The Board of Trustees recognizes that classified personnel provide essential services that support and enhance the district's educational program. The Board shall fill each of its classified positions with qualified persons, consistent with position requirements.

(cf. 0200 - Goals for the School District)
(cf. 4211 - Recruitment and Selection)

Legal Reference:
EDUCATION CODE
45100-45139 Employment of classified staff
45160-45169 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

Management Resources:
WEB SITES
California School Employees Association:  http://www.csea.com
CLASSIFIED PERSONNEL

Exemption from Classified Service

Merit System Districts

Individuals hired solely for the following purposes are exempt from the classified service: (Education Code 45256, 45258)

1. Part-time playground positions (noon duty aides), when the employees are not otherwise employed in classified positions in the district
2. Apprentices
3. Professional experts employed on a temporary basis for a specific project
4. Full-time students employed part time
5. Part-time students employed part time in any college work study program, or in a work experience education program conducted by a community college district pursuant to Education Code 51760 et seq. and which is financed by state or federal funds
6. Positions established for the employment of community representatives in advisory or consulting capacities for not more than 90 work days or 720 hours in a fiscal year, provided the authorized duties are not those normally assigned to a class of positions in the classified service, are approved by the personnel commission in advance of employment, and a regular classified district employee does not receive a concurrent appointment to such a position

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 Education Code 45122, fingerprinting pursuant to Education Code 45125, and tuberculosis tests pursuant to Education Code 49406. (Education Code 45106)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4212 - Appointment and Conditions of Employment)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Restricted Positions

Persons employed in restricted positions shall be classified employees for all purposes except that they shall not be subject to the provisions of Education Code 45272 and 45273 related to promotional examinations and the filling of vacancies, and shall not acquire permanent status or seniority credit. They shall be eligible for promotion into the regular classified service only after completing six months of satisfactory service, and only upon the subsequent satisfactory completion of the qualifying examinations required of all other persons serving in the same class in the regular classified service. (Education Code 45105, 45108)
RECRUITMENT AND SELECTION

The Superintendent or designee shall determine the personnel needs of the district. He/she shall locate suitable candidates and make recommendations to the Board of Trustees for employment.

No inquiry shall be made with regard to the age, race, color, religion, sex or national origin of persons proposed for or seeking employment. Questions regarding handicap shall be asked only when directly related to the job.

District employment practices shall not discriminate against authorized aliens. Legally-required inquiries to assure employment eligibility status shall be made in accordance with Board policy and administrative regulation.

(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)

The Superintendent shall ensure that persons nominated for employment meet all qualifications established by law and by the Board.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

Legal Reference:

EDUCATION CODE
200-261  Prohibition of discrimination on the basis of sex
44066  Limitations on certification requirements
45103-45138  Employment (classified employees)
49406  Examination for tuberculosis
CODE OF REGULATIONS, TITLE 5
30-31  Affirmative Action Employment Programs
TITLE VII, Civil Rights Act as amended by Title IX, Equal Employment Opportunity Act
IMMIGRATION REFORM AND CONTROL ACT OF 1986
APPOINTMENT AND CONDITIONS OF EMPLOYMENT

Upon recommendation of the Superintendent, the Board of Trustees shall approve the appointment of all classified employees. The position and the pay rate shall be reported to the Board at a regular meeting.

Individuals appointed to the classified staff shall, at a minimum:

1. Submit to fingerprinting as required by law (Education Code 45125)
2. Not have been convicted of a violent or serious felony (Education Code 45122.1)
   (cf. 4212.5 - Criminal Record Check)
3. Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 45123)
   (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
4. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 45124)
5. If the individual will be working directly and in an unaccompanied setting with minor children on a more than incidental and occasional basis or will have supervision or disciplinary power over minor children, not be required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 (Penal Code 290.95)
   (cf. 3515.5 - Sex Offender Notification)
6. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 45123)
7. Submit to a physical examination or proof thereof as required by law and Board policy (Education Code 45122, 49406)
   (cf. 4112.4/4212.4/4312.4 - Health Examinations)
8. File the oath or affirmation of allegiance required by Government Code 3100-3109
   (cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)
9. Submit to drug and alcohol testing as required by Board policy
   (cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)
10. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation
APPOINTMENT AND CONDITIONS OF EMPLOYMENT  (continued)

(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Notification of Classification and Compensation

When first employed and upon each subsequent change in classification, classified employees other than short-term, limited-term or provisional employees shall be given two copies of their class specification, salary data, assignment or work location, duty hours and prescribed work week. Salary data shall specify pay period (monthly, semimonthly or other) and applicable rates of compensation (daily, hourly, overtime and differential rates). Employees shall keep one copy of this information and shall sign and date the other copy and return it to their supervisor. (Education Code 45169)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 4151/4251/4351 - Employee Compensation)

