

Great Schools  
Successful Kids



FULLERTON  
SCHOOL  
DISTRICT



# ***“ABOUT YOUR DISTRICT”***

***A Handbook for***

***Certificated and Classified Staff***

Classification/Position: \_\_\_\_\_

Worksite: \_\_\_\_\_

Assignment: \_\_\_\_\_

Contact: \_\_\_\_\_

Telephone: \_\_\_\_\_

**THIS HANDBOOK DOES NOT CONSTITUTE A CONTRACTUAL AGREEMENT**

*November 27, 2022  
(revised January 12, 2023)*

# Table of Contents

<b><u>TOPIC</u></b>	<b><u>PAGE</u></b>
Directory .....	1
Superintendent's Welcome .....	2
District History and Profile .....	3
Board of Trustees and Personnel Commissioners .....	4
Mission Statement.....	5
School Site Map and Directory.....	6-7
Pupil Attendance Calendars.....	8
Certificated and Classified Information.....	9
Payroll	
Certificated .....	10
Classified.....	11
Understanding Your Paycheck.....	12
Employee Information System (EIS) .....	13
Retirement Benefits .....	14
Additional Retirement Savings Plan .....	16
Insurance Benefits Contact Information .....	17
Insurance Benefits Eligibility.....	18
<b><u>Employee Rights</u></b>	
Employment Discrimination based upon Disability.....	20
Discrimination is against the law .....	23
Pregnancy Leave .....	25
California Family Rights Act .....	27
Employee Rights and Responsibilities under the FMLA .....	30
Notice of Entitlement to FMLA and CFRA.....	32
Your Right to Freedom from Violence .....	33
HIPPA Privacy Notice.....	36
Employee Assistance Program (EAP).....	42
Medicare.....	43
Absence Reporting.....	44
Employee Substitute Calling System (Aesop).....	44
Agreement for Use of Personal Teaching Materials.....	46
<b><u>Salary Schedules</u></b>	
Certificated Salary Schedule .....	48
Speech Therapist Salary Schedule .....	49
Preschool Salary Schedule .....	50
Classified Personnel Salary Schedule .....	51
Classified Job Titles/Salary Range.....	52

## Table of Contents (continued)

### **Employee Safety**

Emergency Preparedness and Safety .....	54
Asbestos Program Management Plan.....	55
Pesticides/Herbicides Notification .....	56
Workers' Compensation .....	57

### **Board Policies and Guidelines**

Anti-Bullying .....	60
Child Abuse.....	63
Child Abuse Reporting Statement.....	64
Civil and Legal Rights .....	70
Complaints Concerning District Personnel .....	71
Drug and Alcohol-Free Workplace .....	73
Emergencies and Disaster Preparedness Plan .....	74
Employee Use of Technology .....	82
Exposure Control Plan for Blood Borne Pathogens.....	84
Nondiscrimination/Harassment .....	90
Professional Standards.....	92
Risky Behaviors Red Flag.....	95
Standards of Conduct for Classified Employees.....	96
Reporting Suspected Child Abuse .....	97
Sexual Harassment.....	102
Tobacco Free Schools .....	103
Work-Related Injuries .....	104

### **Employee Verification**

Personnel Services – Document Verification/Receipt ( <i>Personnel File Copy</i> ) .....	106
---	-----

## DIRECTORY

### **Superintendent's Office**

Dr. Robert Pletka ..... (714) 447-7410  
Anna Im, Executive Secretary ..... (714) 447-7405  
Pam Chow, Project Liaison..... (714) 447-7480

### **Aesop (Employee/Sub System) ([www.frontlinek12.com/aesop](http://www.frontlinek12.com/aesop))**

System Phone Number..... (800) 942-3767  
Delia Tran, Help Desk (7:00 a.m. – 3:30 p.m.) ..... (714) 447-7452

### **Benefits**

Andrea Lopez, Benefits Coordinator..... (714) 447-2834  
Jenny Morgan, Benefits Technician..... (714) 447-7420

### **Business Services**

Dr. Rob Coghlan, Assistant Superintendent, Business ..... (714) 447-7412  
Ira Ramirez, Administrative Secretary ..... (714) 447-7413

### **Certificated Human Resources**

Dr. Chad Hammitt, Associate Superintendent, Human Resources ..... (714) 447-7450  
Nina Mota, Administrative Secretary ..... (714) 447-7450  
Esmeralda Torrez, Personnel Technician..... (714) 447-7451  
Stephanie McKinney, Personnel Specialist ..... (714) 447-7453

### **Child Development Services**

*Vacant*, Program Director ..... (714) 447-2858  
Tania Saucedo, Senior Secretary..... (714) 447-2858

### **Child Welfare and Attendance**

Helene Morris, Director..... (714) 447-7528  
Alma Caballero, Secretary..... (714) 447-7529

### **Classified Human Resources**

Paul Deines, Director..... (714) 447-7455  
Edna Figueroa, Administrative Secretary ..... (714) 447-7457  
Blanca Martinez, Personnel Technician ..... (714) 447-7458  
Debra Shandy, Personnel Technician ..... (714) 447-7456  
Martha Roberts, Personnel Specialist ..... (714) 447-7455

### **Educational Services**

Dr. Julienne Lee, Associate Superintendent, Ed. Services ..... (714) 447-7708  
Maria Diaz, Administrative Secretary..... (714) 447-7709

### **Food Services**

Michael Burns, Director ..... (714) 447-7435

### **Maintenance & Operations**

Scott Schlabsz, Director ..... (714) 447-7440

### **Payroll**

Maria Hill, Payroll Coordinator..... (714) 447-7463  
Angeli Shahbaz (A-L)..... (714) 447-7427  
Jazmin Valtierra (M-Z) ..... (714) 447-7428  
Aleida Bravo (Subs)..... (714) 447-7426

### **Student Support Services**

Dr. Julie Brandon, Director ..... (714) 447-7500

### **Technology & Media Services**

Jeremy Davis, Asst. Superintendent, Innovation & Instructional Support... (714) 447-7478  
Karen Vazquez, Administrative Secretary ..... (714) 447-7471

*Rob Coghlan, Ph.D., Assistant Superintendent, Business Services*  
*Jeremy Davis, Assistant Superintendent, Innovation & Instruction*  
*Chad Hammitt, Ed.D., Associate Superintendent, Human Resources*  
*Julienne Lee, Ed.D., Associate Superintendent, Educational Services*  
*Paul Deines, Director, Classified Human Resources*

## *Fullerton School District Welcomes You*

---

1401 West Valencia Drive, Fullerton, California 92833 (714) 447-7400 (714) 447-7414 Fax

Dear Fullerton School District Employee,

Welcome to the Fullerton School District! As educators and employees of the public school system, we have an opportunity of a lifetime to impact young minds. It is our belief that all students in the Fullerton School District can and will learn, achieve and grow each year.

The employee handbook is also available on the district website at [www.fullertonsd.org](http://www.fullertonsd.org) and can be found on the Personnel Services. Choose ***Personnel Services and Classified or Certificated Personnel*** and navigate to ***Handbooks & Agreements***.

The law requires many of the documents within this employee handbook to be read and requires the verification of receipt from the employee. If you have any questions about the information enclosed in the employee handbook, please contact Personnel Services.

Sincerely,

*Robert Pletka, Ed.D.*

Superintendent, Fullerton School District

## HISTORY

The District traces its history back to 1888 when it was initially established as the Fullerton Elementary School District. Parts of the District were taken from the Orangethorpe, Placentia and Anaheim School Districts that were then a part of Los Angeles County. The first school was opened in September 1888 in a small building on Commonwealth Avenue. The average daily attendance was about 40 pupils. Prior to the opening of the first school, children in Fullerton attended Orangethorpe School. The District has been officially known as the Fullerton School District since 1888.

## DISTRICT PROFILE

Comprised of 15 elementary schools, two K-8 schools and three junior high schools, the Fullerton School District educates more than 13,500 students each year. The District is dedicated to the goal of all students achieving academic success. Standards-based curriculum is taught in all academic subject areas, in addition to physical education, visual and performing arts and 21<sup>st</sup> century technology. District measurements of student progress are utilized along with required State tests to assess continued skill development. Enrichment, thinking, organizational and strategic learning skills are an integral part of all subject areas. Teacher and administrator training programs are offered through and outside the District.

Approximately 1,300 certificated and classified employees serve the District's increasingly diverse student population which includes 29% Caucasian, 46% Hispanic, 20% Asian, 2% African-American and 2% other.

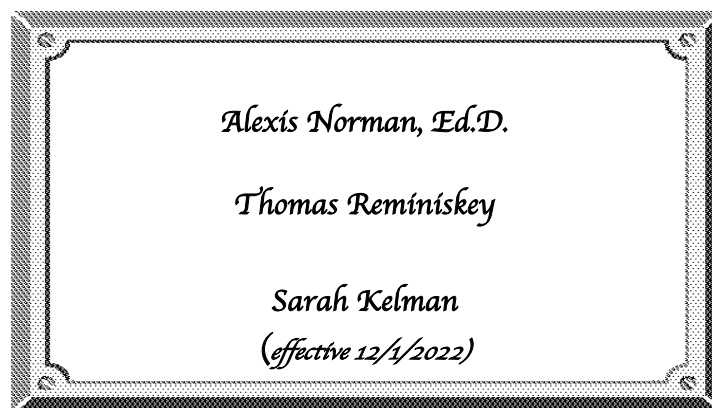
***“Great Schools - Successful Kids”*** is the District's theme and provides the basis for the many educational programs. A strong participatory and collegial climate permeates the District. The Board of Trustees believes that the ongoing partnership among parents, students, educators, and the community is the key to success.

## DISTRICT PROFILE



An elected Board of five trustees governs the Fullerton School District. Board Members are elected to four-year terms. The Board meetings are typically held on the second and fourth Tuesdays of each month in the Board Room located at 1401 W. Valencia Drive in Fullerton.

## PERSONNEL COMMISSIONERS



Personnel Commissioners are appointed to three-year terms. Personnel Commission meetings are typically held once a month in the Classified Personnel Conference Room located at 1401 W. Valencia Drive in Fullerton.



## **MISSION STATEMENT**

The mission of the Fullerton School District is to work collaboratively with the community to provide an innovative, high-quality educational program for all students in a safe learning environment. Our motto, ***“Great Schools- Successful Kids”*** exemplifies the belief that all students will achieve academic excellence, acquire interpersonal skills and develop technological expertise to contribute as productive citizens in a democratic society.

### **“GREAT SCHOOLS - SUCCESSFUL KIDS”**

#### **Focus on Excellence**

##### **Student Learning**

- Develop and implement rigorous and innovative instructional programs within a safe and positive learning environment to help shape character, develop intellect, promote 21<sup>st</sup> Century learning skills, encourage collaboration, foster creativity, and provide for the joys of artistic expression.

##### **Curriculum and Assessment**

- Provide a standards-based academic program that focuses on utilizing research-based instructional strategies with effective and timely feedback that allows staff and parents to work together to make instructional decisions that promote success for all students.

##### **Budget and Resources**

- Maximize all existing funds and resources to enhance learning opportunities for all students while maintaining fiscal solvency and seeking new sources for revenue enhancement.

##### **Staffing**

- Actively recruit, retain and value highly qualified, well-trained staff members.

##### **Parents and Community**

- Promote service, partnerships and increased involvement among the District, schools, parents and the community of Fullerton to actively support our schools.

##### **Staff Development**

- Encourage and support growth by implementing research-based professional development to guide work and align training opportunities to District goals, site goals and student needs.

##### **Technology**

- Empower all students and staff to effectively integrate innovative technology in all facets of the instructional and operational programs of the District.

##### **Leadership**

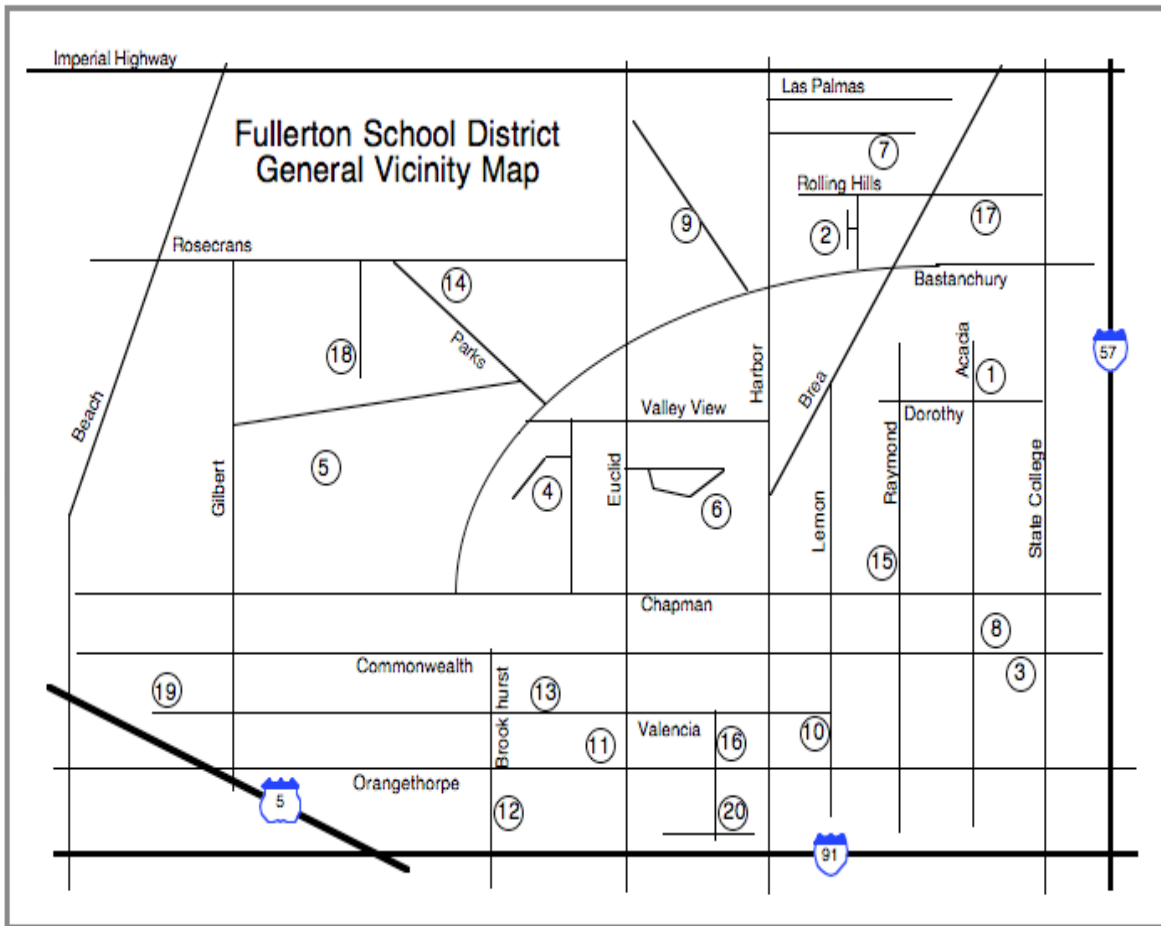
- Sustain a professional cutting edge leadership team that works together to promote collaboration and foster a positive learning and working environment for all students and staff.

##### **Facilities**

- Maintain and improve facilities to provide a safe, attractive, positive learning and working environment for all students and staff.



# SCHOOL SITES MAP



- |                       |                            |                        |                         |                         |
|-----------------------|----------------------------|------------------------|-------------------------|-------------------------|
| 1. Acacia Elem.       | 5. Robert C. Fidler School | 9. Laguna Road Elem.   | 13. Pacific Drive Elem. | 17. Rolling Hills Elem. |
| 2. Beechwood Elem.    | 6. Golden Hill Elem.       | 10. Maple Elem.        | 14. Parks Jr. High      | 18. Sunset Elem.        |
| 3. Commonwealth Elem. | 7. Hermosa Dr. Elem.       | 11. Nicolas Jr. High   | 15. Raymond Elem.       | 19. Valencia Park Elem. |
| 4. Fern Drive Elem.   | 8. Ladera Vista Jr. High   | 12. Orangethorpe Elem. | 16. Richman Elem.       | 20. Woodcrest Elem.     |

# SCHOOL SITES DIRECTORY

## FULLERTON SCHOOL DISTRICT 2022/2023

SCHOOL	ADDRESS	PHONE #	PRINCIPAL/ ASSISTANT PRINCIPAL	OFFICE MANAGER	CLERK(S)	Health Assistant
Acacia	1200 N Acacia Ave 92831	447-7700 <b>10000</b>	Rachel McCormick Susan Ungaro (AP)	Theresa Totten	Charlene Ceron	JoAnn Carlson
Beechwood (K-8)	780 Beechwood Ave 92835	447-2850 <b>11000</b>	Hannah Lim Connie Park (AP)	Teri Kawaguchi Lauren Villareal	Melisa Blevins	Yesenia Castro
Commonwealth	2200 E Commonwealth Ave 92831	447-7705 <b>12000</b>	Jean Summy	Gabriella Arias Eyre	Roboam Ramirez	Brisa Martinez
Fern	1400 W Fern Dr 92833	447-7710 <b>13000</b>	Julie Lucas Genesis Melendrez (Interim AP)	Nanette Roller	Brenda Alvarez	Faviola Pineda
Fisler (K-8)	1350 Starbuck St 92833	447-2890 <b>30000</b>	Kimberly Benaraw, Ed.D. Linda Beecher (AP)	Sonal Thakker	Betsy Kim Cynthia Milkovits	Adriana Mendoza
Golden Hill	732 Barris Dr 92832	447-7715 <b>15000</b>	Neil Anderson, Ed.D.	Dena Jackson	Jennifer de Gala	Ruth Nili
Hermosa Drive	400 E Hermosa Drive 92835	447-7720 <b>16000</b>	Caroline Llewellyn, Ed.D.	Diana Gutierrez	Jessica Valtierra	Yesenia Ballinas
Ladera Vista JHS of the Arts (7-8)	1700 E Wilshire Ave 92831	447-7765 <b>17000</b>	Bill Lynch John Leonard (AP) Lauren Comini (interim AP)	Tatiana Ortega	Mayra Martinez Alicia Tavarez	Sylvia Bertolette
Laguna Road	300 Laguna Road 92835	447-7725 <b>18000</b>	Stephanie Guppy	Shannon Bauserman	Kelly Gudmundsen	Krystal Llamas
Maple	244 E Valencia Dr 92832	447-7590 <b>19000</b>	Anthony Abney	Sandra Seibert	Karina Tovar	Magdalena Sanchez
Nicolas JHS (7-8)	1100 W Olive Ave 92833	447-7775 <b>20000</b>	Jose Varela Kuiipo Koahou (AP) Maria Garcia (AP)	Edelicia Lara	Marleen Acosta Yasmin Verduzco	Margarita Benitez
Orangethorpe	1400 S Brookhurst Rd 92833	447-7730 <b>21000</b>	Debbie Bennett Christine Stolo (Interim AP)	Angela Vega	Brenny Carrillo	Gicela T. Reynoso
Pacific Drive	1501 W Valencia Dr 92833	447-7735 <b>22000</b>	Kelly Castillo, Ed.D. Kimberly Simpson (AP)	Sandy Contreras	Angelica Perez	Leslie Michel
Parks JHS (7-8)	1710 Rosecrans Ave 92833	447-7785 <b>23000</b>	Laura Makely Tracy Do (AP) Genesis Melendrez (Interim AP)	Emily Koliha	Martha Gallegos Grace Choi	Angelica Melendez
Raymond	517 N Raymond Ave 92831	447-7740 <b>24000</b>	Cristina Centeno Julianne Ettinger (Interim AP)	Maria Gonzalez	Bertha Perez	Adriana Alatorre
Richman	700 S Richman Ave 92832	447-7745 <b>25000</b>	Kristen Holm Ruth Gaer (AP)	Elizabeth Juarez		
Rolling Hills	1460 E Rolling Hills 92835	447-7795 <b>26000</b>	Juleen Faur Genesis Melendrez (Interim AP)	Rebecca Arbiso	Belinda DeMille	Amy Koerth
Sunset Lane	2030 Sunset Lane 92833	447-7750 <b>27000</b>	Tracy Gyurina, Ed.D. Lindy McNutt (AP)	Vicky Won	Jeannette Kaufman	Nkem Agu
Valencia Park	3441 W Valencia Dr 92833	447-7755 <b>28000</b>	Guillermo Munoz, Ed.D. Jenna Breite (AP)	Giselle Canedo	Tania Gainer	Araceli Hernandez
Woodcrest	455 W Baker Ave 92832	447-7760 <b>29000</b>	Christopher Wilkins	Diana Venegas	Sonia Awalt	Patricia Sandoval
MyConnect Academy	1460 E Rolling Hills 92835	447-2862 <b>31862</b>	Robin Mundschau	Danielle Guerrero- IS Coord. 714-447-2870	Martha Jazmin Soriano	

