) 33 Cal. 3d 850</u>
Court Decision	<u>East Hartford Education Assn. v. Board of Education (2d Cir. 1977) 562 F. 2d 856</u>
Court Decision	<u>Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100</u>

Court Decision	<u>Finot v. Pasadena Board of Education (1967) 250 Cal.App.2d 189</u>
Public Employment Relations Board Decision	<u>Santa Ana Unified School District (1998) 22 PERC P29, 136</u>
Public Employment Relations Board Decision	<u>Inglewood United School District (1985) 10 PERC P17, 000</u>
Website	<u>California Public Employment Relations Board</u>
Website	<u>California Department of Fair Employment and Housing</u>

Policy Reference**Description**

0410	<u>Nondiscrimination In District Programs And Activities</u>
0415	<u>Equity</u>
4030	<u>Nondiscrimination In Employment</u>
4112.21	<u>Interns</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4119.11	<u>Sexual Harassment</u>
4119.21	<u>Professional Standards</u>
4119.25	<u>Political Activities Of Employees</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4219.11	<u>Sexual Harassment</u>
4219.21	<u>Professional Standards</u>
4219.25	<u>Political Activities Of Employees</u>
4319.11	<u>Sexual Harassment</u>
4319.21	<u>Professional Standards</u>
4319.25	<u>Political Activities Of Employees</u>

Regulation 4119.22-R(1): Dress And Grooming**McCabe Union Elementary School
District****Original Issued Date:** 01/14/2020**Status:** ISSUED

The Board of Trustees believes that its employees are role models for students, and that they are instrumental in providing the professional atmosphere in which students learn. The Board also believes that the professional appearance of its employees contributes positively to the education and socialization of students, engenders the confidence of parents and the public in the quality of instruction and district programs, and reflects personal pride in performance and dedication to providing the kind of professional environment which is most conducive to learning.

1. The following items are not permitted for wear by employees while performing work on behalf of the district, during or outside of the workday, representing the district at educational or other events in the course of employment, or while in attendance or participating in any district sponsored event.

- a. Spandex clothing, leggings or tights (as pants)
- b. Short skirts and shorts no shorter than three (3) inches above the knee
- c. See through clothing or clothing, which reveals undergarments, buttocks, or breasts
- d. Tank tops (sleeveless blouses and shells are appropriate), spaghetti straps, strapless, halter tops, or work-out clothing (sweat pants, shorts)
- e. Clothing which exposes the midriff - Midriff should not be seen while writing on the board
- f. Clothing with inappropriate logos (i.e. sex, drugs, rock-n-roll, alcohol, etc.)
- g. Football Jerseys
- h. Undershirts
- i. Undergarments worn as outergarments

j. Jewelry which presents a threat to the physical safety of employees or which interferes with the effectiveness of performance of specific required tasks, such as tongue jewelry where it interferes with effective communication skills with the public

k. Visible tattoos - tattoos must be covered

l. Clothing or personal items that display obscene, libelous or slanderous material

m. Beach sandals, flip flops, bedroom shoes, thongs or other footwear dangerous to the employee.

n. For gentlemen shirts with tails should be tucked in. Shirts may be left untucked as long as they are long enough to cover the midriff area

Employees whose primary responsibility is instruction of physical education or special activities (i.e. track and field) should wear attire appropriate to the physical activity they are performing.

2. Inclement or extreme weather conditions and health/physical disabilities may impact attire, but they are not an excuse for unprofessional appearance.

3. If an employee believes that an exception should be made in his/her case because of the specific type of assigned work performed, a medical condition/disability, or some other reason, permission must be obtained from administration.

Violations of the above dress standards will be addressed using the Steps for Progressive Discipline as follows:

1. Verbal Warning/Conference

2. Written Warning

3. Memorandum of Concern

4. "Unsatisfactory" on next Evaluation

5. In extreme cases, as determined by administrator an employee may be required to go home to change into appropriate attire.

Policy 4112.9: Employee Notifications**McCabe Union Elementary School
District****Original Adopted Date:** 06/27/2017 | **Last Revised Date:** 07/14/2020 | **Last Reviewed Date:** 07/14/2020**Status:** ADOPTED**All Personnel**

BP 4112.9(a)

4212.9

EMPLOYEE NOTIFICATIONS

4312.9

The Governing Board believes that providing clear communications to staff is essential to establishing a professional, positive work environment and enhancing their job performance. The Superintendent or designee shall provide district employees all notifications required by law and any other notifications the Superintendent or designee believes will promote staff knowledge of the district's policies, programs, activities, and operations.