Legal Reference:
EDUCATION CODE
35161 Powers and duties
44010 Sex offense - definitions
44011 Controlled substance offense - definitions
44066 Limitation on certification requirements
45103 Classified service in districts not incorporating the merit system
45104 Positions not requiring certification qualifications
45105 Positions under various acts not requiring certification qualifications
45108 Restricted positions
45113 Rules and regulations for classified service in districts not incorporating the merit system
45122 Physical examinations
45122.1 Classified employees, conviction of a violent or serious felony
45123 Employment after conviction of sex offense or controlled substance offense
45125 Use of personal identification cards to ascertain conviction of crime
45169 Employee salary data
49406 Examination for tuberculosis
60850-60856 High school exit exam
GOVERNMENT CODE
3100-3109 Oaths or affirmations
12940-12950 Unlawful employment practices
PENAL CODE
290 Registration of sex offenders
290.95 Disclosure by person required to register as sex offenders
667.5 Prior prison terms, enhancement of prison terms
1192.7 Plea bargaining limitation
1203.4 Discharged petitioner, change of plea
WELFARE AND INSTITUTIONS CODE
6300-6332 Sexual psychopaths

Regulation
approved:  January 5, 2010

PALMDALE SCHOOL DISTRICT
Palmdale, California
HEALTH EXAMINATIONS

New Employees

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

In addition, the Superintendent or designee may require applicants for employment in classified positions to undergo a pre-employment physical examination to show that they are physically able to perform the duties of specific jobs. (Education Code 45122)

Continuing Employees

Continuing employees shall undergo periodic tuberculosis tests once every four years in accordance with law. (Education Code 49406)

The Board of Trustees is concerned about the prevalence of tuberculosis in our community and may require continuing employees to undergo tuberculosis tests when warranted upon the recommendation of the local health officer.

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 district students and employees or to furnish medical proof of physical or mental ability to perform satisfactorily the assigned duties of an individual's position. (Education Code 44839, 45122)

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

Legal Reference:

EDUCATION CODE
44839 Medical certificate; periodic medical examination
44839.5 Requirements for employment of retirant
44932 Grounds for dismissal of permanent employee
44942 Suspension or transfer of certificated employee on ground of mental illness, psychiatric examination; mandatory sick leave
45122 Physical examinations
49406 Examination for tuberculosis
CODE OF REGULATIONS, TITLE 5
5502-550 Physical examination for retirants employed as substitute teacher, etc.
5504 Medical certification procedures
EMPLOYEE DRUG TESTING

The Board of Trustees maintains a drug and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by or being under the influence of alcohol or drugs.

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

Pre-Employment Drug/Alcohol Testing

Once a conditional offer of employment has been made, prospective employees shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee's pre-employment physical examination.

All medical examinations shall be conducted in accordance with state and federal law, and in accordance with Board policy and administrative regulation.

(cf. 4112.4 /4212.4/4312.4 - Health Examinations)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

Legal Reference:

EDUCATION CODE
44839 Medical certificate; periodic medical examination
45122 Physical examinations
GOVERNMENT CODE
8350-8357 Drug-free workplace
12940 Unlawful employment practices
CODE OF REGULATIONS, TITLE 5
5504 Medical certification procedures
UNITED STATES CODE, TITLE 20
7101-7184 Safe and Drug-Free Schools and Communities Act
UNITED STATES CODE, TITLE 41
701-707 Drug-Free Workplace Act
Loder v. City of Glendale, (1997) 14 Cal. 4th 846
International Brotherhood of Teamsters v. Department of Transportation, (1991) 932 F.2d 1292
EMPLOYEE DRUG TESTING

Pre-Employment Drug/Alcohol Screening

Final selection of a job applicant for a position shall not be made until the applicant has successfully completed a drug and alcohol screening required as part of the pre-employment physical examination.

Applicants shall sign a form consenting to the drug and alcohol testing. The consent form shall authorize release of the test results to the district.

To ensure the privacy of the drug and alcohol screening of job applicants, the district will not use test results for any purpose other than those stated in Board of Trustees policy and administrative regulation. The district shall maintain the confidentiality of screening records and shall not disclose these records unless the applicant has consented to the disclosure or the Superintendent or designee is presented with a court order requiring the disclosure.

All initial screening tests shall be conducted at the district's expense. If an applicant's initial test is positive, a second test shall be administered as soon as possible to confirm the results. This test also shall be conducted at the district's expense.