REVISED 8/15/2022

**Number in Bold Red – School extension**

# PUPIL ATTENDANCE CALENDAR

Fullerton School District 2022/2023 Pupil Attendance Calendar														
July 2022							January 2023							
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	
					1	2	1	2	3	4	5	6	7	
3	4	5	6	7	8	9	8	9	10	11	12	13	14	
10	11	12	13	14	15	16	15	16	17	18	19	20	21	
17	18	19	20	21	22	23	22	23	24	25	26	27	28	
24	25	26	27	28	29	30	29	30	31					
31														
August 2022							February 2023							
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	
	1	2	3	4	5	6			1	2	3	4		
7	8	9	10	11	12	13	5	6	7	8	9	10	11	
14	15	16	17	18	19	20	12	13	14	15	16	17	18	
21	22	23	24	25	26	27	19	20	21	22	23	24	25	
28	29	30	31				26	27	28	29	30	31		
September 2022							March 2023							
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	
				1	2	3			1	2	3	4		
4	5	6	7	8	9	10	5	6	7	8	9	10	11	
11	12	13	14	15	16	17	12	13	14	15	16	17	18	
18	19	20	21	22	23	24	19	20	21	22	23	24	25	
25	26	27	28	29	30		26	27	28	29	30	31		
October 2022							April 2023							
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	
						1							1	
2	3	4	5	6	7	8	2	3	4	5	6	7	8	
9	10	11	12	13	14	15	9	10	11	12	13	14	15	
16	17	18	19	20	21	22	16	17	18	19	20	21	22	
23	24	25	26	27	28	29	23	24	25	26	27	28	29	
30	31						30							
November 2022							May 2023							
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	
		1	2	3	4	5			1	2	3	4	5	6
6	7	8	9	10	11	12	6	7	8	9	10	11	12	13
13	14	15	16	17	18	19	13	14	15	16	17	18	19	20
20	21	22	23	24	25	26	20	21	22	23	24	25	26	27
27	28	29	30				27	28	29	30	31			
December 2022							June 2023							
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	
				1	2	3					1	2	3	
4	5	6	7	8	9	10	4	5	6	7	8	9	10	
11	12	13	14	15	16	17	11	12	13	14	15	16	17	
18	19	20	21	22	23	24	18	19	20	21	22	23	24	
25	26	27	28	29	30	31	25	26	27	28	29	30		

**July 2022**  
4 Independence Day

**August 2022**  
10 New Teachers First Day  
11/12 Staff Development  
15 All Students Return

**September 2022**  
5 Labor Day  
21 Full-Day Parent Conference Day

**October 2022**

**November 2022**  
1 Staff Development  
11 Veterans' Day  
21 - 25 Thanksgiving Break

**December 2022**  
23 Holiday  
26 - 30 Winter Recess

**January 2023**  
2 - 6 Winter Recess Continued  
9 Records Day (Jr. High)  
Staff Development (Elem.)  
10 All Students Return  
16 Martin Luther King Jr. Day

**February 2023**  
13 Lincoln's Holiday Observed  
20 Presidents' Holiday

**March 2023**  
20 - 24 Spring Break

**April 2023**

**May 2023**  
29 Memorial Day

**June 2023**  
2 Students' Last Day  
19 Juneteenth Holiday

- ★ Students Return
- ☒ Non Student Day
- ☐ Holiday/Breaks (no student attendance)
- Staff Development Day/Conference Day/Records Day (no student attendance)
- △ Students' Last Day

**Quarters (7-8)**  
Aug. 15 - Oct. 14 (43 days)  
Oct. 17 - Dec. 22 (42 days)  
Jan. 10 - Mar. 17 (46 days)  
Mar. 27 - June 2 (49 days)

**Trimesters (K-6)**  
Aug. 15 - Nov. 11 (61 days)  
Nov. 14 - Mar. 3 (60 days)  
Mar. 6 - June 2 (59 days)

**Misc. Dates**  
Fall Conference Week: TBD  
*Pre-K-6 = Minimum Day*

**Jr. High Fall Conference: September 23-23, 2022**  
Spring Conference Week: March 14 - 18, 2022  
*Pre-K-6 = Minimum Day*

**Jr. High Spring Conference: February 16-17, 2023**

180 Student Days  
*drafted 11/23/2020; revised 1/31/2022*

185 Teacher Work Days (*new teachers work 186 days*)

Board Approved: April 13, 2021

# CERTIFICATED & CLASSIFIED EMPLOYEES

## CERTIFICATED EMPLOYEES

### Temporary and Probationary Period

In general, certificated personnel are hired in temporary status, followed by a probationary period.

### State Disability Insurance

Although Fullerton School District **does not** pay into State Disability, if you have an illness that goes beyond your accumulated sick leave, you may be eligible for extended sick leave benefits with the District. Extended benefits shall be limited to 100 days compensated at 50% of regular salary. If a certificated employee is interested in applying for income protection/disability insurance, please contact a union representative.

Please refer to the Fullerton Elementary Teachers Association (FETA) agreement for further information on employee rights and benefits. This as well as other employee information can be found on the District website at [www.fullertonsd.org](http://www.fullertonsd.org).

## PERMANENT CLASSIFIED EMPLOYEES

### Probationary Period

A probationary period is the last part of the selection process. Consequently, as a new employee appointed to a permanent position you shall serve a probationary period of 6 months or 130 days of paid service, whichever is longer, and 260 days for administrative positions, before attaining permanency. During probation you will receive three evaluations: after your 2<sup>nd</sup> month, 4<sup>th</sup> month, and 5<sup>th</sup> month. Administrative evaluations are due after the 3<sup>rd</sup>, 7<sup>th</sup> and 11<sup>th</sup> month of probation. Use of vacation leave is not permitted for employees on probation. You will earn one sick day per month and you can utilize up to six days during probation.

### State Disability Insurance

Although Fullerton School District **does not** pay into State Disability, if you have an illness that goes beyond your accumulated sick leave, you may be eligible for extended sick leave benefits with the District. Extended benefits shall be limited to 100 days compensated at 50% of regular salary. If a classified bargaining unit member is interested in applying for income protection/disability insurance, please contact a CSEA union representative.

### Tuition Reimbursement

Fullerton School District offers Tuition Reimbursement (up to \$500.00 a fiscal year) to employees who are pursuing a course of study outside working hours that will benefit both the employee as an individual and the Fullerton School District as an employer. The tuition reimbursement program is available to employees who have completed their initial probationary period. Applications for tuition reimbursement can be obtained from the Classified Personnel Office or from the Classified Personnel website and should be submitted prior to attending the course. For an employee to be eligible for reimbursement of course work, books and supplies, the employee must receive a grade of "C" or better or show a "pass" if applicable.

Please refer to the **CSEA Agreement**, **Personnel Commission Rules and Regulations**, and/or **Standards of Conduct** for further information on employee rights and benefits. This, as well as other employee information, can be found on the District website at [www.fullertonsd.org](http://www.fullertonsd.org) - Personnel Services

### Change of Address/Phone Number

It is important to inform both your assigned worksite and Personnel of should you change your address and/or phone number.

# PAYROLL

<b>Payroll Contacts:</b>	Maria Hill	Payroll Coordinator	447-7463
	Angeli Shahbaz	A-L	447-7427
	Jazmin Valtierra	M-Z	447-7426
	Aleida Bravo	Subs/Playground Supervisors	447-7428

## **Payroll Reporting for Certificated Employees**

- Certificated employees (teachers) are paid on a yearly contract based on 18.5 days per month for 10 months during the school year. Employees starting late will receive prorated pay for the first month's paycheck.
- All **Extra Time** is paid on an Extra Time Sheet available on line in the District's website in the Forms Library. Please be sure that **all** information is completely filled out, including the Employee I.D. Number and that both the employee and supervisor have signed the time sheet before submitting it to Payroll.
- All **absences** must be reported in AESOP.
- **Sick Time** is to be used for illness, dentist, or doctor visits for the employee only. Full time employees receive one day of sick/personal necessity per month per year. Part time employees receive prorated sick leave based on their FTE.
- **Personal Necessity** is to be used for other family members' illness, doctor visits, or other reasons as listed in the agreement between the District and FETA. Personal Necessity time used is deducted from the Sick Leave balance. Personal Necessity is not to be used for vacation or personal trips.
- Teachers are allowed to use **three (3) days of Personal Necessity with Pay** if they send a check to reimburse the District for each day used at the substitute rate of pay.
- Three days of **Bereavement Leave** are allowed for the loss of a member of an employee's immediate family (as defined in the agreement between the District and FETA). An additional two days may be taken if the employee must travel more than 300 miles.
- **Paychecks** are kept and available for pickup in the Payroll Department. Paychecks are not mailed unless the employee provides a self-addressed stamped envelope to Payroll prior to payday.
- **Direct Deposit**- An employee has the opportunity to set-up direct deposit with an approved bank or credit union. A Payment Option Authorization Form must be completed and either a voided check or documentation from the bank, including routing and account numbers, must be attached to the form. This form is available online.
- **Jury Duty**- An employee who receives a jury duty notice during the school year may request a postponement of jury duty from a work day (or days) to a non-work day (or days) and will receive the substitute teacher pay rate for each day the employee is on jury duty during the non-work days upon validation of service.

## **Schools First Federal Credit Union**

As a Certificated employee, you are eligible to join the Schools First Federal Credit Union. For further information you may contact the credit union at 800-540-4546 or [www.SchoolsFirstfcu.org](http://www.SchoolsFirstfcu.org).

## **Payroll Reporting for Classified Employees**

- Employees working 4 or more hours a day are paid on a monthly assignment based on 21.6 days per month or the number of days if less (specifically the start and end of the school year).
- You are responsible for keeping your own time sheets. **Time sheets must be signed by both you and your supervisor.** Your supervisor must approve your time sheet at the end of each pay period and submit your time sheet through the District mail to Payroll. All absences must be reported to your supervisor immediately and recorded on your time sheet when you return.
- **Attendance and Extra Time or Overtime** are recorded on each time sheet beginning on the 18<sup>th</sup> of each month and ending on the 17<sup>th</sup> of the following month. **The principal or department manager must individually approve all extra time. Unapproved time will not be compensated.**
- Time must be recorded in the Regular Time column for each day worked based on the assignment given by Classified Personnel. Time worked exceeding the regular assignment between 4-8 hours is to be recorded as **Extra Time**. Any time worked over 8 hours in a day or on the weekend or holiday is to be recorded as **Overtime** and is paid at 1.5 times the employee's pay rate. **All extra time and overtime must be approved by the Administrator prior to working, and a budget number must be provided.**
- **Compensation Time** is recorded in the Comp Time column. When Comp time is used, record the time taken in the Comp Time Off column. The attendance system will maintain the balance of available Comp Time and the employee will be paid the balance of unused Comp Time after the end of the fiscal year. Comp Times requires the Admin approval.
- Use of **Vacation time** is not permitted for employees on probation.
- Three days of **Bereavement Leave** are allowed for the loss of an immediate family member (refer to the back of the time sheet). Five days are allowed if travel out of state or more than 300 miles is necessary.
- **Jury Duty** time recorded must be accompanied by a court certification for each day attended. Reimbursement received by the employee from the court must be paid to the District minus mileage.
- **Payday** is the 10<sup>th</sup> of each month. If the 10<sup>th</sup> falls on a weekend, paychecks will be issued on the preceding Friday. If it falls on a holiday, paychecks will be issued the preceding day. A payroll advance is issued on the 25<sup>th</sup> of the month and this amount is deducted from the paycheck issued on the 10<sup>th</sup> of the following month.
- **Direct Deposit**-An employee has the opportunity to set-up direct deposit with an approved bank or credit union. A Payment Option Authorization Form must be completed and either a voided check or documentation from the bank, including routing and account numbers, must be attached to the form. This form is available online.
- **Paychecks** are kept and available for pickup in the Payroll Department. Paychecks are not mailed unless the employee provides a self-addressed stamped envelope to Payroll prior to payday.
- **Classified Holidays** - Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Thanksgiving Recess (one day), Christmas Eve, Christmas Day, New Year's Day, Martin Luther King Day, Lincoln's Birthday, President's Day, Spring Break Holiday (one day), Memorial Day.

## **Schools First Federal Credit Union**

As a Classified employee you are eligible to join the Schools First Federal Credit Union. For further information you may contact the credit union at 800-540-4546 or [www.SchoolsFirstfcu.org](http://www.SchoolsFirstfcu.org).

# UNDERSTANDING YOUR PAYCHECK

**William M. Habermehl, Orange County Superintendent of Schools**

<b>Employee Name</b> William M. Habermehl	<b>District Name</b> 022 - FULLERTON SCHOOL DISTRICT	<b>Check Number</b> NET CHECK
<b>Employee ID</b> 2200001262	<b>Pay Rate</b> 5100	<b>Sequence Number</b> 24929
<b>Payroll Number</b> 08B	<b>Payroll Issue Date</b> 03-10-2008	<b>Payroll Ending Date</b> 02-29-2008
<b>Important Message</b> <span style="font-size: 2em; opacity: 0.5;">NON NEGOTIABLE</span>		
<b>Hours and Earnings</b>		<b>Tax Deductions</b>
<b>Description</b>	<b>Rate of Pay</b>	<b>Hours/Units</b>
HRLY/DAY/MO	5,410.2200	1.000
		<b>Earnings</b>
		5,410.22
		<b>Tax Description</b>
		FEDERAL
		472.07
		STATE
		111.26
		OASDI
		224.03
		MEDICARE
		52.39
		STATE DISABILITY INS
		213.49
		<b>TOTAL:</b>
		859.75
		<b>Pre-Tax Retirement</b>
		Current Calendar Y-T-D Fiscal Y-T-D
		378.72 1,136.16 3,029.75
		Retirement Redeposit Alt Fiscal Y-T-D
<b>CURRENT GROSS PAY:</b>		5,460.22
<b>YEAR-TO-DATE GROSS PAY:</b>		16,848.95
<b>Pre-Tax Deductions</b>		<b>Other Deductions</b>
<b>Description</b>	<b>Amount</b>	<b>Description</b>
ANI - FSD EMPLOYEE CONT	146.91	METROPOLITAN LIFE INS
		7.50
<b>CURRENT TOTAL:</b>		<b>TOTAL:</b>
146.91		7.50
<b>YEAR-TO-DATE TOTAL:</b>		
425.12		
<b>Gross Pay</b>	<b>Pre-Tax Deductions</b>	<b>Pre-Tax Retirement</b>
5,460.22	146.91	378.72
<b>Other Deductions</b>	<b>Tax Deductions</b>	<b>Advanced Earned Income Credit</b>
7.50	859.75	
<b>ESA Gross Advance</b>	<b>NET PAY</b>	
1,950.14	2,117.20	

- 1) **Employee ID:** This is your ID number that identifies you as an employee. It is used in place of your social security number for identity theft protection purposes. You will need this number to access: the Time and Attendance module, District applications, and when talking to Payroll about your paycheck.
- 2) **Important Message:** Informational messages will appear here throughout the year.
- 3) **Tax exemptions:** From the W4 form on file with payroll for Federal and State taxes.
- 4) **Hours and Earnings:** Depending on the type of employee you are, this will either have a monthly or hourly rate of pay. If you are paid hourly, then under the Hours/Units heading will be the number of hours being paid for under your regular assignment. Extra/overtime hours paid will be listed separately. The pay rate reflected for overtime hours is the normal hourly rate, not the overtime rate, yet the earnings column will calculate using the overtime rate.
- 5) **Tax Deductions:**  
 Federal- amount of Federal tax deducted this pay period  
 State - amount of State tax deducted this pay period  
 OASDI - Neither certificated nor non-union members contribute, although employees hired prior to September 2007 do contribute  
 Medicare - all employees contribute to Medicare, with the exception of certificated employees hired prior to 1986  
 State Disability Insurance - employees *do not* pay into this State program
- 6) **Pre-Tax Retirement:** Employee contribution into a retirement system (CalSTRS or CalPERS). If you do not pay into OASDI, CalSTRS or CalPERS, you most likely pay into PARS (except for Retirees) and the accumulated figure is listed under "Alt Fiscal YTD."
- 7) **Pre - Tax Deductions:** 403b and 457 contributions, Section 125 contributions such as health insurance, unreimbursed medical or childcare
- 8) **Other Deductions:** Voluntary deductions such as union dues, charity donations, life insurance, etc.
- 9) **ESA Gross Advance:** Classified employees who receive a check on the 25<sup>th</sup> of the month, considered an advance for the paycheck on the 10<sup>th</sup>, will see the gross wages paid on the 25<sup>th</sup>.
- 10) **Net Pay:** Recap of gross wages and all deductions, resulting in your paycheck amount.



# EMPLOYEE INFORMATION SYSTEM (EIS)

Effective July 2010, Direct Deposit/Netcheck paycheck stubs for employees were no longer printed/distributed. You may view and/or print your paycheck stub through the Orange County Department of Education's Employee Information System (EIS) from any computer inside or outside the District. This system also allows easy access to current and prior year W-2s, in addition to viewing sick, vacation, and compensation time detail and balances.

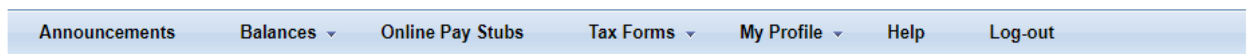
First-time users must contact the Payroll Office to acquire their employee ID.

## **Accessing the Employee Information System (EIS)**

Open your preferred Internet/Web browser and type the following web address:

**<https://employee.ocde.us>**

## **Viewing Balances**



To view sick, vacation, and compensation time balances, click on the down arrow next to Balances and choose from three different report types. You can view the information by Year at a Glance, Month at a Glance, and by Balance Detail.

You can also view the information from another fiscal year by clicking the drop down arrow to the right of "Year at a Glance for" to select a prior year. In the case of the "Balance Detail" screen, you can specify a date range to narrow your search.

## **Employee Profile**

To change your password, the same password rules apply. The secret question/answer that was provided during the initial security setup will be required. The new password will be effective the next time you login.

To change your email address, enter the new email address. You will also be prompted for the secret question/answer. An email notification will be sent to your new email address. Click on the web link in this email; the EIS system will appear confirming the change.