When required by law, Board policy, or administrative regulation, district employees shall be asked to sign an acknowledgment indicating receipt of the notification. Such acknowledgments shall be retained in each employee's personnel file.

(cf. 3580 - District Records)

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

*Legal Reference:***EDUCATION CODE**

231.5 Sexual harassment policy

17612 Notification of pesticide use

22455.5 STRS information to potential members

22461 Postretirement compensation limitation

35031 Nonreelection of superintendent, assistant superintendent, or manager of classified services

35171 Notice of regulations pertaining to certificated employee evaluations

37616 Notice of public hearing on year-round schedule

44031 Personnel file contents, inspection

44663-44664 Evaluation of certificated employees

44842 Reemployment notices, certificated employees

44896 Transfer of administrator or supervisor to teaching position

44916 Written statement of employment status

44929.21 Reelection or nonreelection of probationary employee after second year

44929.23 Reelection notice, districts with less than 250 ADA

44934 Notice of disciplinary action for cause

44934.1 Suspension or dismissal for egregious misconduct

44936 Notice of suspension or dismissal

44938 Notice of unprofessional conduct and opportunity to correct

44940.5-44941 Notification of suspension and intent to dismiss

44948.3 Dismissal of probationary employees

44948.5 Nonreelection procedures, districts under 250 ADA

44949 Cause, notice and right to hearing

44951 Continuation in position unless notified, administrative or supervisory personnel

44954 Nonreelection of temporary employees

44955 Reduction in number of employees
45113 Notification of charges, classified employees

Legal Reference: (continued)

EDUCATION CODE (continued)

45117 Notice of layoff, classified employees
45169 Employee salary data, classified employees
45192 Industrial and accident leave
45195 Additional leave
46162 Notice of public hearing on block schedule
49013 Complaints regarding student fees
49079 Notification to teacher; student who has engaged in acts re: grounds suspension or expulsion
49414 Epinephrine auto-injectors
49414.3 Administration of opioid antagonist

CIVIL CODE

1798.29 District records, breach of security

GOVERNMENT CODE

1126 Incompatible activities of employees
8355 Certification of drug-free workplace, including notification
12950 Sexual harassment
21029 Retirement credit for period of military service
54957 Complaints against employees; right to open session
54963 Unauthorized disclosure of confidential information

HEALTH AND SAFETY CODE

1797.196 Automated external defibrillators; notification of use and locations
104420 Tobacco-free schools
120875 Information on AIDS, AIDS-related conditions, and hepatitis B
120880 Notification to employees re AIDS, AIDS-related conditions, and hepatitis B

LABOR CODE

245-249 Healthy Workplaces, Healthy Families Act of 2014
1034 Lactation accommodation
2800.2 Notification of availability of continuation health coverage
2810.7 Notice to participate in flexible spending account
3550-3553 Notifications re: workers' compensation benefits
5401 Workers' compensation; claim form and notice of potential eligibility

PENAL CODE

11105 Access to criminal history information
11105.2 Subsequent arrest notification
11165.7 Child Abuse and Neglect Reporting Act; notification requirement
11166.5 Employment; statement of knowledge of duty to report child abuse or neglect

UNEMPLOYMENT INSURANCE CODE

2613 Disability insurance; notice of rights and benefits

CODE OF REGULATIONS, TITLE 2

11023 Nondiscrimination in employment
11049 Notice of right to request pregnancy disability leave or transfer
11091 California Family Rights Act, designation notice
11096 Notice of right to request family care leave

CODE OF REGULATIONS, TITLE 5

4622 Uniform complaint procedures
80303 Reports of change in employment status, alleged misconduct

Legal Reference: (continued)

CODE OF REGULATIONS, TITLE 8

3204 Employees exposed to bloodborne pathogens, access to exposure and medical records

5191 Chemical hygiene plan

5194 Hazard communication program

CODE OF REGULATIONS, TITLE 13

1234 Reports regarding school buses and bus drivers

2480 Vehicle idling, limitations

UNITED STATES CODE, TITLE 38

4334 Uniformed Services Employment and Reemployment Rights Act, notice requirement

UNITED STATES CODE, TITLE 41

8101-8106 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 29

825.300 Family and Medical Leave Act; notice requirement

CODE OF FEDERAL REGULATIONS, TITLE 34

84.205-84.210 Drug-free workplace statement

104.8 Nondiscrimination

106.9 Dissemination of policy, nondiscrimination on basis of sex

CODE OF FEDERAL REGULATIONS, TITLE 40

763.84 Asbestos inspections, response actions and post-response actions

763.93 Asbestos management plans

CODE OF FEDERAL REGULATIONS, TITLE 49

382.113 Controlled substance and alcohol use and testing notifications

382.303 Post-accident information, procedures, and instructions

382.601 Controlled substance and alcohol use and testing notifications

Policy
adopted:

McCABE UNION ELEMENTARY SCHOOL DISTRICT
July 14, 2020

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State Reference

Description

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

Ed. Code 44842	<u>Reemployment notices, certificated employees</u>
Ed. Code 44896	<u>Transfer of administrator or supervisor to teaching position</u>
Ed. Code 44916	<u>Written statement of employment status</u>
Ed. Code 44929.21	<u>Notice of reelection decision; districts with 250 ADA or more</u>
Ed. Code 44929.23	<u>Districts with less than 250 ADA</u>
Ed. Code 44934	<u>Notice of disciplinary action for cause</u>
Ed. Code 44938	<u>Notice of unprofessional conduct and opportunity to correct</u>
Ed. Code 44940.5-44941	<u>Notification of suspension and intent to dismiss</u>
Ed. Code 44948.3-44948.5	<u>Dismissal of probationary employees</u>
Ed. Code 44948.5	<u>Nonreelection procedures, districts under 250 ADA</u>
Ed. Code 44949	<u>Dismissal of probationary employees</u>
Ed. Code 44951	<u>Continuation in position unless notified, administrative or supervisory personnel</u>
Ed. Code 44954	<u>Nonreelection of temporary employees</u>
Ed. Code 44955	<u>Reduction in number of permanent employees</u>
Ed. Code 45113	<u>Notification of charges, classified employees</u>
Ed. Code 45117	<u>Notice of layoff, classified employees</u>
Ed. Code 45169	<u>Employee salary data, classified employees</u>
Ed. Code 45192	<u>Industrial accident and illness leave for classified employees</u>
Ed. Code 45195	<u>Additional leave</u>
Ed. Code 46162	<u>Notice of public hearing on block schedule</u>
Ed. Code 49013	<u>Complaints regarding student fees</u>
Ed. Code 49079	<u>Notification to teacher, student who has engaged in acts re: grounds suspension or expulsion</u>
Ed. Code 49414	<u>Epinephrine auto-injectors</u>
Ed. Code 49414.3	<u>Administration of opioid antagonist</u>
Gov. Code 1126	<u>Incompatible activities of employees</u>
Gov. Code 12950	<u>Sexual harassment</u>
Gov. Code 21029	<u>Retirement credit for period of military service</u>
Gov. Code 54957	<u>Complaints against employees; right to open session</u>
Gov. Code 54963	<u>Unauthorized disclosure of confidential information</u>
Gov. Code 8355	<u>Certification of drug-free workplace, including notification</u>
H&S Code 104420	<u>Tobacco-free schools</u>
H&S Code 120875	<u>Information on AIDS, AIDS-related conditions, and hepatitis B</u>
H&S Code 120880	<u>Notification to employees re AIDS, AIDS-related conditions, and hepatitis B</u>

H&S Code 1797.196	<u>Automated external defibrillators; notification of use and locations</u>
Lab. Code 2800.2	<u>Notification of availability of continuation health coverage</u>
Lab. Code 3550-3553	<u>Notifications re: workers' compensation benefits</u>
Lab. Code 5401	<u>Workers' compensation, claim form and notice of potential eligibility</u>
Pen. Code 11165.7	<u>Child Abuse and Neglect Reporting Act, notification requirement</u>
Pen. Code 11166.5	<u>Employment, statement of knowledge of duty to report child abuse or neglect</u>
Unemp. Ins. Code 2613	<u>Disability insurance; notice of rights and benefits</u>

Federal Reference

29 CFR 825.300	<u>Family and Medical Leave Act; notice requirement</u>
34 CFR 104.8	<u>Nondiscrimination</u>
34 CFR 106.9	<u>Dissemination of policy</u>
34 CFR 84.205-84.210	<u>Drug-free workplace statement</u>
38 USC 4334	<u>Uniformed Services Employment and Reemployment Rights Act, notice requirement</u>
40 CFR 763.84	<u>Asbestos inspections, response actions and post-response actions</u>
40 CFR 763.93	<u>Asbestos management plans</u>
41 USC 8101-8106	<u>Drug-Free Workplace Act</u>
49 CFR 382.113	<u>Controlled substance and alcohol use and testing notifications</u>
49 CFR 382.303	<u>Post-accident information, procedures, and instructions</u>
49 CFR 382.601	<u>Controlled substance and alcohol use and testing notification</u>