Upon obtaining a second positive result, the applicant may seek an independent drug and alcohol screening from a recognized medical laboratory at his/her own expense. Any applicant who fails to provide the district with a negative drug and alcohol screening report within five working days of a confirmed positive result shall be determined to have failed the screening and shall not be employed.

Failure to submit to the process or to complete the process shall preclude the applicant from being hired into the position. Disqualified applicants shall not be prohibited from applying for another job within the district.
EVALUATION/SUPERVISION

The Board of Trustees recognizes that appropriate supervision and regular, comprehensive evaluations can help employees to continually improve in the performance of their responsibilities. Evaluations shall be made in accordance with procedures specified in negotiated contracts and based on job-specific standards of performance.

(cf. 4141/4241 - Collective Bargaining Agreement)

The Board expects supervisors to gauge employees' on-the-job effectiveness and skills in a fair, objective, and consistent manner. Evaluations shall address the competence and care with which the employee executes his/her assigned responsibilities. As appropriate, evaluations also may address the extent to which the employee works cooperatively with others and observes school or district rules and regulations.

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

The Superintendent or designee shall ensure that evaluation ratings have uniform meaning throughout the district.

Evaluations shall be used to recognize the exemplary skills and accomplishments of staff and to identify areas needing improvement. When the evaluation indicates areas needing improvement, the Board expects employees to accept responsibility and take initiative to improve their performance. The Superintendent or designee shall assist employees in obtaining needed job skills.

(cf. 4231 - Staff Development)

The evaluation shall be dated and signed by both the employee and the supervisor.

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

The Superintendent or designee shall ensure that classified employees have access to rules and procedures related to performance evaluations.

Legal Reference:

EDUCATION CODE
45113 Rules and regulations for the classified service in districts not incorporating the merit system
45261 Subjects of rules (merit system districts)
45262 Distribution of rules
GOVERNMENT CODE
3543.2 Scope of representation

Management Resources:

WEB SITES
CSBA: http://www.csba.org
California School Employees Association: http://www.csea.com

Policy adopted:

PALMDALE SCHOOL DISTRICT
Palmdale, California
PROBATIONARY/PERMANENT STATUS

The Board of Trustees desires to employ and retain highly qualified classified personnel to support the district's educational program and operations. Newly hired classified employees shall serve a probationary period during which the Board shall determine their suitability for long-term district employment.

A probationary employee who has been employed by the district for six months or 130 days of paid service, whichever is longer, shall be classified as a permanent employee of the district. (Education Code 45113, 45301)

Probationary employees shall receive written performance evaluations by their supervisor during 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.

(cf. 4215 - Evaluation/Supervision)

The district may, without cause, dismiss a new employee during the probationary period.

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

Permanent employees promoted to a higher classification shall be considered probationary in their new position until they have satisfactorily completed the probationary period.

A permanent employee who accepts a promotion and fails to complete the probationary period for that promotional position shall be employed in the classification from which the employee was promoted. (Education Code 45113)

This policy shall be made available to classified employees and the public. (Education Code 45113)

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

Legal Reference:

EDUCATION CODE
  45113  Rules and regulations for classified service in districts not incorporating the merit system
  45240-45320  Merit system

Management Resources:

WEB SITES
  California School Employees Association: http://www.csea.org
PRERETIREMENT PART-TIME EMPLOYMENT

When the Board of Trustees has adopted the reduced workload program, any classified employee may reduce his/her workload from full time to part time in accordance with applicable law, district regulations, and collective bargaining agreement.

When so authorized, any classified employee who is a member of the Public Employees' Retirement System may reduce his/her workload from full time to part time without losing retirement benefits, if all of the following conditions are met: (Education Code 45139)

1. The employee shall have reached the age of 55 prior to the workload reduction.
2. The employee shall have been employed full time in a classified position for at least 10 years, of which the immediately preceding five years were full-time employment.
3. During the period immediately preceding a request for reduction in workload, the employee shall have been employed full time in a classified position for a total of at least five years without a break in service.
4. The option of part-time employment shall be exercised at the request of the employee and can be revoked only with the mutual consent of the employee and the district.
5. The employee shall be paid a salary that is the pro rata share of the salary he/she would be earning had the employee not elected to exercise the option of part-time employment.
6. The employee shall retain all other rights and benefits for which he/she makes the payments that would be required if he/she remained in full-time employment. The employee shall receive health benefits in the same manner as a full-time classified employee.

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

7. The minimum part-time employment shall be the equivalent of one-half of the number of hours of service required by the employee's contract during his/her final year of service in a full-time classified position.
8. The period of the part-time employment shall not exceed five years.
9. The period of part-time employment shall not extend beyond the end of the school year during which the employee reaches his/her 70th birthday.