Your existing password will be required to change your secret question. The new secret question will become effective immediately.

## **Logging Out**

Click on "Logout" or close your browser to end your session.



## RETIREMENT BENEFITS

### **California State Teachers' Retirement System (CalSTRS)**

Upon employment, certificated employees will be enrolled in the State Teachers Retirement System (STRS). You will contribute either 10.25 or 10.205% of your monthly gross salary, dependent on the type of membership. The District contributes an amount that is adjusted annually. Your contributions are tax deferred.

The primary responsibility of CalSTRS is to provide retirement related benefits and services to teachers in public schools and community colleges. Throughout your career in California's public school system, and in the years to follow, you and your dependents will be eligible for CalSTRS services and benefits.

Employees who reach age 55 and who have not selected one of the CalSTRS options might lose value in their retirement. It is recommended that you check with a CalSTRS counselor to verify your best options.

#### **CalSTRS Member Services**

1-800-228-5453

Website: [www.CalSTRS.com](http://www.CalSTRS.com)

### **California Public Employees' Retirement System (CalPERS)**

Classified employees who are hired for four hours or more per day are automatically enrolled in the Public Employees' Retirement System (PERS). The retirement plan is coordinated with social security, meaning that you are eligible for benefits from both the retirement system and Social Security. Members who established PERS membership prior to January 1, 2013 and meet the "Classic member" status contribute 7% of their gross monthly income. As of January 1, 2013, any school employee that meets the definition of a **new** member under the Public Employees' Pension Reform Act of 2013 will also contribute 7%. Your contributions to PERS are tax deferred. The District's contribution is adjusted annually, based on specific economic and investment performance factors. Employer contributions are not kept in your name; they are kept in the employer's account.

Service credit is earned on a fiscal year basis, July 1 through June 30. You must work at least 10 months of full-time employment during a fiscal year to earn one full year of service credit. Service-credit is prorated for less than full time employees. Retirement is calculated based on service credit, age at retirement, and highest average pay rate.

Additional service credit may be purchased if you previously withdrew CalPERS contributions, served in active military duty, or worked for a CalPERS covered employer in a part time or temporary position.

CalPERS provides a variety of retirement benefit programs and services. Contact CalPERS for further information at:

#### **CalPERS Member Services**

1-888-225-7377

website: [www.calpers.ca.gov](http://www.calpers.ca.gov)

### **STRS/PERS Retirement Funds Upon Separation Before Retirement**

If you resign from the District, prior to retirement (provided you have been a member of PERS or STRS for at least five years) you may elect to leave your contributions in the system until you

reach retirement age. However, you will not receive any further service credit unless you return to PERS or STRS covered employment. If you plan to work in another public agency, you may be able to transfer your service credit. If you elect to withdraw your contribution, the Internal Revenue Service will tax you on funds withdrawn before retirement and impose a 10% penalty for early withdrawal. In addition, if you withdraw the funds prior to retirement, you will receive only the funds you have contributed, not the funds deposited by the District.

### **Social Security and Medicare**

Classified regular employees contribute 6.2% towards OASDI. Social Security pays benefits when you retire and are at least 62 or over, if eligibility requirements are met. To qualify for retirement benefits, you must have the required number of credits under Social Security. Most employees need 40 credits to qualify for retirement benefits – or about 10 years of work.

#### **Social Security**

1-800 772-1213

website at [www.ssa.gov](http://www.ssa.gov)

### **Part-Time Certificated Substitutes and Non-Represented Classified Employees**

Certificated substitutes and non-represented classified employees who are not eligible to participate in either PERS or STRS qualify for participation in the **PARS Alternate Retirement System Plan (ARS) 457** plan. In 1990, Federal legislation called the Omnibus Budget Reconciliation Act of 1990 required that part-time, seasonal, and temporary employees participate in Social Security or an alternative plan established according to IRS guidelines. The PARS ARS 457 Plan is an alternative to Social Security. The deductions for PARS are withdrawn from your paycheck in lieu of deductions for Social Security.

Each pay period, 6.2% of your wages will be deducted from your paycheck on a pre-tax basis and contributed to the PARS ARS 457 Plan. This will lower your gross taxable income. The District will also contribute 1.3% of your wages to PARS on a pre-tax basis. You will be immediately vested in the total 7.5% and the account will remain tax deferred until the funds are withdrawn. Unlike Social Security, when your employment ends with the District, you may withdraw your PARS ARS 457 Plan account in a lump-sum cash payment or roll it over to an IRA or another retirement plan.

Medicare contributions will continue to be withheld from your paycheck in addition to the contributions made to the PARS ARS 457 Plan.

When employment with the District ends, you reach retirement age, become permanently and totally disabled, your PARS account will be available for an immediate lump-sum distribution to you or your beneficiary. If you become employed full-time and/or eligible for PERS or STRS with the District and your account balance is under \$5,000, you will be eligible for a distribution two years after your last contribution to the PARS Plan. Once eligible to receive a distribution, PARS will send you a Distribution Packet allowing you to choose a lump-sum cash payment or a rollover into another IRA or retirement plan. Once the completed packet is received by PARS, a distribution will be made within 90 days.

#### **PARS Alternate Retirement System 457 Plan**

1-800-540-6369

## ADDITIONAL RETIREMENT SAVINGS PLANS CONTRIBUTION ELECTIONS

*(visit IRS.GOV for additional information or contact SchoolsFirst  
for further assistance)*

**SCHOOLS FIRST**   
PLAN ADMINISTRATION

# 2023 Retirement Plan Limits

CODE SECTION	EXPLANATION	2023	2022	2021	2020
402(g)(1) Elective Deferrals	Maximum amount employees can contribute to a 401(k) or 403(b) plan	<b>\$22,500</b>	\$20,500	\$19,500	\$19,500
457(b)(2) and 457(c)(1) Limits	Maximum amount an employee and/or employer can contribute to a 457 Plan	<b>\$22,500</b>	\$20,500	\$19,500	\$19,500
414(v)(2)(B)(i) Catchup Contributions	Additional amount those over age 50 can contribute to a 401(k), 403(b) plan, or governmental 457(b) plan	<b>\$7,500</b>	\$6,500	\$6,500	\$6,500
415(c)(1)(A) Defined Contribution Limits	Annual limit on all contributions (employee and employer) for 401(k) and 403(b) plans	<b>\$66,000</b>	\$61,000	\$58,000	\$57,000
414(q)(1)(B) Highly Compensated Employee Threshold	Compensation amount used to determine highly compensated employees (lookback year)	<b>\$150,000</b>	\$135,000	\$130,000	\$130,000
Annual Compensation Limit	Maximum compensation for qualified plan purposes	<b>\$330,000</b>	\$305,000	\$290,000	\$285,000
Taxable Wage Base	Social Security wage base	<b>\$160,200</b>	\$147,000	\$142,800	\$137,700

Retirement planning advisors and services provided as a benefit to SchoolsFirst FCU Members by SchoolsFirst Plan Administration, LLC, a wholly-owned affiliate of SchoolsFirst FCU. Not NCUA/NCUSIF/FDIC insured, may lose value, no financial institution guarantee. Not a deposit of any financial institution.

**For more information, please call 800.462.8328 ext. 4727  
or visit [schoolsfirstfcu.org](http://schoolsfirstfcu.org)**

# INSURANCE BENEFITS CONTACT INFORMATION



## Insurance Benefits Contact Information

Provider	Plan	Phone Number	Website
Kaiser	HMO	(800) 464-4000	my.kp.org/sisc
Blue Shield	HMO	(855) 256-9404	www.blueshieldca.com/sisc
Blue Shield	PPO and HDHP	(855) 599-2657	www.blueshieldca.com/sisc
Blue Shield	MDLive	(800) 657-6169	www.mdlive.com/sisc
Teladoc Medical Experts	Expert Second Opinion Program	(808) 835-2362	http://www.teladoc.com/sisc/
Navitus	Blue Shield Pharmacy Benefits	(866) 333-2757	https://www.navitus.com
Costco	Blue Shield Pharmacy Benefits	(800) 607-6861	www.costco.com/Pharmacy
DeltaCare USA	Dental HMO	(800) 422-4234	www.deltadentalins.com
Delta Dental	Dental PPO	(866) 499-3001	www.deltadentalins.com
VSP	Vision	(800) 877-7195	www.vsp.com
Sterling Administration	Health Savings Account	(800) 617-4729	www.sterlingadministration.com
WEX Inc.	Flexible Spending Accounts	(866) 451-3399	www.wexinc.com
Voya/Reliastar	Life Insurance	(800) 955-7736	www.voya.com
Voya	Accident Insurance	(888) 238-4840	www.voya.com
Anthem	Employee Assistance Program	(800) 999-7222	www.anthemeap.com
<b>Fullerton School District Benefits Staff</b>			
Andrea Lopez	Benefits Coordinator	(714) 447-2834	Andrea_Lopez@myfsd.org
Jenny Morgan	Benefits Technician	(714) 447-7420	Jenny_Morgan@myfsd.org
<b>Disability Insurance</b>			
Please note benefit is not offered through the District nor is it affiliated with the District. Vendors listed below are Union preferred vendors.			
CSEA Preferred Vendor	American Fidelity	(800) 365-9180	americanfidelity.com
FETA Preferred Vendor	The Standard	(800) 522-0406	www.standard.com
FESMA Preferred Vendor	American Fidelity	(800) 365-9180	americanfidelity.com



# INSURANCE BENEFITS ELIGIBILITY

## **ENROLLMENT GUIDELINES:**

New employees have a **30-day** window period from date of hire to sign-up for insurance benefits. All employees working 50% or more (4 hours for Classified employees) qualify for District-paid life insurance.

Full-time employees (100%/8 hours) are required to enroll in a minimum of single medical coverage.

Employees who are regularly assigned to work twenty 20 hours or more per week (.50 FTE-Certificated) in a permanent position, are eligible for pro-rated District paid Health and Welfare Benefits. Employee contributions vary according to benefit plan and hours worked per week.

### **Open Enrollment-Late Summer**

All Fullerton School District Employees with Health Benefits have the opportunity, once each year, to decide upon a health plan package for the upcoming calendar benefit year during open enrollment.

Changes made during the upcoming open enrollment period will become effective October 1.

### **Adding Dependents During the Year:**

Employees have a **30-day** window period from the qualifying event to add a new spouse and/or baby.

**All employees participating in the Section 125 pre-tax plan for un-reimbursed medical expenses and child care expenses managed by ANI need to re-enroll annually.** Current participants will be mailed a re-enrollment letter by ANI.

## **ELIGIBILITY CRITERIA:**

**It is the responsibility of the employee (subscriber) to notify the District of any change in dependent status or eligibility within 30 days of the qualifying event.** You MAY be subject to substantial charges if services are provided for a person who is found to be ineligible.

Generally, **eligible dependents** include:

1. Spouse
2. Domestic Partner (registered with the State)
3. Children (biological, adopted, and stepchildren) under the age of 26 who qualify as a dependent
4. Disabled children (must be disabled at time of coverage)

Persons who are **not eligible** for District-paid benefits include:

1. Divorced spouses
2. Grandchildren
3. Children over 26 (unless disabled at time of coverage criteria)

For certificated or classified bargaining unit members who are interested in participating in income protection/disability insurance, please contact either a FETA or CSEA representative.

# **EMPLOYEE RIGHTS**

## **EMPLOYMENT DISCRIMINATION BASED ON DISABILITY<sup>1</sup>**

The Fair Employment and Housing Act (FEHA) enforced by the California Department of Fair Employment and Housing prohibits employment discrimination and harassment based on a person's disability or perceived disability. It also requires employers to reasonably accommodate an individual with a mental or physical disability unless the employer can show that to do so would cause an undue hardship.

The law covers mental or physical disabilities (including AIDS/HIV) regardless of whether the conditions are presently disabling. It also covers medical condition, which is defined as either cancer or genetic characteristics.

Disability does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance abuse disorders resulting from the current illegal use of drugs.

### **The Americans with Disabilities Act vs. The Fair Employment and Housing Act**

The legislature, as of January 1, 2001, in its findings and declarations, states that the "law of this state in the area of disabilities provides protections independent from those in the federal Americans with Disabilities Act (ADA) of 1990." It further states that the FEHA has broad definitions of mental disability, physical disability and mental condition so that applicants and employees are protected from discrimination for actual or perceived disabilities, potential disabilities, or disabilities that are perceived to be potentially disabling.

Under the laws of this state, a disability must only "limit" a major life activity but the disability does not have to represent a "substantial limitation" as under federal law, to be considered a disability. Further, the determination as to whether a condition or disability limits a major life activity shall be determined without respect to any mitigating measures, unless the mitigating measure itself limits a major life activity.

### **Employment Inquiries**

The Fair Employment and Housing Act prohibits any non-job related inquiries of employees or applicants, either verbally or through the use of an application form, that expresses, directly or indirectly, a limitation, specification or discrimination as to physical disability, mental disability and medical condition.

### **Applicants**

The FEHA prohibits an employer from:

- Requiring any medical/psychological examination/inquiry of any applicant
- To make any inquiry whether an applicant has a mental/physical disability or medical condition; or
- To make an inquiry regarding the nature and severity of a mental/physical disability or medical condition.

However, an employer may inquire into the ability of an applicant to perform job related functions and may respond to an applicant's request for reasonable accommodation.

Once an employment offer has been made to an applicant, but before the start of duties, an employer may require a medical/psychological examination providing that the examination/inquiry is job related and consistent with business necessity and that all entering employees in the same job classification are subject to the same examination or inquiry.

### **Employees**

An employer may not:

- Require any medical/psychological examination or inquiry of an employee, or

---

<sup>1</sup> Information on Employment Discrimination Based on Disability (DFEH-184, 04/04) was obtained from the State of California Department of Fair Employment & Housing.

- Inquire whether an employee has a mental/psychological disability or medical condition; or
- Inquire into the severity of the disability or condition.

However, an employer may require examinations or make inquiries that it can show are job-related and consistent with business necessity. An employer may conduct voluntary medical examinations, including medical histories, which are part of an employee health program available to employees at the worksite.

### **Discrimination**

An employer who discriminates against a person because of his/her disability may do so **only** if the employer can demonstrate that:

1. The person is unable to perform the essential functions of the job and that **no** reasonable accommodation exists that would enable the person to perform the essential functions of the job; or
2. The person would create an imminent and substantial danger to himself/herself or a substantial danger to others by performing the job and that **no** reasonable accommodation exists that would remove or reduce the danger.

The following two reasons commonly raised by employers **are not** legally acceptable excuses for discriminating against disabled persons:

1. That there is the possibility of future harm to the person or to others.
2. That employing such individuals will cause an employer's insurance rates to rise.

### **Reasonable Accommodation**

The employer is required under law to participate in a good faith interactive process to explore all possible means of reasonably accommodating a person prior to rejecting the person for a job or making any employment-related decision.

An accommodation is reasonable if it does not impose an undue hardship on the employer's business. Reasonable accommodation can include, but is not limited to, changing the job duties, changing the work shift, providing leaves for medical care, accommodating schedules, relocating the work area, and providing mechanical or electrical aids. An employer may obtain help from government agencies and outside experts to determine whether accommodation is possible.

Disabled employees may have separate rights to unpaid leaves under the California Family Rights Act (CFRA) or the federal Family Medical Leave Act (FMLA).

### **Independent Medical Opinion**

An employer must allow an applicant the opportunity to submit an independent medical opinion if there is a dispute as to whether the person can perform the essential functions of a position. Failure to allow the submission of an independent medical opinion may be a separate violation of the law.

### **AIDS**

California law recognizes AIDS as a disability, which may require an employer to provide reasonable accommodation to enable the employee to continue working as long as he/she is medically able. Employees who are perceived as having AIDS or who have been medically tested as HIV positive are also protected.

Employers should engage in activities that inform employees about AIDS and HIV by:



1. Ensuring that company policy states that an employee with AIDS or a HIV positive diagnosis will be treated as any other employee with a life-threatening ailment. The policy should also state that such employees may continue to work as long as they can perform their duties and medical evidence supports the same.
2. Developing an internal educational program that allays fear by communicating authoritative information on AIDS transmission; i.e., there is no known risk of AIDS transmission between an infected employee and other employees while engaged in their normal activities which may involve close contact at work.

Technical assistance is available from several sources:

AIDS Project, Los Angeles (323) 993-1600 provides employers and others with an "AIDS in the Workplace" program including printed material.

California HIV/AIDS Hotline  
(800) 367-2437 (English or Spanish)  
TTY (800) 553-2437 provides written materials, brochures, and information.

### **How the Law is Enforced**

Employees or job applicants who believe that they have been discriminated against or harassed because of a disability may, within one year of the alleged discrimination, file a complaint of discrimination with the California Department of Fair Employment and Housing. The Department processes complaints filed by persons with terminal illnesses on a priority basis.

The Department serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If the Department finds evidence of discrimination and settlement efforts fail, the Department may file a formal accusation. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed by the Department on behalf of the complaining party.

If the Commission finds that discrimination occurred, it can order remedies, not to exceed \$150,000 in fines or damages for emotional distress from each employer or person charged. In addition, the Commission may order hiring or reinstatement, back pay, promotion, and changes in the policies or practices of the involved employer.

After a complaint is filed with the Department, a complainant may elect to pursue the matter through a lawsuit in civil court. Damages in court are unlimited.

Information on Employment Discrimination Based on Disability (DFEH-184, 04/04) was obtained from the State of California Department of Fair Employment & Housing.

## **DISCRIMINATION IS AGAINST THE LAW<sup>2</sup>**

The Department of Fair Employment and Housing enforces the California state laws which prohibit harassment and discrimination in employment, housing, and public accommodations and which provide for pregnancy leave and family and personal medical leave. It also accepts and investigates complaints which prohibits hate violence or threats of hate violence.

### **Discrimination in Employment**

Harassment and discrimination in employment is prohibited because of:

- Race
- Ancestry
- National Origin
- Color
- Sex
- Sexual Orientation
- Religion
- Disability (including HIV/AIDS diagnosis)
- Marital Status
- Age (40 and over)
- Medical Condition (cancer and genetic characteristics)
- Refusal of Family Care Leave
- Refusal of Leave for an Employee's Serious Health Condition
- Denial of Pregnancy Disability Leave
- Retaliation for Reporting Patient Abuse in Tax Supported Institutions

Discrimination is prohibited in all employment practices including:

- Advertisements
- Applications and interviews
- Hiring, transferring, promoting or leaving a job
- Working Conditions

California workers are also:

- Guaranteed leaves if disabled because of pregnancy
- Guaranteed reasonable accommodation for pregnancy
- Guaranteed leaves for the birth or adoption of a child, for an employee's serious health condition or to care for a parent, spouse or child with a serious health condition
- Protected from harassment because of their sex, race or any other category covered under the law
- Protected from retaliation for filing a complaint with the Department or for protesting possible violations of the law

California workers with disabilities are also entitled to reasonable accommodation when necessary in order to perform the job.

### **Discrimination in Housing**

Laws enforced by the Department prohibit discrimination in the renting, leasing and selling of housing based on:

- Race
- Ancestry
- Sex
- National Origin
- Color
- Religion

---

<sup>2</sup> Information on Discrimination is Against the Law (DFEH-151, 04/04) was obtained from the State of California Department of Fair Employment & Housing.

- Sexual Orientation
- Marital Status
- Familial Status (Families with minor children)
- Disability (including HIV/AIDS diagnosis)
- Source of Income

Discrimination is prohibited in all aspects of the housing business including:

- Advertisements
- Mortgage lending and insurance
- Application and selection processes
- Terms, conditions and privileges of occupancy, including freedom from harassment
- Public and private land use practices including the existence of restrictive covenants

Persons with disabilities are entitled to reasonable accommodation in rules, policies, practices and services and are also permitted, at their own expense, to modify their dwelling to ensure full enjoyment of the premises.