Policy Reference

1312.3	<u>Uniform Complaint Procedures</u>
2121	<u>Superintendent's Contract</u>
3260	<u>Fees And Charges</u>
3513.3	<u>Tobacco-Free Schools</u>
3514	<u>Environmental Safety</u>
3514.1	<u>Hazardous Substances</u>
3514.2	<u>Integrated Pest Management</u>
3580	<u>District Records</u>
4020	<u>Drug And Alcohol-Free Workplace</u>
4030	<u>Nondiscrimination In Employment</u>
4033	<u>Lactation Accommodation</u>
4112.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>

4115	<u>Evaluation/Supervision</u>
4116	<u>Probationary/Permanent Status</u>
4117.3	<u>Personnel Reduction</u>
4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4119.11	<u>Sexual Harassment</u>
4119.43	<u>Universal Precautions</u>
4121	<u>Temporary/Substitute Personnel</u>
4136	<u>Nonschool Employment</u>
4154	<u>Health And Welfare Benefits</u>
4212.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4216	<u>Probationary/Permanent Status</u>
4219.11	<u>Sexual Harassment</u>
4219.43	<u>Universal Precautions</u>
4236	<u>Nonschool Employment</u>
4254	<u>Health And Welfare Benefits</u>
4312.1	<u>Contracts</u>
4312.42	<u>Drug And Alcohol Testing For School Bus Drivers</u>
4315	<u>Evaluation/Supervision</u>
4319.11	<u>Sexual Harassment</u>
4319.43	<u>Universal Precautions</u>
4336	<u>Nonschool Employment</u>
4354	<u>Health And Welfare Benefits</u>
9310-B	<u>Board Policies</u>
9321-B	<u>Closed Session</u>

All Personnel

E 4112.9(a)

EMPLOYEE NOTIFICATIONS

4212.9

4312.9

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

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

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
To all employees	Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210	BP 4020 BP 4159 4259 4359	District's drug- and alcohol- free workplace; actions to be taken if violated; available employee assistance programs
Upon employment	Government Code 21029	None	Right to purchase PERS service credit for military service performed prior to public employment
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
To all employees, if the district receives Tobacco-Use Prevention Education funds	Health and Safety Code 104420	AR 3513.3	District's tobacco-free schools policy and enforcement procedures
Annually to all employees, or more frequently if there is new information	Health and Safety Code 120875, 120880	BP 4119.43 4219.43 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To all employees, with each paycheck	Labor Code 246	AR 4161.1 4361.1 AR 4261.1	Amount of sick leave available
Upon hire, in employee handbook, and upon request for parental leave	Labor Code 1034	BP 4033	The district's policy on lactation accommodation
To covered employees and former employees	Labor Code 2800.2 4354	AR 4154 4254	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To employees participating in a flexible spending account	Labor Code 2810.7	None	Deadline to withdraw funds from account before the end of the plan year

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

To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	AR 4157.1 4257.1 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave for specified reasons	Unemployment Insurance Code 2613	AR 4154 4254 4354	Disability insurance rights and benefits
To all employees and job applicants	2 CCR 11023; 34 CFR 104.8, 106.9	BP 0410 AR 4030	District's policy on nondiscrimination and related complaint procedures
To all employees via employee handbook, or to each new employee	2 CCR 11091, 11095; 29 CFR 825.300	AR 4161.8 4261.8 4361.8	Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible
Annually to all employees	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress

II. To Certificated Employees

To eligible certificated employees in a timely manner, and to part-time and substitute certificated employees within 30 days of hire	Education Code 22455.5	AR 4121	Criteria for membership in retirement system; right to elect membership at any time
Upon employment of a retired certificated individual	Education Code 22461	AR 4117.14 4317.14	Postretirement earnings limitation or employment restriction; monthly report of compensation