Prior to the reduction of an employee's workload, the Superintendent or designee shall verify the employee's eligibility for the reduced workload program. (Government Code 20905)
PRERETIREMENT PART-TIME EMPLOYMENT (continued)

The Superintendent or designee shall maintain the necessary records to separately identify each employee who participates in the reduced workload program. (Government Code 20905)

(cf. 3580 - District Records)

The district may allow any classified employee who is not eligible for the reduction of workload pursuant to Education Code 45139 to reduce his/her workload from full time to part time after determining that it is in the best interest of the district. In any such case, the Board shall specify the terms and conditions under which the reduction in workload shall take place.

Legal Reference:

- EDUCATION CODE
  45139 Reduced workload for classified employees
- GOVERNMENT CODE
  20000-21703 Public Employees’ Retirement System, especially:
  20905 Reduced workload program, classified employees
  53201 Health and welfare benefits
- COURT DECISIONS

Management Resources:

- WEB SITES
  California Public Employees’ Retirement System: http://www.calpers.ca.gov

Regulation approved: PALMDALE SCHOOL DISTRICT

Palmdale, California
LAYOFF/REHIRE

Classified employees shall be subject to layoff for lack of work or lack of funds. (Education Code 45114, 45308)

A classified employee shall not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. (Education Code 45117)

(cf. 4121 - Temporary/Substitute Personnel)

Order of Layoff Within a Classification/Determination of Seniority

Within each class, the order of layoff within the class shall be determined by length of service. (Education Code 45114, 45308)

Length of service shall be determined by the date of hire within the classification, plus higher classes. The employee who has been employed in the classification the shortest time by the district shall be laid off first.

For an employee in a "restricted position" under Education Code 45105 or 45259, the original date of employment in the restricted position shall be used to determine his/her length of service, provided he/she has completed six months of satisfactory service and has successfully passed the qualifying examination required for service in the class. (Education Code 45105)

(cf. 4200 - Classified Personnel)

Notice of Layoff

Whenever a classified employee is to be laid off for lack of work or lack of funds, notice shall be given to the employee, informing him/her of the layoff, the date the layoff goes into effect, any displacement rights, and reemployment rights. The notice shall be given: (Education Code 45117)

1. At least 60 days prior to the effective date of the layoff, if the layoff is for lack of work resulting from a bona fide reduction or elimination of service being performed.

2. No later than April 29, if the layoff is for lack of funds due to the expiration of a specially funded program at the end of any school year. However, if the termination date of the specially funded program is other than June 30, the employee shall be given notice at least 60 days from the effective date of the layoff.

The district is not required to provide 60-day notice in the event of an actual and existing financial inability to pay the salaries of classified employees or if the layoff is due to a lack of work resulting from conditions not foreseeable or preventable by the district. (Education Code 45117)
LAYOFF/REHIRE (continued)

The district also is not required to provide 60-day notice to any person hired as a short-term employee for a period not exceeding 60 days whose service may not be extended or renewed. (Education Code 45117)

Reemployment

Classified employees laid off because of lack of work or lack of funds shall be eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Reemployment shall be in order of seniority. Persons so laid off also have the right to apply and establish their qualification for vacant promotional positions within the district during the 39-month period. (Education Code 45114, 45298, 45308)

In order to be reemployed, the employee must be capable of performing the essential duties of the job with or without reasonable accommodations. When an otherwise eligible employee is unable to perform the essential duties of the job, he/she shall be kept on the reemployment list until another opportunity becomes available or the period of reemployment eligibility expires, whichever occurs first. (cf. 4032 - Reasonable Accommodation)

If an employee is employed in a new position and fails to complete the probationary period in the new position, he/she shall be returned to the reemployment list for the remainder of the 39-month period. The remaining time period shall be calculated as the time remaining in the 39-month period as of the date of reemployment. (Education Code 45114, 45298)

Reinstatement of Benefits

When a laid-off employee is reemployed, all accumulated sick leave credit shall be restored.

A laid-off permanent employee shall be reemployed with all rights and benefits accorded to him/her at the time of layoff. A laid-off probationary employee shall be reemployed as a probationary employee, and the previous time served toward the completion of the required probationary period shall be counted. He/she shall also be reemployed with all rights and benefits accorded to a probationary employee at the time of layoff.