As in employment discrimination law, persons are protected from retaliation for filing complaints.

#### **Discrimination in Accommodations and Services**

Discrimination in public services and accommodations is prohibited. The law requires “full and equal accommodations, advantages, facilities, privileges or services in ALL business establishments.” This includes:

- Hotels and Motels
- Non-Profit Organizations
- Restaurants
- Theaters
- Hospitals
- Barber and Beauty Shops
- Housing Accommodations
- Local Government and Public Agencies
- Retail Establishments

#### **Hate Violence**

It is against the law for any person to threaten or commit acts of violence against a person or property based on race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political affiliation or position in a labor dispute.

#### **What the Department Does**

The Department of Fair Employment and Housing enforces these laws by:

1. Investigating harassment, discrimination and denial of leave complaints;
2. Assisting involved parties to voluntarily resolve complaints;
3. Pursuing violations of the law to public hearing or filing a lawsuit; and
4. Educating Californians about the laws prohibiting harassment and discrimination.

Anyone who believes he/she is a victim of illegal discrimination can file a complaint with the Department. A person wishing to file a complaint should:

- Be prepared to present specific facts about the alleged harassment, discrimination or denial of leave;
- Provide copies of documents that substantiate the charges in the complaint; and
- Keep records and documents about the complaint, such as paycheck stubs, rent receipts, membership applications, etc.

The Department’s staff will conduct an impartial investigation. The Department is not an advocate for either the person complaining or the person complained against. The Department represents the State. The Department will, where possible, try to assist the parties to resolve the complaint.

If a voluntary settlement cannot be reached and there is evidence that indicates a violation of the law, the Department may issue an accusation and litigate the case before the Fair Employment and Housing Commission or

in civil court. If the Commission or a court decides in favor of the complaining party, remedies can be ordered such as:

- The job or the housing denied to the complainant.
- Back pay or promotion or compensation for moving and relocation.
- Compensatory damages, including emotional distress damages and/or administrative fines.

The Department also educates the people of California regarding their rights and responsibilities under the law by providing written materials and participating in seminars and conferences.

### **PREGNANCY LEAVE<sup>3</sup>**

The Fair Employment and Housing Act (FEHA), contains provisions relating to pregnancy leave. These provisions cover all employers with five or more employees. It is unlawful for an employer to discriminate in terms of compensation, conditions, or privileges of employment because of pregnancy. In addition, there are certain leave and transfer protections and guarantees provided under the FEHA and the *California Family Rights Act (CFRA)*.

All employers must provide information about pregnancy leave rights to their employees and post this information in a conspicuous place where employees tend to gather. Employers who provide employee handbooks must include information about pregnancy leave in the handbook.

#### **Leave Requirements**

- An employee disabled by pregnancy is entitled to up to four months disability leave. If the employer provides more than four months of leave for other types of temporary disabilities, the same leave must be made available to women who are disabled due to pregnancy, childbirth, or a related medical condition.
- Leave can be taken before or after birth during any period of time the woman is physically unable to work because of pregnancy or a pregnancy-related condition. All leave taken in connection with a specific pregnancy counts toward computing the four-month period.
- Pregnancy leave is available when a woman is actually disabled. This includes time off needed for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, recovery from childbirth, or any related medical condition.
- If an employee is disabled as the result of a condition related to pregnancy, childbirth, or associated medical conditions and requests reasonable accommodation upon the advice of her health-care provider, an employer must provide reasonable accommodation.
- As an accommodation, and with the advice of her physician, an employee can request transfer to a less strenuous or hazardous position for the duration of her pregnancy.
- Employees are entitled to take pregnancy disability leave in addition to any leave entitlement they might have under CFRA. For example, an employee could take four months pregnancy disability leave for her disability, and 12 weeks CFRA leave to bond with the baby; to bond with an adopted child; or to care for a parent, spouse, or child with a serious health condition. CFRA leave may also be taken for the employee's own serious health condition. For more information, see DFEH-188 "California Family Rights Act."
- If possible, an employee must provide her employer with at least 30 days advance notice of the date for which the pregnancy disability leave is sought or transfer begins and the estimated duration of the leave.
- If 30 days advance notice is not possible due to a change in circumstances or a medical emergency, notice must be given as soon as practical. The leave may be modified as a woman's changing medical condition

---

<sup>3</sup> Information on Pregnancy Leave (DFEH-186, 07/07) was obtained from the State of California Department of Fair Employment & Housing.

dictates. If a woman desires to return earlier than agreed, an employer must reinstate her within two business days of her notice.

### **Salary and Benefits During Leave**

- Employers who provide health insurance coverage for employees who take leave for non-pregnancy-related, temporary disabilities must provide coverage for employees who take leave for pregnancy, childbirth or related medical conditions.
- An employer may require an employee to use her accrued sick leave during any unpaid portion of her pregnancy disability leave. The employee may also use vacation leave credits to receive compensation during an otherwise unpaid portion of her pregnancy disability leave. An employer may not require an employee to use vacation leave or other accrued time off during pregnancy disability leave.

### **Return Rights**

- After a pregnancy disability leave or transfer, employees are guaranteed a return to the same position and can request the guarantee in writing.
- If her same position is no longer available, such as in a layoff due to plant closure, the employer must offer a position that is comparable in terms of pay, location, job content, and promotional opportunities, unless the employer can prove that no comparable position exists.

### **Filing a Complaint**

If you believe you are a victim of illegal discrimination, you can explore filing a complaint with the Department of Fair Employment and Housing (DFEH) by following these steps:

- Contact DFEH by calling the toll-free number at (800) 884-1684 to schedule an appointment or use our online appointment system at [www.dfeh.ca.gov](http://www.dfeh.ca.gov)
- Be prepared to present specific facts about the alleged discrimination or denial of leave.
- Keep records and provide copies of documents that support the charges in the complaint, such as paycheck stubs, calendars, correspondence and other potential proof of discrimination.

Complaints must be filed within **one year** of the last act of discrimination.

DFEH will conduct an impartial investigation. We are not an advocate for either the person complaining or the person complained against. We represent the State of California. DFEH will, if possible, try to assist both parties to resolve the complaint.

If a voluntary settlement cannot be reached, and there is sufficient evidence to establish a violation of the law, DFEH may issue an accusation and litigate the case before the Fair Employment and Housing Commission or in civil court. If the Commission or court decides in favor of the complaining party, remedies may include reinstatement, back pay, reasonable attorney's fees, damages for emotional distress, and administrative fines.

These State policies are adjusted to meet Education Code for Public School systems. Please call Personnel Services for any further questions.

## **CALIFORNIA FAMILY RIGHTS ACT<sup>4</sup>**

Sections 12945.1 and 12945.2 of the *Fair Employment and Housing Act (FEHA)* contain provisions relating to family care and medical leave entitlement. The Fair Employment and Housing Commission's (FEHC) interpretation of these provisions is contained in Section 7297.0 of the *California Code of Regulations*.

In addition to the family care and medical leave requirements of the FEHA, employers of five or more persons have additional obligations pertaining to pregnancy disability leave.

The federal *Family and Medical Leave Act (FMLA)* also ensures family care or medical care leave entitlement (29 USC §§ 2601 *et seq.* Implementing regulations are contained in 29 CFR Part 825). The *FMLA* is enforced by the Wage and Hour Division of the US Department of Labor. The *CFRA* and pregnancy disability leave provisions of state law are enforced by the Department of Fair Employment and Housing (DFEH). Where differences between federal and state law exist, employers should comply with those provisions that are most beneficial to the employee.

This brochure addresses the most frequently asked questions regarding family care or medical leave entitlement.

### **Eligibility Requirements**

#### **For what reasons may an employee take a CFRA leave?**

An employee may take an unpaid leave for the birth of a child for purposes of bonding, for placement of a child in the employee's family for adoption or foster care, for the serious health condition of the employee's child, parent, or spouse, and for the employee's own serious health condition.

#### **What is a serious health condition?**

Serious health condition means illness, injury (including on-the-job injuries), impairment, or physical or mental condition of the employee or a child, parent or spouse of the employee that involves either (1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential health care facility or (2) continuing treatment or supervision by a health-care provider.

#### **May an employer require a written medical certification of the serious health condition of the employee, employee's child, parent, or spouse before granting the leave?**

Yes. The employer may require written communication from the health-care provider of the child, parent, spouse, or employee with a serious health condition. The employer may not require the certification to identify the serious health condition. Certification is sufficient if it includes (1) the date on which the serious health condition commenced, (2) the probable duration of the condition, (3) an estimate of the amount of time the employee needs to care for the sick family member, (4) a statement that the serious health condition warrants participation of a family member to provide care during the period of treatment or medical supervision, or (5) a statement that the employee, due to the serious health condition, is unable to perform one or more of the essential functions of his or her job.

#### **May an employee take a CFRA leave due to a disability related to her pregnancy, childbirth, or related medical condition?**

No. An employee has no right to a *CFRA* leave or a disability related to pregnancy, childbirth, or related medical condition. Separate leave entitlement is provided by the *FEHA*'s pregnancy leave provisions covered in *Government Code Section 12945 (b) (2)*. Under the *FMLA*, however, a pregnancy disability qualifies as a serious health condition and runs concurrently with California pregnancy disability leave.

#### **What employers are covered under the CFRA?**

Employers subject to the *CFRA* are those who do business in California and employ 50 or more part-time or full-time employees in any state. Covered employers include nonprofit, religious organizations, the State of California, including any political and civil subdivision of the state and cities, regardless of the number of employees.

#### **What requirements must an employee satisfy to be eligible to take a CFRA leave?**

To be eligible for a *CFRA* leave, an employee must be either a full-time or part-time employee working in California, **have more than 12 months (52 weeks) of service with the employer, have worked at least 1,250 hours in the 12-month period before the date the leave begins,** and work at a location in which the employer has at least 50 employees within 75 miles of the employee's work site.

---

<sup>4</sup> Information on the California Family Rights Act was obtained from the State of California Department of Fair Employment & Housing.

## Leave Requirements

### **What is the maximum CFRA-leave entitlement?**

Leave may total up to 12 work weeks in a 12-month period. It does not need to be taken in one continuous period of time.

### **How is the 12-month period calculated?**

An employer may choose how to compute the 12-month period in which the 12 work weeks of leave entitlement occurs using any of the four calculation methods allowed under the federal *FMLA* regulations listed below. An employer must, however, apply the chosen method consistently and uniformly to all employees.

These methods are:

1. The calendar year;
2. Any fixed “leave year” of 12 months, such as a fiscal year or a year starting on an employee’s anniversary date;
3. The 12-month period measured from the date an employee’s first *FMLA/CFRA* leave begins; or
4. A rolling 12-month period measured backward from the date an employee uses any leave.

### **To how much leave are the CFRA-eligible employees entitled? What if they work more or less than five days per week or work alternative work schedules?**

The leave entitlement is 12 work weeks or 60 work days for full-time employees working a five-day, eight-hours-a-day work week during a 12-month period. For eligible employees who work more or less than five days a week or who work on alternative work schedules, the number of working days that constitutes 12 work weeks is calculated on a *pro rata* or proportional basis.

### **May the CFRA leave be added onto other forms of leave?**

Yes. At the end of an employee’s period(s) of pregnancy disability leave, a *CFRA*-eligible employee may request a *CFRA* leave of up to 12 work weeks for reason of the birth of her child, if the child has been born by this date. There is no requirement that either the employee or child have a serious health condition. Nor is there a requirement that the employee no longer be disabled by her pregnancy, childbirth, or related medical condition before taking a *CFRA* leave for reason of the birth of her child.

### **Is there a minimum duration for a CFRA leave taken for the birth, adoption, or foster-care placement of a child?**

Yes. The basic minimum duration of a *CFRA* leave is two weeks when the leave is taken for the birth, adoption, or foster-care placement of a child. However, an employer shall grant a request for a *CFRA* leave of less than two weeks duration on any two occasions. In addition, leave taken for the birth, adoption, or foster-care placement of a child must be completed within one year of the qualifying event.

### **Is there a minimum duration for a CFRA leave taken for the serious health condition of a parent, child, or spouse or for the serious health condition of the employee?**

No. Where the *CFRA* leave is taken for the serious health condition of a parent, child, or spouse or for the serious health condition of the employee, leave may be taken intermittently or on a reduced work schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, an employer may limit leave increments to the shortest period of time the employer’s payroll system uses to account for absences.

### **Are there any limitations to the CFRA leave entitlement?**

Yes. If both parents are eligible for the *CFRA* leave but are employed by the same employer, that employer may limit leave for the birth, adoption, or foster-care placement of their child to 12 work weeks in a 12-month period between the two parents. No other limitations restrict these parents from taking a *CFRA* leave for other qualifying reasons.

## **Benefits**

### **Must an employer pay employees during their CFRA leave?**

No. An employer is not required to pay an employee during a *CFRA* leave, except when an eligible employee elects or the employer requires the employee to use any accrued vacation time or other accumulated paid leave other than accrued sick leave. However, if the *CFRA* leave is for the employee's own serious health condition, the employee may elect or the employer may require the employee to use any accrued vacation time or other accumulated paid leave, including any accrued sick leave. Additionally, accrued sick leave may be used for a *CFRA* leave granted for any other reason if mutually agreed to by the employer and employee.

### **Must an employer continue health care coverage for employees during their CFRA leave?**

Yes. If the employer provides health benefits under any group health plan, the employer has an obligation to continue providing such benefits during an employee's *CFRA* leave, an *FMLA* leave, or both. This obligation commences on the date leave first begins under the *FMLA* (i.e., for pregnancy disability leave) or under the *FMLA/CFRA* (i.e., for all other family care or medical leaves). The obligation continues for the duration of the leave(s), up to a maximum of 12 work weeks in a 12-month period.

### **Must an employer continue other benefits during an employee's CFRA leave?**

Yes. During the period of a *CFRA* leave, the employee is entitled to accrual of seniority and to participate in employee benefit plans, including life, short-term or long-term disability or accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to any other leave granted by the employer for any reason other than a *CFRA* leave.

## **Reinstatement**

### **Must an employer reinstate the employee at the end of his or her CFRA leave?**

Yes. Upon granting an employee a *CFRA* leave, the employer shall guarantee reinstatement to the same or comparable position and shall provide the guarantee in writing upon the request of the employee. Employment in a comparable position means employment in a position that is virtually identical to the employee's original position in terms of pay, benefits, and working conditions, including privileges, prerequisites, and status. It must involve the same or substantially similar duties and responsibilities, skill, effort, and authority, must be performed at the same or geographically proximate work sited, and ordinarily means the same shift or same or equivalent work schedule.

### **Are there any reasons an employer could deny reinstatement to an employee out on a CFRA leave?**

Yes. An employer may deny reinstatement to an employee if his or her position ceased to exist, such as in a lay-off. An employer may also deny reinstatement if the employee taking the leave is a key employee (salaried and among the highest-paid 10 percent), and the denial of reinstatement is necessary to prevent substantial and grievous economic injury to the operations of the employer. However, the employer must notify the employee of the intent to refuse reinstatement at the time the employer determines the refusal is necessary as well as give the employee a reasonable opportunity to return to work.

## **Notification**

### **Must an employee give advance notice if he or she wants to take a CFRA leave?**

Yes. An employee or employee's spokesperson shall provide at least verbal notice sufficient to make the employer aware the employee needs a *CFRA*-qualifying leave, state the reason for the leave, and the anticipated timing and duration of the leave. An employer may require 30 days advance notice before a *CFRA* leave is to begin if the need for the leave is foreseeable. If 30 days is not practicable (i.e., lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency), notice must be given as soon as practicable. Under all circumstances, it is the employer's responsibility to designate leave, paid or unpaid, as *CFRA* or *FMLA*. In addition, the employer shall respond to a leave request as soon as possible but within ten calendar days after receiving the request.

### **Must an employer inform employees of notice requirements?**

Yes. An employer shall provide notice to his or her employees of the right to request a *CFRA* leave and shall post the notice in a conspicuous place or places where employees tend to congregate. If the employer publishes a handbook describing other kinds of personal or disability leaves available to its employees, the employer shall include a description of a *CFRA* leave in its next edition. The employer may include both pregnancy disability leave and the *CFRA* leave requirements in a single notice.



## **EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT<sup>5</sup>**

### **Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness\*.

\*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition".

### **Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

\*Special hours of service eligibility requirements apply to airline flight crew employees.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a

---

<sup>5</sup> Information was obtained from the U.S. Department of Labor, Wage and Hour Division (WHD Publication 1420, 02/13)

reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

#### **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

#### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

#### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

#### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

#### **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.**

## NOTICE OF ENTITLEMENT TO FAMILY MEDICAL LEAVE ACT AND CALIFORNIA FAMILY RIGHTS ACT

Under the federal Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) you are entitled to take up to 12 weeks of unpaid leave in a 12 month period **beginning with the date of commencement of leave** for certain qualifying reasons. As an employee with the Fullerton School District you are also entitled to other types of paid and unpaid leave. To be eligible for FMLA leave you must have worked for at least one year prior to the leave and provided at least 1250 hours of service during the 12 months before leave commences.

Please be advised that when you utilize **any** District leave which qualifies under FMLA and/or CFRA, the leave **requested will be counted against your annual Family and Medical Leave Act and/or California Family Rights Act entitlement of up to 12 weeks unpaid leave.** Under District policy, any paid sick leave or other paid or unpaid leave that you have available **will run concurrently with this unpaid statutory leave.** Therefore, the Family Medical Leave Act and/or the California Family Rights Acts leave will be paid leave only to the extent you have such paid leave available to utilize.

Additionally, the District will maintain your group health benefit coverage under the District's plan at the same level prior to the FMLA/CFRA leave. Please note that if you **do not return to work** following the FMLA/CFRA leave, **you may be required to reimburse the Fullerton School District for the District's share of health insurance premiums paid on your behalf during your FMLA/CFRA leave.**

The District may also require you to furnish medical certification of a serious health condition. You will be notified in writing of this requirement and be given at least 15 days in which to furnish medical certification to the District. Additionally, you may be required to present a fitness for duty certification from your physician prior to returning to work and may require you to furnish periodic reports of your status and intent to return to work.

Upon your return from leave, you will be reinstated to the same or an equivalent position, in accordance with the collective bargaining agreement and state and federal law.

FMLA/CFRA and other types of leaves are explained under Personnel Services *"About Your District" A Handbook for Certificated and Classified Staff*. Additional information regarding leave eligibility and coverage can be found on the Fullerton School District web site under Personnel Services. The web site address is [www.fullertonsd.org](http://www.fullertonsd.org). A copy of the handbook may be downloaded from the District website or can be obtained from the Personnel Services Department.

Notice of Entitlement to Family Medical Leave Act and California Family Rights Act; Revised 05/2011

## **YOUR RIGHT TO FREEDOM FROM VIOLENCE**

The Ralph Civil Rights Act (California Civil Code section 51.7) forbids acts of violence or threats of violence because of a person's race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political affiliation or position in a labor dispute.

The Bane Civil Rights Act (California Civil Code section 52.1) forbids anyone from interfering by force or by threat of violence with a person's federal or state constitutional or statutory rights.

The acts forbidden by these civil laws may also be criminal acts and can expose violators to criminal penalties. A list of related criminal statutes is provided in this pamphlet.