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

To certificated employees	Education Code 35171	AR 4115 BP 4315	District regulations related to performance evaluations
30 days before last day of	Education Code	AR 4115	Copy of employee's evaluation

school year for instructional staff, or by June 30 for noninstructional certificated staff, in any year in which employee is evaluated	44663			
To a certificated employee with unsatisfactory evaluation, once per year for probationary employee or at least once every other year for permanent employee	Education Code 44664	AR 4115	Notice and description of the unsatisfactory performance	
By May 30, if district issues reemployment notices to certificated employees	Education Code 44842	AR 4112.1	Request that the employee notify district of intent to remain in service next year	
To certificated employees upon employment, and to nonpermanent employees in July of each school year	Education Code 44916	AR 4112.1 AR 4121	Employment status and salary	
To probationary employee, by March 15	Education Code 44929.21, 44929.23, 44948.5	BP 4116	Whether or not employee is reelected for next school year	
When certificated employee is subject to disciplinary action for cause, at any time of year or, for charge of unsatisfactory performance, during instructional year	Education Code 44934, 44934.1, 44936	BP 4118 AR 4118	Notice of charges, procedures, and employee rights; intent to dismiss or suspend 30 days after notice	
To certificated employee charged with unprofessional conduct, at least 45 days prior to suspension/dismissal notice	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct	
When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject	

II. To Certificated Employees (continued)

To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year	Education Code 44938	BP 4118	Notice of deficiency and opportunity to correct	
To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings	Education Code 44940.5	AR 4118	Notice of intent to dismiss 30 days from notice unless employee demands hearing	
To probationary employees 30 days prior to dismissal during	Education Code 44948.3	AR 4118	Reasons for dismissal and opportunity to appeal	

school year, but not later than March 15 for second-year probationary employees

By March 15 when necessary to reduce certificated personnel, with final notice by May 15	Education Code 44949, 44955	BP 4117.3	Reasons for personnel reduction and employees' right to hearing; final notice of Board decision re: termination
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On or before June 30, to temporary employee who served 75 percent of school year but will be released	Education Code 44954	BP 4121	District's decision not to reelect employee for following school year
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To teacher, when a student engages in or is reasonably suspected of specified acts	Education Code 49079	AR 4158 4258 4358	Student has committed specified act that constitutes ground for suspension or expulsion
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To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending	5 CCR 80303	AR 4117.7 4317.7	Contents of state regulation re: report to Commission on Teacher Credentialing
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III. To Classified Employees

When classified employee is subject to disciplinary action for cause, in nonmerit district	Education Code 45113	AR 4218	Notice of charges, right to hearing, timeline for requesting hearing
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When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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III. To Classified Employees (continued)

To classified employees at least 60 days prior to layoff, or by April 29 for specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff and reemployment rights
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To classified employees upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
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To classified permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave
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To school bus drivers and school activity bus drivers prior to expiration of specified documents	13 CCR 1234	AR 3542	Expiration date of driver's license, driver's certificate and medical certificate; need to renew
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To school bus drivers and school activity bus drivers upon employment and at least once per year thereafter	13 CCR 2480	AR 3542	Limitations on vehicle idling; consequences of not complying
To school bus drivers, prior to district drug testing program and thereafter upon employment	49 CFR 382.113, 382.601	AR 4112.42 4212.42 4312.42	Explanation of federal requirements for drug testing program and district's policy
To school bus drivers, prior to operating school bus	49 CFR 382.303	AR 4112.42 4212.42 4312.42	Post-accident information, procedures, and instructions

IV. To Administrative/Supervisory Personnel

To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 2121 BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term
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When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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IV. To Administrative/Supervisory Personnel (continued)

Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the release or reassignment
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year

V. To Individual Employees Under Special Circumstances

In the event of a breach of security of district records, to affected employees	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, and, as applicable, contact information for credit reporting agencies
Prior to placing derogatory information in personnel file	Education Code 44031	AR 4112.6 4212.6 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the district
To employees returning from military leave of absence, within 30 days of return	Government Code 20997	AR 4161.5 4261.5 4361.5	Right to receive PERS service credit for military service; application form

24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 4219.23 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	AR 4157.1 4257.1 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 4212.5 4312.5	Copy of DOJ notification

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

To any employee with exposure to blood or other potentially infectious materials, upon initial employment and at least annually thereafter	8 CCR 3204	AR 4119.42 4219.42 4319.42	The existence, location, and availability of exposure and medical records; person responsible for maintaining and providing access to records; right to access records
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 4261.5 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or district's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300; 2 CCR 11049, 11091	AR 4161.8 4261.8 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice

Whenever notice of eligibility
for FMLA is provided to
employee

29 CFR 825.300

AR 4161.8
4261.8
4361.8

Rights and responsibilities re:
use of FMLA; consequences of
failure to meet obligations

Exhibit
version:

McCABE UNION ELEMENTARY SCHOOL DISTRICT
July 14, 2020