A laid-off employee, when reemployed, shall be placed on the salary step held at the time of layoff. An employee who was bumped into a lower class shall, 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 shall be established for step increment purposes so as to reflect the actual amount of time served in the district.
LAYOFF/REHIRE  (continued)

Voluntary Demotion or Reduction of Hours

Classified employees who take voluntary demotion or voluntary reduction in assigned time in lieu of layoff, or in order to remain in their present position rather than be reclassified or reassigned, shall be granted the same rights as employees who are laid off. In addition, such employees shall retain eligibility to be considered for reemployment in their previously held class or position with increased assigned time, for an additional period of time up to 24 months, as determined by the Personnel Commission on a class-by-class basis, provided that the same test of fitness under which they qualified for appointment to that class shall still apply. (Education Code, 45298)

Employees who take voluntary demotion or voluntary reduction 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 assigned 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. (Education Code 45114, 45298)

Legal Reference:

EDUCATION CODE
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
45286 Limited term employees
45297 Right to take equivalent examination while employee in military service
45298 Reemployment of persons laid off; voluntary demotions or reductions in time; districts adopting merit system
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

Management Resources:

WEB SITES
California School Employees Association: http://www.csea.com

PALMDALE SCHOOL DISTRICT
approved: April 2, 2013
Palmdale, California
DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (MERIT SYSTEM)

The Governing Board expects all employees to perform their jobs satisfactorily and exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law, any applicable collective bargaining agreement, and the rules of the personnel commission.

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

A probationary classified employee may be dismissed without cause at any time prior to the expiration of the probationary period.

A permanent classified employee shall be subject to suspension, demotion, or dismissal only for one or more of the causes designated by rule of the personnel commission. (Education Code 45302, 45304)

When such serious disciplinary action is being contemplated against an employee, the district shall adhere to disciplinary procedures developed by the personnel commission. Due process shall be afforded to the employee, including proper notice, an opportunity for the employee to meet with a designated district official ("Skelly officer") or to respond in writing to the charges, and an opportunity to appeal the district's decision with the personnel commission in accordance with Education Code 45305-45307. If the matter is addressed in a hearing before the personnel commission, the decision of the personnel commission shall be final.

However, if the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a minor, the matter shall be referred to an administrative
DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (MERIT SYSTEM) (continued)

law judge to determine whether sufficient cause exists for disciplinary action against the employee. The ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45312)

Legal Reference:
EDUCATION CODE
35161 Delegation of powers and duties
44009 Conviction of specified crimes
44010 Sex offense
44011 "Controlled substance offense" defined
44031 Personnel file
44940 Leave of absence; employee charged with mandatory or optional leave of absence offense
44940.5 Compulsory leave of absence
44990-44994 Testimony of minor witnesses at dismissal or suspension hearings
45101 Definitions (including "disciplinary action," "cause")
45109 Fixing of duties
45123 Employment after conviction of sex or narcotics offense
45124 Dismissal of sexual psychopath
45202 Transfer of accumulated sick leave and other benefits following dismissal
45240-45320 Merit system, classified employees, especially:
45302-45307 Suspension, dismissal, or other disciplinary action; classified employees

CODE OF CIVIL PROCEDURE
1286.2 Grounds for vacating decision of arbitrator

GOVERNMENT CODE
11500-11529 Administrative adjudication
12900-12996 Fair Employment and Housing Act
54957 Brown Act open meeting laws; closed session

HEALTH AND SAFETY CODE
11054 Schedule I; substances included
11055 Schedule II, substances included
11056 Schedule III, substances included
11357-11361 Marijuana
11363 Peyote
11364 Opium
11370.1 Possession of controlled substances with a firearm

Legal Reference continued: (see next page)
DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (MERIT SYSTEM) (continued)

Legal Reference: (continued)
PENAL CODE
187 Murder
667.5 Sex offenders
830.32 Peace officers employed by district
1192.7 Violent or serious felony
11165.2-11165.6 Child abuse or neglect, definitions
VEHICLE CODE
1808.8 School bus drivers; dismissal for safety-related cause
UNITED STATES CODE, TITLE 42
12101-12213 Americans with Disabilities Act
COURT DECISIONS
CSEA v. Foothill Community College District (1975) 52 Cal. App. 3rd 150, 155-156
Skelly v. State Personnel Board (1975) 15 Cal. 3d 194
California School Employees Association v. Personnel Commission (1970) 3 Cal.3d 139

Management Resources:
CALIFORNIA SCHOOL PERSONNEL COMMISSIONERS ASSOCIATION PUBLICATIONS
WEB SITES
California School Personnel Commissioners Association: https://meritsystem.org

Policy adopted: CSBA MANUAL MAINTENANCE SERVICE December 2019
Personnel AR 4218

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

Termination of Probationary Employment

Dismissal

Provisions of this policy are governed by the merit system rules established by the Personnel Commission and in accordance with provisions of the Education Code.