### **What types of acts are forbidden by law?**

The following types of acts are prohibited by law:

- Threats, verbal or written
- Physical assault or attempted assault
- Graffiti
- Vandalism or property damage

### **How do these laws help?**

These laws provide civil remedies for persons who have been victims of acts of violence or threats of violence because of race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political affiliation or position in a labor dispute.

Civil remedies available under the Ralph and Bane Civil Rights Acts include:

- **RESTRAINING ORDERS:** After a restraining order is obtained from a court, persons upon whom it is served can be fined or jailed.
- **ACTUAL DAMAGES:** These damages include the cost of medical treatment, lost wages, property repair or payment for emotional suffering and distress.
- **PUNITIVE DAMAGES:** A court can order additional damages to punish the wrongdoer.
- **CIVIL PENALTIES:** A court or the Fair Employment and Housing Commission may order a fine up to \$25,000, which would be awarded to the victim.
- **ATTORNEY FEES:** A court may order payment of attorney's fees to the victim resulting from the lawsuit.

### **What steps can be taken to exercise the rights provided by these laws?**

1. Use this pamphlet. Show it to attorneys, police or governmental agencies when you contact them about the problem.
2. Report any violent threat or act to the police. Be sure to explain the connection between the violent threat or act and the protected class, e.g. race, sex, age, disability or sexual orientation, etc. Remember that this connection can also be based on an individual's protected status or that of groups with which the individual is associated.
3. In situations where the assailant is unknown and local law enforcement will not investigate, contact the California Attorney General at (800) 952-5225 or TTY (800) 952-5548.
4. In situations where the assailant is known, a complaint may be filed in court or with a governmental agency.

- **A private lawsuit can be filed under California Civil Code section 52 to enforce the Ralph or Bane Civil Rights Acts.** Remedies may include actual damages, attorney fees, punitive damages and civil penalties up to \$25,000. The court may also issue a restraining order.
- A lawsuit must be filed within one to three years of the act or threat of violence. It is suggested that contact be made with an attorney prior to initiating a lawsuit.
- **A complaint can be filed with the California Department of Fair Employment and Housing.** An attorney is not required and there is no fee for the Department's service. Administrative remedies may include out-of-pocket losses, emotional distress damages up to \$150,000 and civil penalties up to \$25,000. The Department can also ask for a restraining order.
- The complaint must be filed **within one year** from the date the victim of the act or threat of violence becomes aware of the perpetrator(s) identity, **but in no case more than three years from the date of harm.**
- **Assistance can also be provided by a District Attorney, a city attorney or by the California Attorney General.** Any of these officials can file a lawsuit or ask a court for a restraining order.

### **What criminal laws are broken by violence or threats of violence?**

The following is a list of laws in the California Penal Code by which violators may be prosecuted:

**Penal Code section 190.2(a)(16):** Provides a death penalty or imprisonment for life without possibility of parole for murder because of the victim's race, color, religion, nationality or national origin.

**Penal Code section 302:** Provides it is a misdemeanor to willfully disturb a group of people gathered to worship. (Penalty: imprisonment in county jail for up to one year or a fine up to \$1,000 or both.)

**Penal Code section 422.6(a):** Provides it is a crime to interfere by force or threat of force with a person's constitutional rights because of a person's actual or perceived race, color, religion, ancestry, national origin, gender, disability or sexual orientation. (Penalty: up to one year in jail or \$5,000 fine or both.)

**Penal Code section 422.6(b):** Provides it is a crime to damage a person's property because of his/her actual or perceived race, color, religion, ancestry, national origin, disability, gender or sexual orientation. (Penalty: up to one year in jail or \$5,000 fine or both.)

**Penal Code section 422.7:** Enhances penalties for crimes (except those punished under Penal Code section 422.6) committed against persons or their property because of a person's actual or perceived race, color, religion, ancestry, national origin, disability, gender or sexual orientation. (Penalty: up to one year in State prison or county jail or \$10,000 fine or both.)

**Penal Code section 422.75(a):** Provides enhanced penalties for felonies committed because of a person's actual or perceived race, color, religion, nationality, country of origin, ancestry, disability, gender or sexual orientation.

**Penal Code section 422.75(b):** Provides enhanced penalties for felonies or attempted felonies against the property of a public agency or private institution, place of worship or offices of an advocacy group because the property is defined as or associated with a person or group of an identifiable race, color, religion, nationality, country of origin, ancestry, disability, gender or sexual orientation.

**Penal Code section 422.8:** Provides that nothing in section 422.6 or 422.7 prevents or limits the prosecution of any person.

**Penal Code section 422.9(a):** Provides it is a misdemeanor punishable by up to six months in jail or \$1,000 or both to violate an order issued pursuant to Civil Code section 52.1(a) or (b).

**Penal Code section 422.9(b):** Provides up to one year in jail for a person previously convicted of violating an order issued pursuant to Civil Code section 52.1(a) or (b), who is brought and tried on separate charges.

**Penal Code section 422.9(c):** Provides that county prosecuting agencies have the primary responsibility for enforcing orders issued pursuant to Civil Code section 52.1.

**Penal Code section 594.3(a):** Provides it is a crime to knowingly vandalize a place of worship or a building owned and occupied by a religious educational institution or a cemetery. (Penalty: imprisonment in county jail or State prison for up to one year.)

**Penal Code section 594.3(b):** Provides it is a felony to knowingly vandalize a place of worship or building owned and occupied by a religious educational institution or a cemetery because of race, color, religion or national origin. (Penalty: imprisonment in State prison.)

**Penal Code section 1170.75:** Provides additional punishment for felonies committed because of a victim's actual or perceived race, color, religion, nationality or country of origin.

**Penal Code section 1170.8:** Provides additional punishment for robbery or assault of persons within a place of worship or building owned and occupied by a religious educational institution or for intentionally burning or attempting to burn such places.

**Penal Code section 1170.85:** Provides for aggravated circumstances and additional punishment for felonies in which the victim of the offense is particularly vulnerable or unable to defend himself/herself due to age or disability.

**Penal Code section 11410:** Provides that the advocacy of unlawful violence, where death or great bodily harm is possible, is conduct not protected by the California Constitution.

**Penal Code section 11411:** Provides it is a crime to cause a person to fear for their safety by burning a cross. It also provides it is a crime to place on the private property of another or on the property of primary, junior or high schools any symbol, including Nazi swastikas, which causes a person to fear for their safety.

**Penal Code section 11412:** Provides it is a felony to attempt to discourage religious activities by threats of violence.

**Penal Code section 11413:** Provides it is a felony to use a bomb or arson to cause a person to fear for his/her personal safety in places of worship or on any private property if the property was targeted because of the race, color, religion, ancestry, national origin, disability, gender or sexual orientation of the occupant or owner.

## HIPAA PRIVACY NOTICE

**Please carefully review this notice. It describes how medical information about you may be used and disclosed and how you can get access to this information.** The Health Insurance Portability and Accountability Act of 1996 (HIPAA) imposes numerous requirements on the use and disclosure of individual health information by employer health plans. This information, known as protected health information, includes almost all individually identifiable health information held by a plan – whether received in writing, in an electronic medium, or as an oral communication. This notice describes the privacy practices of these plans: **Blue Cross PPO, Blue Cross California Care HMO, Kaiser Permanente, Delta Dental DPO, Delta Care PMI, and VSP Vision Care.** The plans covered by this notice may share health information with each other to carry out treatment, payment, or health care operations. These plans are collectively referred to as the Plan in this notice, unless specified otherwise.

### *The Plan's duties with respect to health information about you*

The Plan is required by law to maintain the privacy of your health information and to provide you with this notice of the Plan's legal duties and privacy practices with respect to your health information. If you participate in an insured plan or HMO option, you will receive a notice directly from the Insurer or HMO. It's important to note that these rules apply to the Plan, not Fullerton School District as an employer – that's the way the HIPAA rules work. Different policies may apply to other Fullerton School District programs or to data unrelated to the Plan.

### *How the Plan may use or disclose your health information*

The privacy rules generally allow the use and disclosure of your health information without your permission (known as an authorization) for purposes of health care treatment, payment activities, and health care operations. Here are some examples of what that might entail:

- **Treatment** includes providing, coordinating, or managing health care by one or more health care providers or doctors. Treatment can also include coordination or management of care between a provider and a third party, and consultation and referrals between providers. For example, the Plan may share your health information with physicians who are treating you.
- **Payment** includes activities by this Plan, other plans, or providers to obtain premiums, make coverage determinations, and provide reimbursement for health care. This can include eligibility determinations, reviewing services for medical necessity or appropriateness, utilization management activities, claims management, and billing; as well as "behind the scenes" plan functions such as risk adjustment, collection, or reinsurance. For example, the Plan may share information about your coverage or the expenses you have incurred with another health plan in order to coordinate payment of benefits.
- **Health care operations** include activities by this Plan (and in limited circumstances other plans or providers) such as wellness and risk assessment programs, quality assessment and improvement activities, customer service, and internal grievance resolution. Health care operations also include vendor evaluations, credentialing, training, accreditation activities, underwriting, premium rating, arranging for medical review and audit activities, and business planning and development. For example, the Plan may use information about your claims to audit the third parties that approve payment for Plan benefits.

The amount of health information used, disclosed or requested will be limited and, when needed, restricted to the minimum necessary to accomplish the intended purposes, as defined under the HIPAA rules. If the Plan uses or discloses PHI for underwriting purposes, the Plan will not use or disclose PHI that is your genetic information for such purposes. The Plan may contact you to provide appointment reminders or information about treatment alternatives or other health-related benefits and services that may be of interest to you, as permitted by law.

*How the Plan may share your health information with Fullerton School District*

The Plan, or its health insurer or HMO, may disclose your health information without your written authorization to Fullerton School District for plan administration purposes. [District] may need your health information to administer benefits under the Plan. [District] agrees not to use or disclose your health information other than as permitted or required by the Plan documents and by law. Employees from Benefits, Personnel, Payroll and Financial Services are the only Fullerton School District employees who will have access to your health information for plan administration functions.

Here's how additional information may be shared between the Plan and Fullerton School District, as allowed under the HIPAA rules:

- The Plan, or its insurer or HMO, may disclose “summary health information” to Fullerton School District if requested, for purposes of obtaining premium bids to provide coverage under the Plan, or for modifying, amending, or terminating the Plan. Summary health information is information that summarizes participants’ claims information, from which names and other identifying information have been removed.
- The Plan, or its insurer or HMO, may disclose to Fullerton School District information on whether an individual is participating in the Plan or has enrolled or disenrolled in an insurance option or HMO offered by the Plan.

In addition, you should know that Fullerton School District cannot and will not use health information obtained from the Plan for any employment-related actions. However, health information collected by Fullerton School District from other sources, for example under the Family and Medical Leave Act, Americans with Disabilities Act, or workers’ compensation is *not* protected under HIPAA (although this type of information may be protected under other federal or state laws).

*Other allowable uses or disclosures of your health information*

In certain cases, your health information can be disclosed without authorization to a family member, close friend, or other person you identify who is involved in your care or payment for your care. Information about your location, general condition, or death may be provided to a similar person (or to a public or private entity authorized to assist in disaster relief efforts). You’ll generally be given the chance to agree or object to these disclosures (although exceptions may be made – for example, if you’re not present or if you’re incapacitated). In addition, your health information may be disclosed without authorization to your legal representative.

The Plan also is allowed to use or disclose your health information without your written authorization for the following activities:

<b>Workers’ compensation</b>	Disclosures to workers’ compensation or similar legal programs that provide benefits for work-related injuries or illness without regard to fault, as authorized by and necessary to comply with the laws
<b>Necessary to prevent serious threat to health or safety</b>	Disclosures made in the good-faith belief that releasing your health information is necessary to prevent or lessen a serious and imminent threat to public or personal health or safety, if made to someone reasonably able to prevent or lessen the threat (or to the target of the threat); includes disclosures to help law enforcement officials identify or apprehend an individual who has admitted participation in a violent crime that the Plan reasonably believes may have caused serious physical harm to a victim, or where it appears the individual has escaped from prison or from lawful custody
<b>Public health activities</b>	Disclosures authorized by law to persons who may be at risk of contracting or spreading a disease or condition; disclosures to public health authorities to prevent or control disease or report child abuse or neglect; and disclosures to the Food and Drug Administration to collect or report adverse events or product defects



<b>Victims of abuse, neglect, or domestic violence</b>	Disclosures to government authorities, including social services or protected services agencies authorized by law to receive reports of abuse, neglect, or domestic violence, as required by law or if you agree or the Plan believes that disclosure is necessary to prevent serious harm to you or potential victims (you'll be notified of the Plan's disclosure if informing you won't put you at further risk)
<b>Judicial and administrative proceedings</b>	Disclosures in response to a court or administrative order, subpoena, discovery request, or other lawful process (the Plan may be required to notify you of the request or receive satisfactory assurance from the party seeking your health information that efforts were made to notify you or to obtain a qualified protective order concerning the information)
<b>Law enforcement purposes</b>	Disclosures to law enforcement officials required by law or legal process, or to identify a suspect, fugitive, witness, or missing person; disclosures about a crime victim if you agree or if disclosure is necessary for immediate law enforcement activity; disclosure about a death that may have resulted from criminal conduct; and disclosure to provide evidence of criminal conduct on the Plan's premises
<b>Decedents</b>	Disclosures to a coroner or medical examiner to identify the deceased or determine cause of death; and to funeral directors to carry out their duties
<b>Organ, eye, or tissue donation</b>	Disclosures to organ procurement organizations or other entities to facilitate organ, eye, or tissue donation and transplantation after death
<b>Research purposes</b>	Disclosures subject to approval by institutional or private privacy review boards, subject to certain assurances and representations by researchers about the necessity of using your health information and the treatment of the information during a research project
<b>Health oversight activities</b>	Disclosures to health agencies for activities authorized by law (audits, inspections, investigations, or licensing actions) for oversight of the health care system, government benefits programs for which health information is relevant to beneficiary eligibility, and compliance with regulatory programs or civil rights laws
<b>Specialized government functions</b>	Disclosures about individuals who are Armed Forces personnel or foreign military personnel under appropriate military command; disclosures to authorized federal officials for national security or intelligence activities; and disclosures to correctional facilities or custodial law enforcement officials about inmates
<b>HHS investigations</b>	Disclosures of your health information to the Department of Health and Human Services to investigate or determine the Plan's compliance with the HIPAA privacy rule

Except as described in this notice, other uses and disclosures will be made only with your written authorization. You may revoke your authorization as allowed under the HIPAA rules. However, you can't revoke your authorization with respect to disclosures the Plan has already made. You will be notified of any unauthorized access, use or disclosure of your unsecured health information as required by law.

*Your individual rights*

You have the following rights with respect to your health information the Plan maintains. These rights are subject to certain limitations, as discussed below. This section of the notice describes how you may exercise each individual right. See the table at the end of this notice for information on how to submit requests.

***Right to request restrictions on certain uses and disclosures of your health information and the Plan's right to refuse***

You have the right to ask the Plan to restrict the use and disclosure of your health information for treatment, payment, or health care operations, except for uses or disclosures required by law. You have the right to ask the Plan to restrict the use and disclosure of your health information to family members, close friends, or other persons you identify as being involved in your care or payment for your care. You

also have the right to ask the Plan to restrict use and disclosure of health information to notify those persons of your location, general condition, or death – or to coordinate those efforts with entities assisting in disaster relief efforts. If you want to exercise this right, your request to the Plan must be in writing.

The Plan is not required to agree to a requested restriction. If the Plan does agree, a restriction may later be terminated by your written request, by agreement between you and the Plan (including an oral agreement), or unilaterally by the Plan for health information created or received after you're notified that the Plan has removed the restrictions. The Plan may also disclose health information about you if you need emergency treatment, even if the Plan has agreed to a restriction.

Effective Feb. 17, 2010, an entity covered by these HIPAA rules (such as your health care provider) or its business associate must comply with your request that health information regarding a specific health care item or service not be disclosed to the Plan for purposes of payment or health care operations if you have paid for the item or service, in full out of pocket.

***Right to receive confidential communications of your health information***

If you think that disclosure of your health information by the usual means could endanger you in some way, the Plan will accommodate reasonable requests to receive communications of health information from the Plan by alternative means or at alternative locations.

If you want to exercise this right, your request to the Plan must be in writing and you must include a statement that disclosure of all or part of the information could endanger you.

***Right to inspect and copy your health information***

With certain exceptions, you have the right to inspect or obtain a copy of your health information in a “designated record set.” This may include medical and billing records maintained for a health care provider; enrollment, payment, claims adjudication, and case or medical management record systems maintained by a plan; or a group of records the Plan uses to make decisions about individuals. However, you do not have a right to inspect or obtain copies of psychotherapy notes or information compiled for civil, criminal, or administrative proceedings. The Plan may deny your right to access, although in certain circumstances you may request a review of the denial.

If you want to exercise this right, your request to the Plan must be in writing. Within 30 days of receipt of your request (60 days if the health information is not accessible onsite), the Plan will provide you with one of these responses:

- The access or copies you requested
- A written denial that explains why your request was denied and any rights you may have to have the denial reviewed or file a complaint
- A written statement that the time period for reviewing your request will be extended for no more than 30 more days, along with the reasons for the delay and the date by which the Plan expects to address your request.

The Plan may provide you with a summary or explanation of the information instead of access to or copies of your health information, if you agree in advance and pay any applicable fees. The Plan also may charge reasonable fees for copies or postage. If the Plan doesn't maintain the health information but knows where it is maintained, you will be informed of where to direct your request.

Effective February 17, 2010, you may request an electronic copy of your health information if it is maintained in an electronic health record. You may also request that such electronic health information be sent to another entity or person, so long as that request is clear, conspicuous and specific. Any charge that is assessed to you for these copies, if any, must be reasonable and based on the Plan's cost.

***Right to amend your health information that is inaccurate or incomplete***

With certain exceptions, you have a right to request that the Plan amend your health information in a designated record set. The Plan may deny your request for a number of reasons. For example, your request may be denied if the health information is accurate and complete, was not created by the Plan (unless the person or entity that created the information is no longer available), is not part of the designated record set, or is not available for inspection (e.g., psychotherapy notes or information compiled for civil, criminal, or administrative proceedings).

If you want to exercise this right, your request to the Plan must be in writing, and you must include a statement to support the requested amendment. Within 60 days of receipt of your request, the Plan will provide one of these responses:

- Make the amendment as requested
- Provide a written denial that explains why your request was denied and any rights you may have to disagree or file a complaint
- Provide a written statement that the time period for reviewing your request will be extended for no more than 30 more days, along with the reasons for the delay and the date by which the Plan expects to address your request.

***Right to receive an accounting of disclosures of your health information***

You have the right to a list of certain disclosures of your health information the Plan has made. This is often referred to as an “accounting of disclosures.” You generally may receive this accounting if the disclosure is required by law, in connection with public health activities, or in similar situations listed in the table earlier in this notice, unless otherwise indicated below.

You may receive information on disclosures of your health information for up to six years before the date of your request. You do not have a right to receive an accounting of disclosures made for any of these reasons:

- For treatment, payment, or health care operations
- To you about your own health information
- Incidental to other permitted or required disclosures
- In situations where authorization was provided
- To family members or friends involved in your care (where disclosure is permitted without authorization)
- For national security or intelligence purposes or to correctional institutions or law enforcement officials in certain circumstances
- As part of a “limited data set” (health information that excludes certain identifying information)

In addition, your right to an accounting of disclosures to a health oversight agency or law enforcement official may be suspended at the request of the agency or official.

If you want to exercise this right, your request to the Plan must be in writing. Within 60 days of the request, the Plan will provide you with the list of disclosures or a written statement that the time period for providing this list will be extended for no more than 30 more days, along with the reasons for the delay and the date by which the Plan expects to address your request. You may make one request in any 12-month period at no cost to you, but the Plan may charge a fee for subsequent requests. You’ll be notified of the fee in advance and have the opportunity to change or revoke your request.

***Right to obtain a paper copy of this notice from the Plan upon request***

You have the right to obtain a paper copy of this privacy notice upon request. Even individuals who agreed to receive this notice electronically may request a paper copy at any time.

***Changes to the information in this notice***

The Plan must abide by the terms of the privacy notice currently in effect. This notice takes effect on July 1, 2013. However, the Plan reserves the right to change the terms of its privacy policies, as described in this notice, at any time and to make new provisions effective for all health information that the Plan maintains. This includes health information that was previously created or received, not just health information created or received after the policy is changed. If changes are made to the Plan’s privacy policies described in this notice, you will be informed via email and the changes will be updated in the employee handbook and posted on the website.

***Complaints***

If you believe your privacy rights have been violated or your Plan has not followed its legal obligations under HIPAA, you may complain to the Plan and to the Secretary of Health and Human Services. You

won't be retaliated against for filing a complaint. To file a complaint, employees can access the uniform complaint form from the district web or contact Personnel Services for the form

*Contact*

For more information on the Plan's privacy policies or your rights under HIPAA, contact the Benefits Office at (714) 447-2834 or the Assistant Superintendent, Personnel Services at (714) 447-7450.

## EMPLOYEE ASSISTANT PROGRAM (EAP)

### Available to All Employees

The Blue Cross Employee Assistance Program (EAP) provides confidential consultation with a professional counselor whenever you or your family experiences any kind of personal problem. These problems might include stress, anxiety, depression, relationship, marital problems, family problems, substance abuse, legal, financial and/or work-related challenges and many other life management issues.

Your benefit allows up to six (6) sessions for each issue. This is separate from your medical insurance and there are no co-pays.

When you use the EAP every precaution is taken to ensure that your privacy and confidentiality is protected. All discussions between you and your EAP Consultant are kept confidential as required by law. Fullerton School District will not know the identity of anyone who uses the Employee Assistance Program.

### EAP Confidential Consultation:

- Helps you and your eligible family members with relationship issues, family concerns, stress, substance abuse, and legal/financial problems.
- Available 24/7 for any crisis issue.
- Available website filled with information, links and resources including legal and financial and child and eldercare needs.

You can speak to an **EAP Consultant** by calling **1-800-999-7222**  
[www.bluecrossca.com/youreap](http://www.bluecrossca.com/youreap)

Program name: **SISC**

## MEDICARE

All employees contribute 1.45% towards Medicare unless you were hired prior to 1986 and opted not to contribute.

The Social Security Administration recommends that you sign up for Medicare *three months before* reaching age 65 “*even if you don’t plan to receive monthly benefits. Otherwise, your Medicare medical insurance, as well as prescription drug coverage, could be delayed and you could be charged higher premiums. For more information about eligibility and costs, visit [www.medicare.gov](http://www.medicare.gov).*”

Below is important information concerning yourself and/or your spouse.

A **retiree** who reaches the age of 65 is no longer covered by health benefits through the District. The FSD retiree’s health benefits will end the first of the month he/she turns 65 as will the spouse covered under the retiree’s District health benefits. It is the retiree’s responsibility to sign up for Medicare and/or supplemental coverage three months prior to turning 65.

A **retiree’s spouse** covered under the FSD retiree’s health benefits who has reached Medicare eligibility is **required** to apply for Medicare (Part A and B) three months prior to turning 65. This plan allows the spouse to maintain the District health coverage *on a senior plan* and also receive coverage through Medicare. The spouse will incur a premium with Medicare.

**Employees** who have FSD health benefits should contact Medicare to determine whether it is to their advantage to sign for Medicare (Part A) now or upon retirement. Medicare would become the “secondary payer” and may enhance coverage. The **spouse** who is covered under the employee’s plan and has reached Medicare eligibility should anticipate signing up for Medicare (Part A) and possibly (part B) three months prior to turning 65.

Please remember that spouses only continue to maintain FSD health benefits while the employee/retiree is covered, no matter what the age of the spouse.

Please refer to [www.ssa.gov/mediinfo.htm](http://www.ssa.gov/mediinfo.htm) or [www.medicare.gov/publications/pubs/pdf/10050.pdf](http://www.medicare.gov/publications/pubs/pdf/10050.pdf) for information and/or publications regarding Medicare eligibility; or call **1-800-772-1213**.

If you have any further questions please contact Personnel Services at 714-447-7450.

## ABSENCE REPORTING

### **Child Development Services Employees**

For absence(s) please call (714) 447-2858

### **Transportation Employees**

For absence(s) please call (714) 447-7445

### **Maintenance and Operations Employees**

For absence(s) please call (714) 447-7440

### **Nutrition Center Employees**

For absence(s) please call (714) 447-7437

**Clerical and Instructional Assistants (see below *Employee Substitute Calling System*)**

## EMPLOYEE SUBSTITUTE CALLING SYSTEM

### **Automated Educational Substitute Operator (AESOP):**

The Fullerton School District utilizes an automated calling and online system. The automated substitute calling system allows classified and certificated staff to arrange substitute coverage from any computer location as well as over the telephone. The substitute calling system is available 24/7.

The automated substitute calling system (AESOP) utilizes both the telephone and the Internet to assist you.

#### **Contact Information:**

**Dial 1.800.942.3767**

**[www.FrontlineK12.com/AESOP](http://www.FrontlineK12.com/AESOP)**

### **Classified Absence Instructions for Regular Classified Instructional Assistants and Clerical only:**

Following your initial hire, ask your work site supervisor if a substitute is required when you are absent. If a substitute is required, please follow the instructions below:

Call *Aesop* at (800) 942-3767 or check online at [www.FrontlineK12.com/AESOP](http://www.FrontlineK12.com/AESOP) to verify that your information in the automated system correctly. Then follow the directions on the enclosed *Aesop Phone System Instructions* to register. If you have any problems, please call the system operator at (714) 447-7452.

Once you are registered with *Aesop* you may refer to the guide to report your absence so that a substitute may be called to fill in for you. Your school site may also require you to call in your absence to your immediate supervisor or to the school office. Find out what your site's policy and procedures are.

## When you call Aesop

### To Review or Change your Personal Information, Press ④

- To review or change your name recording, Press ①
- To change your Pin number, Press ②
- To change your phone number, Press ③

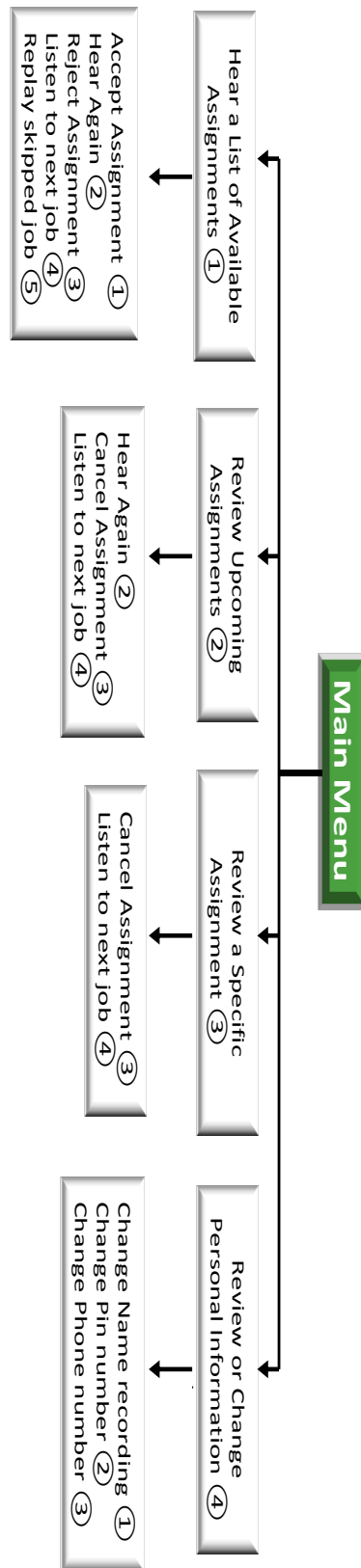
### Special Things to Note

#### When Aesop calls you:

- The phone number that appears on Caller ID is: 1-800-942-3767.
- Typically, Aesop will **not** leave a message on your home answering machine.
- Please say "hello" in order for Aesop to begin the phone call.
- If you are sick and wish not to work, Press ② - To Prevent Further Calls Today.
- If two or more substitutes have the same phone number it is to your advantage that you both voice-record your names. Aesop will then play the voice recording at the beginning of the phone call and you can enter the correct Pin number.

1.800.942.3767

## Aesop Phone Menu at a Glance



## Phone System Instructions for Substitutes

1.800.942.3767

### Learn how to:

- Search for jobs by phone
- Respond when the system offers you a job
- Personalize the phone system

**FRONTLINE™**  
• TECHNOLOGIES •

[www.FrontlineK12.com/Aesop](http://www.FrontlineK12.com/Aesop)



# AGREEMENT FOR USE OF PERSONAL TEACHING MATERIALS

**CERTIFICATED PERSONNEL:** This agreement can be found on the District website under the *Internal Use* link /forms. <http://internal.fsd.k12.ca.us/forms/PersPropDeclar.pdf>

**FULLERTON SCHOOL DISTRICT  
RISK MANAGEMENT DEPARTMENT  
Certificated Employees  
(Employee is to fill out form annually)**

List your personal property, located in your classroom, used for instructional purposes.

Enter School Year \_\_\_\_\_

Type of Property	Make/Model	Serial Number	Actual Cash Value

Article 18, Paragraph G of the Certificated Agreement states:

“The District shall be liable **for up to \$600** to each teacher per incident for replacement of personal teaching materials lost as a result of fire, theft, vandalism or combination thereof. Prior to reimbursement, a claim for loss of personal teaching materials shall be properly validated with receipt of purchase or like documentation. The claim shall be filed as soon as the loss is known and no later than 90 days after discovery.”

**Please Note:** Only property listed on this form is subject to reimbursement in the event of a loss; therefore, please amend this form as needed. Losses for personal property not integral for instruction (e.g. furniture, eyeglasses, cash) cannot be claimed for reimbursement, but may be covered under your homeowner’s policy.

By signing this form, I certify that the above-mentioned items located in my classroom are my personal property and that the items are being used as teaching materials. I have read the foregoing and agree to the terms stated in Article 18, Paragraph G of the Certificated Agreement.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (Please Print)

\_\_\_\_\_  
Principal Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
School Site

**Distribution:**  
Risk Management - Original  
School Site - Copy  
Employee – Copy

PERSONAL TEACHING MATERIALS USE FORM.DOC  
Revised 10/30/08

# **SALARY SCHEDULES**

# CERTIFICATED SALARY SCHEDULE

**FULLERTON SCHOOL DISTRICT**  
**Certificated Salary Schedule \*\*\*185 Days**  
**Effective July 1, 2022**  
**(July 1, 2021 + 5.5% increase)**

STEP	CLASS I		CLASS II		CLASS III		CLASS IV	
	BA without Credential	Daily Rate	BA + 30 with Credential	Daily Rate	BA+45 incl MA or BA + 50	Daily Rate	BA + 60 incl MA or * MA equivalent	Daily Rate
1	58,465	316.027	61,224	330.941	66,124	357.427	71,413	386.016
2	60,657	327.876	63,522	343.362	68,601	370.816	74,089	400.481
3	62,933	340.178	65,903	356.232	71,177	384.741	76,867	415.497
4	65,293	352.935	68,377	369.605	73,845	399.162	79,751	431.086
5	67,739	48.82 366.157	70,939	383.454	76,612	414.119	82,740	447.243
6	70,282	379.903	73,600	397.838	79,483	429.638	85,845	464.027
7	72,916	394.141	76,355	412.730	82,463	445.746	89,066	481.438
8		-	79,221	428.222	85,558	462.476	92,402	499.470
9		-	82,191	444.276	88,767	479.822	95,867	518.200
10		-	85,274	460.941	92,095	497.811	99,463	537.638
11		-	88,474	478.238	95,549	516.481	103,191	557.789
12		-	91,789	496.157	99,133	535.854	107,064	578.724
13		-	91,789	496.157	99,133	535.854	107,064	578.724
14		-	91,789	496.157	99,133	535.854	107,064	578.724
15		-	93,624 *	506.076	102,603 *	554.611	111,774 *	604.184
16		-	93,624 *	506.076	102,603 *	554.611	111,774 *	604.184
17		-	93,624 *	506.076	102,603 *	554.611	111,774 *	604.184
18		-	95,461 *	516.005	106,073 *	573.368	116,486 *	629.654
19		-	95,461 *	516.005	106,073 *	573.368	116,486 *	629.654
20		-	95,461 *	516.005	106,073 *	573.368	116,486 *	629.654
21		-	97,294 *	525.914	109,542 *	592.119	121,195 *	655.108
22		-	97,294 *	525.914	109,542 *	592.119	121,195 *	655.108
23		-	97,294 *	525.914	109,542 *	592.119	121,195 *	655.108
24		-	99,133 *	535.854	113,009 *	610.859	125,907 *	680.578

\*includes longevity

\*\* \$48.82 = certificated hourly rate for extra time

\*\*\* calendar days applicable to current teachers; new teachers work 186 days and must attend New Teacher Orientation

NOTE: Class IV may include an MA equivalent defined by Negotiation Agreement Article 16.

Board Approved: November 9, 2022

**FULLERTON SCHOOL DISTRICT**  
**Speech Therapist and Nurse Salary Schedule \*\*\*185 Days**  
**Effective July 1, 2022**  
*(July 1, 2021 + 5.5% increase)*

STEP	CLASS II		CLASS III		CLASS IV	
	BA + 30 with Credential	Daily Rate	BA+45 incl MA or BA + 50	Daily Rate	BA + 60 incl MA or * MA equivalent	Daily Rate
1	66,124	357.427	70,087	378.849	74,996	405.384
2	68,602	370.822	72,718	393.070	77,808	420.584
3	71,177	384.741	75,444	407.805	80,726	436.357
4	73,845	399.162	78,277	423.119	83,753	452.719
5	76,612	414.119	81,209	438.968	86,893	469.692
6	79,484	429.643	84,254	455.427	90,151	487.303
7	82,463	445.746	87,414	472.508	93,530	505.568
8	85,561	462.492	90,693	490.232	97,038	524.530
9	88,768	479.827	94,093	508.611	100,685	544.243
10	92,098	497.827	97,620	527.676	104,456	564.627
11	95,550	516.486	101,282	547.470	108,371	585.789
12	99,133	535.854	105,080	568.000	112,432	607.741
13	99,133	535.854	105,080	568.000	112,432	607.741
14	99,133	535.854	105,080	568.000	112,432	607.741
15	103,100	* 557.297	109,283	* 590.719	116,934	* 632.076
16	103,100	* 557.297	109,283	* 590.719	116,934	* 632.076
17	103,100	* 557.297	109,283	* 590.719	116,934	* 632.076
18	106,564	* 576.022	112,961	* 610.600	120,870	* 653.351
19	106,564	* 576.022	112,961	* 610.600	120,870	* 653.351
20	106,564	* 576.022	112,961	* 610.600	120,870	* 653.351
21	-	* -	116,640	* 630.486	124,805	* 674.622
22	-	* -	116,640	* 630.486	124,805	* 674.622
23	-	* -	116,640	* 630.486	124,805	* 674.622
24	-	* -	-	* -	128,737	* 695.876

\*includes longevity

\*\*\*Calendar days applicable to current teachers; new teachers work 186 days and must attend New Teacher Orientation

NOTE: Class IV may include an MA equivalent defined by Negotiation Agreement Article 16.

Board Approved: November 9, 2022

**FULLERTON SCHOOL DISTRICT**  
**Preschool Teacher Salary Schedule \*\*\*185 Days**  
**Effective July 1, 2022**  
**(July 1, 2021 + 5.5% increase)**

STEP		COLUMN I	COLUMN II	COLUMN III
1		38,559	42,332	45,959
		3,855.90	4,233.20	4,595.90
		208.427	228.822	248.427
2		40,407	44,340	48,199
		4,040.70	4,434.00	4,819.90
		218.416	239.676	260.535
3		42,264	46,447	50,442
		4,226.40	4,644.70	5,044.20
		228.454	251.065	272.659
4		44,111	48,353	52,675
		4,411.10	4,835.30	5,267.50
		238.438	261.368	284.730
5		45,959	50,360	54,910
		4,595.90	5,036.00	5,491.00
	33.12	248.427	272.216	296.811
6		47,808	52,366	57,141
		4,780.80	5,236.60	5,714.10
		258.422	283.059	308.870
7		49,665	54,369	59,382
		4,966.50	5,436.90	5,938.20
		268.459	293.886	320.984
8			56,272	61,461
			5,627.20	6,146.10
			304.173	332.222
9			58,241	63,611
			5,824.10	6,361.10
			314.816	343.843

\*Calendar days applicable to current teachers

\*\* \$33.12 = preschool teacher hourly rate for extra time

- New teachers work 186 days and must attend New Teacher Orientation.

- Beginning with the 2021-2022 school year, an annual \$1,000 longevity bonus beginning on the tenth (10th) year of District service to be paid on the last pay warrant of the school year limited to a maximum of \$1,000 per year.