At any time prior to the expiration of the probationary period, the Superintendent or designee may, at his/her discretion, dismiss a probationary classified employee from district employment. A probationary employee shall not be entitled to a hearing.

Involuntary Suspension Without Pay, Demotion, Reduction of Pay Step in Class, or Dismissal of Permanent Classified Employees

Permanent classified employees shall be subject to personnel action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.
PROFESSIONAL STANDARDS

Employment Responsibilities

CLASSIFIED EMPLOYEES

School employees who are in daily contact with many phases of educational work should be persons whose conduct is beyond reproach and who sincerely believe in the advancement of education and the betterment of working conditions; therefore, the California School Employees' Association proposes this Code of Ethics as a standard for its members.

AS A SCHOOL EMPLOYEE I WILL:

1. Be proud of my vocation in order that I may use my best endeavors to elevate the standards of my position so that I may merit a reputation for high quality of service -- to the end that others may emulate my example.

2. Be a person of integrity, clean speech, desirable personal habits, and physical fitness.

3. Be just in my criticism and be generous in my praise; to improve and not destroy.

4. At all times be courteous in my relations with students, parents, teachers and others.

5. Be a resourceful person who readily adapts himself to different kinds of work and changed conditions and finds better ways to do things.

6. Conduct myself in a spirit of friendly helpfulness to my fellow employees to the end that I will consider no personal success legitimate or ethical which is secured by taking unfair advantage of another.

7. Associate myself with employees of other districts for the purpose of discussing school problems and cooperating in the improvement of public school conditions.

8. Always uphold my obligations as a citizen to my nation, my state, my school district and my community, and give them unswerving loyalty.

9. Always bear in mind that the purpose of CSEA is to promote the efficiency and raise the standards of all school employees and that I shall be equally obligated to assist all my fellow workers.

SOURCE: CALIFORNIA SCHOOL EMPLOYEES' ASSOCIATION
TEACHER AIDES/PARAPROFESSIONALS

Qualifications

No person shall be initially assigned to assist in instruction as a paraprofessional unless he/she has demonstrated proficiency in reading, writing, and mathematics skills up to or exceeding that required for local high school seniors pursuant to Education Code 51220(a) and (f). (Education Code 45330, 45344.5, 45361.5)

A paraprofessional who has passed a proficiency test in another district and was employed in the same capacity shall be considered to have met the district's proficiency standards, unless the district determines that the other district's test is not comparable. (Education Code 45344.5, 45361.5)

Duties

A paraprofessional shall perform only such duties as, in the judgment of the certificated personnel to whom the paraprofessional is assigned, may be performed by a person not licensed as a classroom teacher. These duties shall not include assignment of grades to students. (Education Code 45330)

(cf. 4112.2 - Certification)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6171 - Title I Programs)

Instructional aides need not perform their duties only in the physical presence of the teacher, but the teacher shall retain responsibility for the instruction and supervision of the students in his/her charge. (Education Code 45344)

Parental Notification

At the beginning of each school year, parents/guardians shall be notified that they may request information regarding whether their child is provided services by a paraprofessional and, if so, the paraprofessional's qualifications. (20 USC 6312)

(cf. 5145.6 - Parental Notifications)
STAFF DEVELOPMENT

The Board of Trustees recognizes that classified staff does essential work that supports a healthy school environment and the educational program. Classified staff shall have opportunities to participate in staff development activities in order to improve job skills, learn best practices, retrain as appropriate in order to meet changing conditions in the district, and/or enhance personal growth.

(cf. 3100 - Budget)
(cf. 3350 - Travel Expenses)
(cf. 4200 - Classified Personnel)
(cf. 4261.3 - Professional Leaves)

The Superintendent or designee shall involve classified staff, site and district administrators, and others, as appropriate, in the development of the district's staff development program. He/she shall ensure that the district's staff development program is aligned with district goals, school improvement objectives, the local control and accountability plan, and other district and school plans.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 0420 - School Plans/Site Councils)
(cf. 0420.1 - School-Based Program Coordination)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 0520.2 - Title I Program Improvement Schools)
(cf. 0520.3 - Title I Program Improvement Districts)

Staff development may address general workplace skills and/or skills and knowledge specific to the duties of each classified position, including, but not limited to, the following topics:

(Education Code 45391)

1. Student learning and achievement

   a. How paraprofessionals can assist teachers and administrators to improve the academic achievement of students

   b. Alignment of curriculum and instructional materials with Common Core State Standards

   c. The management and use of state and local student data to improve student learning

   d. Best practices in appropriate interventions and assistance to at-risk students