**FULLERTON SCHOOL DISTRICT  
SALARY SCHEDULE FOR CLASSIFIED PERSONNEL  
Effective JANUARY 1, 2019**

Hourly Rate = Monthly Salary Divided by 173.33  
(July 2017 +1%)

RANGE NO.	1-6 Months Step 1		7-18 Months Step 2		19-30 Months Step 3		31-42 Months Step 4		43-54 Months Step 5		55 Months Up Step 6	
	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly	Monthly	Hourly
1	2,130	12.289	2,238	12.912	2,351	13.564	2,467	14.233	2,595	14.971	2,727	15.733
2	2,184	12.600	2,296	13.246	2,410	13.904	2,532	14.608	2,661	15.352	2,796	16.131
3	2,238	12.912	2,351	13.564	2,467	14.233	2,595	14.971	2,727	15.733	2,867	16.541
4	2,296	13.246	2,410	13.904	2,532	14.608	2,661	15.352	2,796	16.131	2,941	16.968
5	2,351	13.564	2,467	14.233	2,595	14.971	2,727	15.733	2,867	16.541	3,012	17.377
6	2,410	13.904	2,532	14.608	2,661	15.352	2,796	16.131	2,941	16.968	3,088	17.816
7	2,467	14.233	2,595	14.971	2,727	15.733	2,867	16.541	3,012	17.377	3,164	18.254
8	2,532	14.608	2,661	15.352	2,796	16.131	2,941	16.968	3,088	17.816	3,245	18.722
9	2,595	14.971	2,727	15.733	2,867	16.541	3,012	17.377	3,164	18.254	3,324	19.177
10	2,661	15.352	2,796	16.131	2,941	16.968	3,088	17.816	3,245	18.722	3,409	19.668
11	2,727	15.733	2,867	16.541	3,012	17.377	3,164	18.254	3,324	19.177	3,492	20.147
12	2,796	16.131	2,941	16.968	3,088	17.816	3,245	18.722	3,409	19.668	3,580	20.654
13	2,867	16.541	3,012	17.377	3,164	18.254	3,324	19.177	3,492	20.147	3,670	21.173
14	2,941	16.968	3,088	17.816	3,245	18.722	3,409	19.668	3,580	20.654	3,759	21.687
15	3,012	17.377	3,164	18.254	3,324	19.177	3,492	20.147	3,670	21.173	3,854	22.235
16	3,088	17.816	3,245	18.722	3,409	19.668	3,580	20.654	3,759	21.687	3,953	22.806
17	3,164	18.254	3,324	19.177	3,492	20.147	3,670	21.173	3,854	22.235	4,054	23.389
18	3,245	18.722	3,409	19.668	3,580	20.654	3,759	21.687	3,953	22.806	4,156	23.977
19	3,324	19.177	3,492	20.147	3,670	21.173	3,854	22.235	4,054	23.389	4,255	24.549
20	3,409	19.668	3,580	20.654	3,759	21.687	3,953	22.806	4,156	23.977	4,361	25.160
21	3,492	20.147	3,670	21.173	3,854	22.235	4,054	23.389	4,255	24.549	4,473	25.806
22	3,580	20.654	3,759	21.687	3,953	22.806	4,156	23.977	4,361	25.160	4,584	26.447
23	3,670	21.173	3,854	22.235	4,054	23.389	4,255	24.549	4,473	25.806	4,699	27.110
24	3,759	21.687	3,953	22.806	4,156	23.977	4,361	25.160	4,584	26.447	4,817	27.791
25	3,854	22.235	4,054	23.389	4,255	24.549	4,473	25.806	4,699	27.110	4,934	28.466
26	3,953	22.806	4,156	23.977	4,361	25.160	4,584	26.447	4,817	27.791	5,058	29.181
27	4,054	23.389	4,255	24.549	4,473	25.806	4,699	27.110	4,934	28.466	5,185	29.914
28	4,156	23.977	4,361	25.160	4,584	26.447	4,817	27.791	5,058	29.181	5,318	30.681
29	4,255	24.549	4,473	25.806	4,699	27.110	4,934	28.466	5,185	29.914	5,447	31.426
30	4,361	25.160	4,584	26.447	4,817	27.791	5,058	29.181	5,318	30.681	5,586	32.228
31	4,473	25.806	4,699	27.110	4,934	28.466	5,185	29.914	5,447	31.426	5,722	33.012
32	4,584	26.447	4,817	27.791	5,058	29.181	5,318	30.681	5,586	32.228	5,864	33.831
33	4,699	27.110	4,934	28.466	5,185	29.914	5,447	31.426	5,722	33.012	6,011	34.680
34	4,817	27.791	5,058	29.181	5,318	30.681	5,586	32.228	5,864	33.831	6,161	35.545
35	4,934	28.466	5,185	29.914	5,447	31.426	5,722	33.012	6,011	34.680	6,316	36.439
36	5,058	29.181	5,318	30.681	5,586	32.228	5,864	33.831	6,161	35.545	6,474	37.351
37	5,185	29.914	5,447	31.426	5,722	33.012	6,011	34.680	6,316	36.439	6,630	38.251
38	5,318	30.681	5,586	32.228	5,864	33.831	6,161	35.545	6,474	37.351	6,797	39.214
39	5,447	31.426	5,722	33.012	6,011	34.680	6,316	36.439	6,630	38.251	6,963	40.172
40	5,586	32.228	5,864	33.831	6,161	35.545	6,474	37.351	6,797	39.214	7,135	41.164

**LONGEVITY**

8th year	2.50%
10th year	3.00%
12th year	3.50%
14th year	4.00%
16th year	4.50%
18th year	6.00%
20th year	7.00%
22nd year	7.50%
24th year	8.00%
26th year	8.50%
28th year	9.00%
30th year	9.50%

**VACATION SCHEDULE**

YEARS	10 MOS.	11 MOS.	12 MOS.
1st	12	13	14
6th	13	14	15
8th	14	15	16
10th	15	16	17
12th	17	18	19
14th	19	20	21
16th+	21	22	23

Board Approved: April 9, 2019

## CLASSIFICATIONS AND SALARY RANGE

<b>CLASSIFICATION</b>	<b>RANGE</b>	<b>CLASSIFICATION</b>	<b>RANGE</b>
Account Clerk I	20	Instructional Assistant/Regular	11
Account Clerk II	24	Instructional Assistant/Recreation	11
Account Clerk III	28	Instructional Assistant/BB	14
Administrative Secretary	34	Instructional Assistant/ELD	14
After School Program Site Lead	18	Instructional Assistant/Special Education	14
Bus Driver	21	IA/SE I	
Bus Driver Trainer	27	*IA/SE II-A Special or Medical Circumstances	
Buyer	28	IA/SE II-B Autism ( <i>Add 6% stipend</i> )	
Buyer Coordinator	32	Instructional Materials Specialist	20
CELDT Assessment Assistant	20	Irrigation & Sprinkler Repairer	28
Certified Occupational Therapy Assistant	28	Lead Custodian	27
Chef	23	Lead Gardener	27
Clerical Assistant I	17	Locksmith	30
Clerical Assistant II	19	Maintenance Planner/Coordinator	36
Clerical Assistant II/BB	20	Maintenance Worker	25
Computer Repair Coordinator	34	Maintenance Worker II	27
Computer Technician I	30	Mechanic I	25
Computer Technician II	32	Mechanic II	32
Custodian I	17	Mental Health Counseling Specialist	40
Custodian II	24	Painter	30
Delegated Behind the Wheel Trainer	23	Payroll Technician I	20
Educational Media Assistant	19	Payroll Technician II	24
Educational Media Assistant/BB	20	Personnel Technician I	23
Educational Media Technician	25	Personnel Technician II	28
Electrician	32	Plumber	32
Electronic Repair Technician I	30	Programming Support Specialist	28
Electronic Repair Technician II	32	Reprographics Clerk	15
Employee Benefits Technician	23	Reprographics Coordinator	31
Employee Benefits Program Coordinator	33	Reprographics Technician	20
Facilities Maintenance Inspector	34	Risk Management Clerk	21
Food Production Coordinator	36	School Office Manager	25
Food Production Coordinator Assistant	26	School Safety Monitor	16
Food Service Assistant I	8	Secretary	21
Food Service Assistant II	12	Senior Secretary	24
Food Service Assistant III	16	Social Service Assistant	17
Food Service Assistant/Transporter	20	Speech and Language Pathology Assistant	21
Food Service Specialist	21	State Preschool Service Assistant/BB	18
Gardener	19	Stock Clerk/Transporter	22
Glazier/Painter	30	System Administrator	34
Grounds Equipment Operator	22	Technical Support Specialist I	26
Grounds Maintenance Coordinator	36	Technical Support Specialist II	28
Health Assistant	17	Technical Support Specialist III	30
Health Assistant/BB	18	Technical Support Specialist IV	32
HVAC Technician	32	Technology, Library and Media Assistant	21
		Translator/Bilingual Technical Asst.	24
		Transportation Dispatcher	27
		Transporter	20
		Transporter/Custodian	20
		Vehicle Maintenance Coordinator	36
		Warehouse Coordinator/District Services	30
		Warehouse Coordinator/Food Services	28

**\*Medical stipend added to Instructional Assistant II-A - 2% or 6%**

**Substitute Salaries** – Substitute employees and limited term employees shall be compensated at a rate equal to the first step of the appropriate salary range for the position in which they are placed or level of duties performed. Retired employees who substitute in their former position will be compensated at the range and step at which they retire, other positions will be compensated at the first step of the appropriate salary range.

**Playground Supervisors** are compensated at Range 11/1.

**AVID** Tutors are compensated at \$12.00/hour (effective 1/1/2019). This qualifies as an exempt position.

**Registered Associate: Marriage and Family Therapist or Professional Clinical Counselor or Clinical Social Worker** are compensated at \$18.00/hour. This qualifies as an exempt position.

**Shift Differential** – A 6% differential will be paid to classified employees assigned to work before 6:00 a.m. or after 6:00 p.m. Employees who work at least two hours into the premium time will have 6% applied to the entire shift.

*This salary schedule is established on an eight-hour day and a forty-hour week. Pay rates for all regular part-time employees are computed with the salary being prorated in relationship to the time served.*

5/15/2019

# **Employee Safety**



## **EMERGENCY PREPAREDNESS & SAFETY**

All District staff must be prepared to respond quickly and responsibly to emergencies, disasters and events that threaten to result in disaster. To this end, the Fullerton School District has developed emergency response plans for its school sites, District Office and Food Services Complex that are NIMS (National Incident Management System) and SEMS (State Emergency Management System) compliant, which contain the details for handling all foreseeable emergencies and disasters.

By signing the Oath of Allegiance upon employment with the Fullerton School District, as a public employee you may be asked to serve as a Disaster Service Worker in the event of a disaster pursuant to California Government Code Section 3100-3109. For more information concerning this status, please see the attached Public Employee Disaster Service Worker Status brochure developed by the Orange County Department of Education.

More information regarding emergencies and disaster preparedness plans may be found in Board Policy 3516 and Regulation 3516 contained in this handbook.

## **ASBESTOS PROGRAM MANAGEMENT PLAN**

The Fullerton School District (FSD) conducts periodic inspections of all FSD buildings for the presence of asbestos-containing building materials (ACBM). Inspections are conducted in compliance with the requirements of the Asbestos Hazard Emergency Response Act (AHERA) found in Title 40, Code of Federal Regulations, Part 763, Paragraph 763.85(b).

Information gathered from inspections is compiled and maintained at each school office. These documents are available for review during normal working hours, 8:00 a.m. to 4:00 p.m., Monday through Friday.

ACBM managed by the Fullerton School District does not pose a hazard to staff or students. The Fullerton School District Maintenance staff takes precautions to protect ACBM from damage and monitors its condition on an ongoing basis.

All questions concerning the Management Plan or Fullerton School District compliance with Environmental Protection Agency (EPA) asbestos regulations should be directed to the Fullerton School District Maintenance and Operations Department.

Fullerton School District  
1401 West Valencia Drive  
Fullerton, California 92833  
(714) 447-7440

# Pesticide/Herbicide Notification

Fullerton School District Pesticide/Herbicide Expected Use List for 2022-2023 School Year

Per the annual written notification requirement of the Healthy Schools Act of 2000, below are listed for parents or guardians of students expected pesticide use on school sites. This notification identifies the active ingredient or ingredients in each pesticide product. The Internet address for further information on pesticides and their alternatives is <http://www.cdpr.ca.gov>.

Per the Healthy Schools Act of 2000

## **Proposed materials that may be applied on District sites.**

<b><u>Product</u></b>	<b><u>Active Ingredient</u></b>	<b><u>Manufacturer</u></b>	<b><u>Usage</u></b>	<b><u>Signal Word</u></b>
Advion Ant Gel	Indoxacarb	Syngenta	Ants	Caution
Advion Insect Granule	Indoxacarb	Syngenta	Insects	Caution
Advion Roach Gel	Indoxacarb	Syngenta	Roaches	Caution
Alpine WSG	Dinotefuran	BASF	Insects	Caution
Avert	Abamectin	BASF	Insects	Caution
Essentria iC3	Rosemary/Peppermint/Geraniol Oils	Zoecon	Insects	Caution
Evergreen Pyrethrum	Pyrethrum	MGK	Insects	Caution/Organic
Extinguish Plus Fire Ant Bait	Hydramethylnon	Wellmark	Fire Ants	Caution
Fumitoxin	Aluminum Phosphide	D&D Holdings	Burrowing Rodents	Danger
Kaput	Warfarin	Scimetrics	Rodents	Caution
Lesco Prosecutor Pro	Glyphosate	Lesco	Weed	Caution
Maxforce FC Magnum Roach	Fipronil	Bayer	Insects	Caution
Master line	Bifenthrin	FMC	Insects	Caution
Nyguard IGR	Pyriproxyfen	MGK	IGR	Caution
Optigard Flex	Thiamethoxam	Syngenta	Insects	Caution
Pyrocide 100	Pyrethrum	MGK	Insects	Caution
Ramik Green Ag	Diphacinone	Neogen	Burrowing Rodents	Caution
Ramik Oats	Diphacinone	Neogen	Burrowing Rodents	Caution
Resolve	Bromadiolone	Lipha Tech	Rodents	Caution
Siesta Fire Ant Bait	Metaflumizone	BASF	Fire Ants	Caution
Suspend SC	Deltamethrin	Bayer	Roaches/Ants	Caution
Tempo SC Ultra	Cyfluthrin	Bayer	Insects	Caution
TekkoPro	Pyriproxyfen	CSI	IGR	Caution
Terad 3 Ag	Cholecalciferol	Bell Labs	Rodents	Caution
Termidor SC	Fipronil	BASF	Insects	Caution
ZP AG Oats	Zinc Phosphide	Neogen	Rodents	Caution

# Workers' Compensation

## Pre-designation Of Personal Physician

In the event you sustain an injury or illness related to your employment, you may be treated for such injury/illness by your personal medical doctor (MD) or doctor of osteopathic medicine (D.O.) or medical group if: You have health care insurance for injury/illness that are not work related, the doctor is your regular physician, who shall be either a physician who has limited his or her practice of medicine to general practice or who is a board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist, or family practitioner, and has previously directed your medical treatment, and retains your medical records; your "personal physician" may be a medical group if it is a single corporation or partnership composed of licensed doctors of medicine or osteopathy, which operates an integrated multiplicity medical group providing comprehensive medical services predominantly for non-occupational illnesses and injuries; prior to the injury your doctor agrees to treat you for work injuries or illnesses; prior to the injury you provided your employer the following in writing: (1) notice that you want your personal doctor to treat you for a work-related injury/illness, and (2) your personal doctor's name and business address.

You may use this form, a form provided by your employer or provide all the information in writing to notify your employer if you wish to have your personal medical doctor or a doctor osteopathic medicine treat you for a work-related injury/illness and the above requirements are met.

### Notice Of Pre-designation Of Personal Physician

Employee: Complete this section

Employer \_\_\_\_\_

If I have a work-related injury or illness, I choose to be treated by:

(Name of doctor) (M.D., D.O., or medical group) \_\_\_\_\_

(street address, city, state, zip) \_\_\_\_\_

(telephone number) \_\_\_\_\_

Employee Name (please print): \_\_\_\_\_

Employee's Address: \_\_\_\_\_

Name of Insurance Company, Plan, or Fund providing health coverage for nonoccupational injuries or illnesses: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date \_\_\_\_\_

**Note to Employee:** Unless you agree in writing, neither your employer or York may contact your personal physician to confirm a pre-designation. If your physician does not sign this form, other documentation that they agreed to be pre-designated prior to the injury will be required. If you agree, your employer or York may contact your personal physician to confirm this pre-designation, sign and date below:

Employee Signature \_\_\_\_\_

Employee # \_\_\_\_\_ Date \_\_\_\_\_

Physician: I agree to this Pre-designation:

Signature: \_\_\_\_\_ Date \_\_\_\_\_

(Physician or Designated Employee of the Physician)

The physician is not required to sign this form, however, if the physician or designated employee of the physician or medical group does not sign, other documentation of the physician's agreement to be pre-designated will be required pursuant to Title 8, California Code of Regulations, section 9780.1(a)(3). (Optional DWC Form 9783 July 1, 2014)

## Notice Of Personal Chiropractic Or Personal Acupuncturist

If your employer or your employer's insurer does not have a Medical Provider Network (MPN), you may be able to change your treating physician to your personal chiropractor (D.C.) or acupuncturist (L.A.C.) following a work-related injury/illness. In order to be eligible to make this change, you must give your employer the name and business address of a personal D.C. or L.A.C. in writing prior to the injury/illness. York generally has the right to select your treating physician within the first 30 days after your employer knows of your injury/illness. After your employer or York has selected your treatment with another physician during this period, you may then, upon request, have your treatment transferred to your personal D.C. or L.A.C. You may use this form to notify your employer of your personal D.C. or L.A.C. or your employer may have their own form. The D.C. or L.A.C. must be your regular D.C. or L.A.C. who has directed your treatment and retains your chiropractic records and history. If your employer has an MPN, you may only switch to a D.C. or L.A.C. within the MPN. A chiropractor cannot be your treating physician after 24 visits. If you still require medical treatment thereafter, you will have to select a physician who is not a chiropractor. This prohibition shall not apply to visits for post-surgical physical medicine visits prescribed by the surgeon, or physician designated by the surgeon, under the post-surgical component of the Division of Workers' Compensation's Medical Treatment Utilization Schedule.

Name of chiropractor or acupuncturist (D.C., L.A.C.) \_\_\_\_\_

(street address, city, state, zip code) \_\_\_\_\_

(telephone number) \_\_\_\_\_

Employee Name (Please Print): \_\_\_\_\_

Employee's Address: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Title 8, California Code of Regulations, section 9783.1 (Optional DWC Form 9783.1 Effective date July 1, 2014)

### WHEN A WORK INJURY OCCURS...

- Quickly seek first aid.
- Call 9-1-1 for help immediately if emergency medical care is needed.

### Immediately Report Injuries to your Supervisor or Employer:

Fullerton School District / Risk Management  
Information and Assistance Office:  
1055 N. Pacific Center Drive  
Anaheim 92806-2141  
(714) 414-1801

**Employer MUST complete this information**

© 7/11/14 YORK. All rights reserved



# The Facts About Workers' Compensation

**York Risk Services Group, Inc.**  
P.O. Box 619079  
Roseville, CA 95661  
Phone (866) 221-2402  
Fax (866) 548-2637

Approved by Division of Workers' Compensation

**What is workers' compensation?** Its purpose is to insure that an employee who is found to sustain an industrial injury or illness will be provided with benefits to medically cure or relieve them from the effects of the injury/illness, provide temporary compensation when they are medically unable to perform any occupational function, compensation for any residual handicap and/or impairment of bodily function, benefits for dependents if an employee dies as a result of an injury/illness, protection from discrimination by his/her employer because of the injury/illness.

**Am I Covered?** Nearly every person employed in California is protected by workers' compensation, however there are a few exceptions. People that are self-employed or volunteer workers may not be covered. Similar laws cover federal and maritime workers. York Risk Services Group (York) is your employer's claims administrator. Your employer or York can answer any questions you might have about coverage.

**What Does Workers' Compensation Cover?** If you have an injury/illness due to your job, it is covered. The cause can be a single event, like a fall or it can be due to repeated exposures, such as hearing loss due to constant loud noises, injuries ranging from first-aid to serious accidents are covered. Even injuries related to workplace crime, such as psychological or physical injuries, are covered under workers' compensation. Some injuries that result from voluntary activity, such as off duty social or athletic activities may not be covered. Check with your employer or York if you have questions. Coverage begins the moment you start your job. There is no probationary period or wage rate.

**Duty Of The Employer.** Immediately notify your employer or York so you can get the medical help that you need without delay. If your injury is greater than a first-aid injury, your supervisor will give you a Claim Form (Form DWC-1) for you to describe where, when and how it happened. To submit a claim, fill out the "Employee" section of the DWC-1. Keep one copy of this form and give the remaining pages to your supervisor. Your employer will fill out the "Employer" section and return a signed and dated copy of the form to you. Your employer will keep a copy of this form and forward another to York. York is in charge of handling your claim and informing you about your eligibility for benefits.

Your claim benefits do not start until your employer knows about your injury, so report and file the DWC-1 as quickly as possible. California law requires your employer to authorize medical treatment within one working day of receipt of your Claim Form. Employers are liable for up to \$10,000 in treatment pending a decision by York for a claim to be accepted or rejected. Waiting to report may delay workers' compensation benefits. You may not receive benefits if you fail to file a claim within one year of the date of injury, the date you know the injury was work related, or the date benefits were last provided.