(cf. 4222 - Teacher Aides/Paraprofessionals)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5123 - Promotion/Acceleration/Retention)
(cf. 5149 - At-Risk Students)
STAFF DEVELOPMENT (continued)

(cf. 6011 - Academic Standards)
(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6143 - Courses of Study)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6162.5 - Student Assessment)
(cf. 6162.51 - State Academic Achievement Tests)

2. Student and campus safety

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3515.3 - District Police/Security Department)
(cf. 3515.5 - Sex Offender Notification)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.43/4219.43/4319.43 - Universal Precautions)
(cf. 4157/4257/4357 - Employee Safety)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5138 - Conflict Resolution/Peer Mediation)
(cf. 5145.9 - Hate-Motivated Behavior)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

3. Education technology, including management strategies and best practices regarding the use of education technology to improve student performance

(cf. 0440 - District Technology Plan)
(cf. 1114 - District-Sponsored Social Media)
(cf. 4040 - Employee Use of Technology)
(cf. 6163.4 - Student Use of Technology)

4. School facility maintenance and operations, including new research and best practices in the operation and maintenance of school facilities, such as green technology and energy efficiency, that help reduce the use and cost of energy at school sites

(cf. 3510 - Green School Operations)
(cf. 3511 - Energy and Water Management)

5. Special education, including best practices to meet the needs of special education students and to comply with any new state and federal mandates

(cf. 6159 - Individualized Education Program)
(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

6. School transportation and bus safety
(cf. 3540 - Transportation)
(cf. 3541 - Transportation for School-Related Trips)
(cf. 3541.2 - Transportation for Students with Disabilities)
(cf. 3542 - Bus Drivers)
(cf. 3543 - Transportation Safety and Emergencies)

7. Parent involvement, including ways to increase parent involvement at school sites

(cf. 1240 - Volunteer Assistance)
(cf. 6020 - Parent Involvement)

8. Food service, including new research on food preparation to provide nutritional meals and food management

(cf. 3550 - Food Service/Child Nutrition Program)
(cf. 3551 - Food Service Operations/Cafeteria Fund)
(cf. 3555 - Nutrition Program Compliance)

9. Health, counseling, and nursing services

(cf. 5141 - Health Care and Emergencies)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Asthma Management)
(cf. 5141.24 - Specialized Health Care Services)
(cf. 5141.26 - Tuberculosis Testing)
(cf. 5141.27 - Food Allergies/Special Dietary Needs)
(cf. 5141.3 - Health Examinations)
(cf. 5141.52 - Suicide Prevention)
(cf. 5141.6 - School Health Services)
(cf. 6164.2 - Guidance/Counseling Services)

10. Environmental safety, including pesticides and other possibly toxic substances so that they may be safely used at school sites

(cf. 3514 - Environmental Safety)
(cf. 3514.1 - Hazardous Substances)
(cf. 3514.2 - Integrated Pest Management)
(cf. 6161.3 - Toxic Art Supplies)

For classroom instructional aides, staff development activities may also include academic content of the core curriculum, teaching strategies, classroom management, or other training designed to improve student performance, conflict resolution, and relationships among students.

(cf. 4131 - Staff Development)
STAFF DEVELOPMENT  (continued)

The district's staff evaluation process may be used to recommend additional individualized staff development for individual employees.

(cf. 4215 - Evaluation/Supervision)

The Superintendent or designee shall provide a means for continual evaluation of the benefit of staff development activities to staff and students and shall regularly report to the Board regarding the effectiveness of the staff development program.

(cf. 0500 - Accountability)

Legal Reference:
EDUCATION CODE
41530-41533  Professional Development Block Grant
44032  Travel expense payment
45380-45387  Retraining and study leave (classified employees)
45390-45392  Professional development for classified school employees
52060-52077  Local control and accountability plan
56240-56245  Staff development; service to persons with disabilities
GOVERNMENT CODE
3543.2  Scope of representation of employee organization
PUBLIC EMPLOYMENT RELATIONS BOARD DECISIONS
United Faculty of Contra Costa Community College District v. Contra Costa Community College District, (1990) PERB Order No. 804, 14 PERC P21, 085

Management Resources:
WEB SITES
California Association of School Business Officials:  http://www.casbo.org
California School Employees Association:  http://www.csea.com
PERSONAL ILLNESS/INJURY LEAVE

Each full-time classified employee is entitled to 12 days' personal illness or injury leave of absence per fiscal year, with full pay. Full-time employees who serve less than a full fiscal year shall be granted a prorated share of the 12 days' leave, and part-time employees shall be granted comparable sick leave in proportion to the time employed. (Education Code 45191)

Credit for sick leave does not have to be accrued before an employee takes a sick leave. Such leave may be taken at any time during the year. However, new employees shall not be entitled to more than six days of sick leave until they have completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year, without limitation. (Education Code 45191)

Upon request, employees who terminate their service to the district may have their accumulated sick leave transferred to their next district of employment. The district may not require new employees to waive their leave accumulated in a previous district. (Education Code 45202)

Sick leave shall be used for medical and dental appointments, in increments of not less than one hour.

Employees shall notify the district of their 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 again notify the district. If the duration of absence is unknown or becomes shorter than estimated, the employee shall notify the district of his/her intent to return by at least 3 p.m. of the working day preceding the day he/she returns. If failure to so notify the district results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Sick Leave Beyond 12 Days

Regular classified employees shall once a year be credited with a total of at least 100 working days of paid sick leave, including those current-year and accumulated days for which the employee is entitled to full pay. This paid sick leave shall be exclusive of any other paid leave, holidays, vacation or compensatory time to which the employee may be entitled. When the current-year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at not less than 50 percent of the employee's regular salary. Any such days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. (Education Code 45196)

After a permanent employee has exhausted all available sick leave, vacation, compensatory overtime and any other paid leave, he/she may be granted a leave of absence because of nonindustrial accident or illness for a period not to exceed six months. The Board of Trustees may renew this leave for two additional six-month periods or for lesser periods. Total leave so allowed shall not exceed 18 months. (Education Code 45195)
PERSONAL ILLNESS/INJURY LEAVE (continued)

Verification Requirements

The district may require written verification by the employee's physician or practitioner for any absence due to illness or injury. 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.

At its expense the district may require an employee to visit a physician selected by the district in order to receive a report on the nature and severity of an illness or injury. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent 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 doctor stating that he/she is able to return and stipulating any recommended restrictions or limitations. The district may, at district expense, require the opinion of a physician chosen by the district.

Notifications

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. (Education Code 45195)

Legal Reference:

EDUCATION CODE
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 nonindustrial accident or illness; reemployment preference
45196 Salary; deductions during sick leave
45202 Transfer of accumulated sick leave and other benefits
PROFESSIONAL LEAVES

The Board of Trustees recognizes that a broad range of experiences can strengthen an employee's ability to meet the district's needs.

The Board may grant a professional leave of absence for up to one year to classified employees for the purpose of permitting study or retraining the employee to meet changing conditions within the district. No more than one such leave of absence may be granted to an employee in a seven-year period for purposes of study or three-year period for purposes of retraining. (Education Code 45381, 45382)

(cf. 4161/4261/4361 - Leaves)
(cf. 4231 - Staff Development)

To be eligible for a leave for study purposes, the employee must have served in the district for at least seven consecutive years preceding the granting of the leave. If the leave is for purposes of retraining, the employee must have served in the district for at least three consecutive years preceding the granting of the leave. Any professional leave of absence granted by the Board shall not be deemed a break in service. However, it will not be included as service in computing service for the granting of any subsequent professional leave. (Education Code 45382)

Rather than granting a professional leave for a continuous one-year period, the Board may require that the leave be taken in separate six-month periods or in any other appropriate periods, provided that the total leave is completed within three years. Any period of service by the employee between the separate periods of leave shall comprise a part of the service required for qualifying for a subsequent leave of absence. (Education Code 45381)

The Board and employee may agree in writing to have the employee perform services for the district during the professional leave. (Education Code 45383)

The employee shall receive such compensation during the leave as the Board and employee agree upon in writing, which shall not be less than the difference between the employee's salary and the salary of a substitute employee in the position which the employee held prior to the granting of the leave. In lieu of such a difference, the Board may pay one-half of the salary of the employee or any additional amount up to and including the full salary of the employee. (Education Code 45383)

Compensation during the leave shall be paid in the manner authorized by Education Code 45384.

The Board may grant reimbursement of the costs, including tuition fees, to any classified employee who satisfactorily completes approved training to improve his/her job knowledge, ability, or skill, as long as the employee is not eligible for reimbursement by another governmental agency, organization, or association. Programs eligible for reimbursement
PROFESSIONAL LEAVES  (continued)

include, but are not limited to, courses of study at approved academic institutions, seminars
and training institutes conducted by recognized professional associations, conferences,
meetings, and other training programs that are designed to upgrade the classified service and
encourage the retraining of employees who may otherwise be subject to layoff as the result of
technological changes.  (Education Code 45387)

Legal Reference:
EDUCATION CODE
45220-45320 Merit system
45380-45387 Leaves of absence for study or retraining, classified personnel