**Duty of the Employer:** Provide this form to every employee at the time of hire or by the end of their first pay period.

Within one working day, upon knowledge or notice from any source of a work injury/illness greater than first-aid, provide the employee with a Claim Form (DWC-1) and authorize medical treatment and report the claim to York Risk Services Group.

**What are the benefits?** You may be entitled to various kinds of benefits under California workers' compensation law including:

**Medical Care:** Medical treatment that is reasonably required to cure or relieve the injured worker from the effects of the injury/illness. There is no deductible or co-payment. These medical benefits may include lab tests, physical therapy, hospital services, medication and treatment by a doctor.

State law limits certain medical services as of January 1, 2004. You should never receive a medical bill. If additional treatment is necessary, York will coordinate medical care that meets applicable treatment guidelines for the injury. The doctor may be a specialist for your specific type of injury, and he or she will be familiar with workers' compensation requirements and will report promptly to York so your benefits can be paid.

The physician with overall responsibility for treating your injury/illness is your primary treating physician (PTP). The PTP decides what kind of medical care you need and if you have work restrictions. If necessary, the PTP will review your job description with you and your employer to define any limitation or restrictions that you may have. This doctor also is responsible for coordinating care between other medical providers and will write reports about any permanent impairment of bodily function(s) or the need for future medical care. Generally, your employer selects the PTP you will see for the first 30 days, but if you want to change doctors for any reason, ask your employer or York. They're as interested as you are in your prompt recovery and return to work and will select a different doctor for you. If your employer has a Medical Provider Network (MPN) you will be directed to treat with a physician within the MPN and different rules apply regarding changing your physician.

You can be treated by your personal physician or medical group immediately if you have health care insurance for injuries or illness that are not work related, and your physician agrees in advance to treat you for any work injury/illness and has previously directed your treatment and retains your medical records and agrees, prior to your injury/illness, to treat you for workplace injury/illnesses and you gave your employer your physician's name and address in writing before the injury. You may use the form inside of this pamphlet or your employer may have a form for you to use.

If you give the name of your personal chiropractor or acupuncturist, different rules apply, and you may need to see an employer-selected physician first.

**Temporary Disability Benefits:** If you are not medically able to work for more than three days due to your work-related injury, counting weekends, you have a right to temporary disability (TD) payments to assist subsidizing your lost wages. After two weeks from reporting the injury, you will receive a check. If your employer has a salary continuation plan, your benefit may be included in your regular paycheck. TD is payable every 14 days until the doctor states you can return to work (Payments won't be made for the first three days, though, unless you're hospitalized as an inpatient or unable to work more than 14 days). The amount of the payments will be two-thirds of your average wage, subject to minimums and maximums set by the state legislature. Although the TD payment will not be the full amount of your regular paycheck, there are no deductions and the payments are tax-free. For injuries occurring on or after January 1, 2008, TD payments are limited to 104 compensable weeks within five years of date of injury. For a few long-term injuries such as chronic lung disease or severe burns, TD payments can last up to 240 weeks within five years from the date of injury. If you reach the maximum TD payment period before you can return to work or before your condition becomes permanent and stationary. See the "Other Benefits" section of this pamphlet for additional information. A timely filing with Employment Development Department may result in additional State Disability benefits when TD benefits are delayed, denied, or terminated.

**Permanent Disability:** If your doctor says your injury will always leave you with some permanent impairment of bodily function(s), you may receive permanent disability (PD) payments. The amount depends on the doctor's report, how much of the PD was directly caused by your work, and factors such as your age, occupation, type of injury, and date of injury. State law determines minimum and maximum amounts, and they vary by injury date. If you are entitled to PD, York will send you a letter explaining how the benefit was calculated. If the injury

causes PD, the first payment of PD benefits is made within 14 days after the last payment of TD, unless your employer has offered you a position that pays at least 85% of your date of injury wages or if you are returned to a position that pays you 100% of the wages and compensation paid to you on the date of injury, the PD would be paid after an Award Issues.

**Supplemental Job Displacement Benefit (SJDB):** If you have a permanent whole person impairment, the eligibility for SJDB begins when your employer does not offer regular work, permanent, modified, or alternative work within 60 days of the receipt of a doctor's Medical Maximum Improvement (MMI) report. This is a nontransferable voucher for education-related, retraining and/or skill development at state-approved schools, tools, licensing, certification fees and other resources as possible benefits. If you qualify for the supplemental job displacement benefit, York will provide a voucher up to a maximum of \$6,000.

**Death Benefits:** If the injury/illness causes death, payments may be made to your dependents. State law sets these benefits and the total benefit depends on the number of dependents. The payments are made at the same rate as TD payments. In addition, workers' compensation provides a burial allowance.

**Discrimination:** It is a violation of Labor Code Section 132(n) and illegal for your employer to punish or fire you for having a workplace injury/illness, for filing a claim or for testifying in another person's workers' compensation case. If your employer is found guilty of discrimination, you would be entitled to increased benefits, reinstatement and reimbursement for lost wages and benefits.

**Other Benefits:** Sometimes people confuse workers' compensation with State Disability Insurance (SDI). Workers' compensation covers on-the-job injury/illness and is paid for by your employer or their insurance. On the other hand, SDI covers off-the-job injuries or illnesses, and is paid for by deductions from your paycheck. If you are not getting workers' compensation benefits, you may be able to get State Disability benefits. Contact the local office of the State Employment Development Department listed in the government pages of your phone book for more information.

You may be eligible to access the return-to-work fund, for the purposes of making supplemental payments to injured worker's whose PD benefits are disproportionately low in comparison to their earnings loss. If you have questions or think you qualify, contact the Information & Assistance office listed in this pamphlet or visit the DIR website at [www.dir.ca.gov](http://www.dir.ca.gov).

**If You Still Have Questions...** ask your supervisor or employer representatives. Or contact York at the number indicated on workers' compensation posters at work and on this brochure. You can also contact the State Division of Workers' Compensation (DWC) and speak with an Information and Assistance Officer. These officers are available to review problems, answer questions and provide additional written information about workers' compensation at no charge. The local office is listed below and posted at your workplace. You can also call 800-735-7401 or visit the DWC website at <http://www.dir.ca.gov/dwc>.

### WORKERS' COMPENSATION FRAUD IS A FELONY

Anyone who makes or causes to be made any knowingly false or fraudulent material statement for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony. Fines can be up to \$150,000 and imprisonment up to five years.

# **BOARD POLICIES AND STATE GUIDELINES**

# Fullerton School District

## Board Policy Anti-Bullying

**BP 5131.2**

### Students

**Board Adopted: June 19, 2012**

**Board Revised: November 15, 2016, August 14, 2018**

The Board of Trustees for the Fullerton School District recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any other student or school personnel.

In addition, Penal Code 653.2 makes it a crime to distribute another person's personally identifiable information electronically with the intent to cause harassment by a third party and to threaten a person's safety or that of his/her family (e.g., placing a person's address online so that he/she receives harassing messages).

Cyberbullying includes the electronic creation or transmission of harassing communications, direct threats, or other harmful texts, sounds, or images as defined in Education Code 48900. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage or victimize that person's reputation.

Strategies for addressing bullying in District schools shall be developed with involvement of key stakeholders, including students, parents/guardians, and staff, in accordance with law, Board policy, and administrative regulation and may be incorporated into the comprehensive safety plan, the local control and accountability plan, and other applicable District and school plans.

As appropriate, the Superintendent or designee may collaborate with law enforcement, courts, social services, mental health services, other agencies, and community organizations in the development and implementation of joint strategies to promote safety in schools and the community and to provide services for alleged victims and perpetrators of bullying.

### Bullying Prevention

To the extent possible, District and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and implementing strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of District and school rules related to bullying, mechanisms available for reporting incidents or threats, and the consequences for engaging in bullying.

As appropriate, the District shall provide students with instruction, in the classroom or other educational settings, that promotes social-emotional learning, effective communication and

conflict resolution skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior.

Such instruction shall also educate students about the negative impact of bullying, discrimination, intimidation, and harassment based on actual or perceived immigration status, religious beliefs and customs, or any other individual bias or prejudice.

The Superintendent or designee shall provide training to teachers and other school staff to raise their awareness about the legal obligation of the District and its employees to prevent discrimination, harassment, intimidation, and bullying of District students. Such training shall be designed to provide staff with the skills to:

1. Discuss the diversity of the student body and school community, including their varying immigration experiences
2. Discuss bullying prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims
3. Identify the signs of bullying or harassing behavior
4. Take immediate corrective action when bullying is observed
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior

Based on an assessment of bullying incidents at school, the Superintendent or designee may increase supervision and security in areas where bullying most often occurs, such as classrooms, playgrounds, hallways, restrooms, and or cafeterias.

#### Intervention

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When appropriate, based on the severity or pervasiveness of the bullying, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators and may contact law enforcement.

The Superintendent, principal, or principal's designee may refer a victim, witness, perpetrator, or other student affected by an act of bullying to a school counselor, school psychologist, social worker, child welfare attendance personnel, school nurse, or other school support service personnel for case management, counseling, and/or participation in a restorative justice program as appropriate. (Education Code 48900.9)

#### Reporting and Filing of Complaints

Any student, parent/guardian, or other individual who believes that a student has been subjected to bullying or who has witnessed bullying may report the incident to a teacher, the



principal a compliance officer, or any other available school employee. Within one business day of receiving such a report, a staff member shall notify the principal of the report, whether or not a uniform complaint is filed. In addition, any school employee who observes an incident of bullying involving a student shall, within one business day, report his/her observation to the principal or a District compliance officer, whether or not the alleged victim files a complaint.

Within two business days of receiving a report of bullying, the principal shall notify the District compliance officer identified in AR 1312.3 - Uniform Complaint Procedures.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

When a report of bullying is submitted, the principal or District compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with AR 1312.3. The student who is the alleged victim of the bullying shall be given an opportunity to describe the incident, identify witnesses who may have relevant information, and provide other evidence of bullying.

#### Investigation and Resolution of Complaints

Any complaint of bullying shall be investigated and, if determined to be discriminatory, resolved in accordance with law and the District's uniform complaint procedures specified in AR 1312.3,

If, during the investigation, it is determined that a complaint is about nondiscriminatory, resolved in accordance with law and the District's uniform complainant and shall take all necessary actions to resolve the complaint.

#### Discipline

Corrective actions for a student who commits an act of bullying of any type may include counseling, behavioral intervention and education, and, if the behavior is severe or pervasive as defined in Education Code 48900, may include suspension or expulsion in accordance with District policies and regulations.

Any employee who permits or engages in bullying or retaliation related to bullying shall be subject to disciplinary action, up to and including dismissal.

\*Legal References are available on the District website

# **Fullerton School District**

## **Board Policy**

### **Child Abuse Prevention and Reporting**

**BP 5141.4**

#### **Students**

**Board Adopted: June 27, 1989**

**Board Revised: July 29, 2003, November 29, 2005, November 16, 2010  
September 8, 2015**

The Board of Trustees is committed to supporting the safety and well-being of District students and desires to facilitate the prevention of and response to child abuse and neglect. The Superintendent or designee shall develop and implement strategies for preventing, recognizing, and promptly reporting known or suspected child abuse and neglect.

The Superintendent or designee may provide a student who is a victim of abuse with school-based mental health services or other support services and/or may refer the student to resources available within the community as needed.

#### Child Abuse Prevention

The District's instructional program shall include age-appropriate and culturally sensitive child abuse prevention curriculum. This curriculum shall explain students' rights to live free of abuse, include instruction in the skills and techniques needed to identify unsafe situations and react appropriately and promptly, inform students of available support resources, and teach students how to obtain help and disclose incidents of abuse.

The District's program also may include age-appropriate curriculum in sexual abuse and sexual assault awareness and prevention. Upon written request of a student's parent/guardian, the student shall be excused from taking such instruction. (Education Code 51900.6)

The Superintendent or designee shall, to the extent feasible, seek to incorporate community resources into the District's Child Abuse Prevention Programs and may use these resources to provide parents/guardians with instruction in parenting skills and child abuse prevention.

#### Child Abuse Reporting

The Superintendent or designee shall establish procedures for the identification and reporting of known and suspected child abuse and neglect in accordance with law.

Procedures for reporting child abuse shall be included in the District and/or each school's Comprehensive Safety Plan. (Education Code 32282)

District employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.

The Superintendent or designee shall provide training regarding the duties of mandated reporters.

\*Legal References are available on the District website

**FULLERTON SCHOOL DISTRICT  
CHILD ABUSE REPORTING STATEMENT**

I, \_\_\_\_\_, hereby acknowledge I have received a copy of Penal Code sections 11165.7, 11166, and 11167.

I have reviewed and familiarized myself with the provisions of these sections, and have had the opportunity to have my questions about these provisions answered. Online Mandated Reporter Training Module for Educators may be accessed using the following link: <http://educators.mandatedreporterca.com/default.htm>

I further understand the child abuse and neglect reporting requirements and received the following documents:

1. I am considered a mandated reporter of suspected child abuse.
2. Penal Code section 11166 (copy attached) requires any mandated reporter who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse or neglect to report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone, and to prepare and send, fax or e-mail, a written report thereof within 36 hours of receiving the information concerning the incident.
3. "Mandated Reporters" are those individuals listed in Penal Code section 11165.7 (copy attached), including teachers, instructional aides, classified employees, coaches, administrative officers, supervisors of child welfare and attendance, administrators of a public or private day camp, administrators and employees of child day care facilities licensed to care for children, peace officers, healthcare practitioners, employees or administrators of public or private post-secondary institutions whose duties bring them into contact with children on a regular basis, the supervisors of those employees, and any athletic coach at a public or private post-secondary institution.
4. Penal Code section 11167 (copy attached) generally provides that the identity of a reporter of suspected child abuse, and the written child abuse report that is prepared by the reporter, is confidential and shall be disclosed only among agencies involved in the investigation or by court order.

As an employee of FULLERTON SCHOOL DISTRICT, I certify that I have read and understand this statement and the above-cited Penal Code sections, and will comply with my obligations under the child abuse reporting law.

\_\_\_\_\_  
Print Name of Employee

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Position and Work Location

EMPLOYEE COPY

## Section 11165.7

(a) As used in this article, mandated reporter is defined as any of the following:

- (1) A teacher.
- (2) An instructional aide.
- (3) A teacher's aide or teacher's assistant employed by any public or private school.
- (4) A classified employee of any public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school.
- (6) An administrator of a public or private day camp.
- (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
- (8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
- (9) Any employee of a county office of education or the State Department of Education, whose duties bring the employee into contact with children on a regular basis.
- (10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
- (11) A Head Start program teacher.
- (12) A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11.
- (13) A public assistance worker.
- (14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
- (15) A social worker, probation officer, or parole officer.
- (16) An employee of a school district police or security department.
- (17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school.
- (18) A district attorney investigator, inspector, or local child support agency caseworker unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
- (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
- (20) A firefighter, except for volunteer firefighters.
- (21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
- (22) Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
- (23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.

- (24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
- (25) An unlicensed marriage and family therapist intern registered under Section 4980.44 of the Business and Professions Code.
- (26) A state or county public health employee who treats a minor for venereal disease or any other condition.
- (27) A coroner.
- (28) A medical examiner, or any other person who performs autopsies.
- (29) A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, commercial film and photographic print processor means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.
- (30) A child visitation monitor. As used in this article, child visitation monitor means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.
- (31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:
- (A) Animal control officer means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.
- (B) Humane society officer means any person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.
- (32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, clergy member means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.
- (33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.
- (34) Any employee of any police department, county sheriff's department, county probation department, or county welfare department.
- (35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the California Rules of Court.
- (36) A custodial officer as defined in Section 831.5.
- (37) Any person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.
- (38) An alcohol and drug counselor. As used in this article, an alcohol and drug counselor is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not in and of itself a sufficient basis for reporting child abuse or neglect.
- (39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.
- (40) A clinical counselor intern registered under Section 4999.42 of the Business and Professions Code.
- (b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.
- (c) Employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.
- (d) School districts that do not train their employees specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws shall report to the State Department of Education the reasons why this training is not provided.

(e) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(f) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

*(Amended by Stats. 2011, Ch. 381, Sec. 41. Effective January 1, 2012.)*

## **Section 11166**

(a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report to the agency immediately or as soon as is practicably possible by telephone and the mandated reporter shall prepare and send, fax, or electronically transmit a written followup report thereof within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For purposes of this article, reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect. Reasonable suspicion does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any reasonable suspicion is sufficient. For the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) Any report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If after reasonable efforts a mandated reporter is unable to submit an initial report by telephone, he or she shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which he or she filed the report. A mandated reporter who files a one-time automated written report because he or she was unable to submit an initial report by telephone is not required to submit a written followup report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written followup report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.

(4) On the inoperative date of these provisions, a report shall be submitted to the counties and the Legislature by the Department of Social Services that reflects the data collected from automated one-time reports indicating the reasons stated as to why the automated one-time report was filed in lieu of the initial telephone report.

(5) Nothing in this section shall supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(c) Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals his or her failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, penitential communication means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse that the clergy member or any custodian of records for the clergy member did not previously report to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, or slide depicting a child under the age of 16 years engaged in an act of sexual conduct, shall report the instance of suspected child abuse to the law enforcement agency having jurisdiction over the case immediately, or as soon as practicably possible, by telephone and shall prepare and send, fax, or electronically transmit a written report of it with a copy of the film, photograph, videotape, negative, or slide attached within 36 hours of receiving the information concerning the incident. As used in this subdivision, sexual conduct means any of the following:

(1) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(2) Penetration of the vagina or rectum by any object.

(3) Masturbation for the purpose of sexual stimulation of the viewer.

(4) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(5) Exhibition of the genitals, pubic, or rectal areas of any person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, he or she makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, any other person includes a mandated reporter who acts in his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.

(h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(j) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

*(Amended by Stats. 2010, Ch. 123, Sec. 1, Effective January 1, 2011.)*

## **Section 11167**

(a) Reports of suspected child abuse or neglect pursuant to Section 11166 or Section 11166.05 shall include the name, business address, and telephone number of the mandated reporter; the capacity that makes the person a mandated reporter; and the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information. If a report is made, the following information, if known, shall also be included in the report: the child's name, the child's address, present location, and, if applicable, school, grade, and class; the names, addresses, and telephone numbers of the child's parents or guardians; and the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her.

(b) Information relevant to the incident of child abuse or neglect and information relevant to a report made pursuant to Section 11166.05 may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect.

(c) Information relevant to the incident of child abuse or neglect, including the investigation report and other pertinent materials, and information relevant to a report made pursuant to Section 11166.05 may be given to the licensing agency when it is investigating a known or suspected case of child abuse or neglect.

(d) (1) The identity of all persons who report under this article shall be confidential and disclosed only among agencies receiving or investigating mandated reports, to the prosecutor in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code, or to the county counsel or prosecutor in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or Section 300 of the Welfare and Institutions Code, or to a licensing agency when abuse or neglect in out-of-home care is reasonably suspected, or when those persons waive confidentiality, or by court order.

(2) No agency or person listed in this subdivision shall disclose the identity of any person who reports under this article to that person's employer, except with the employee's consent or by court order.

(e) Notwithstanding the confidentiality requirements of this section, a representative of a child protective services agency performing an investigation that results from a report of suspected child abuse or neglect made pursuant to Section 11166 or Section 11166.05, at the time of the initial contact with the individual who is subject to the investigation, shall advise the individual of the complaints or allegations against him or her, in a manner that is consistent with laws protecting the identity of the reporter under this article.

(f) Persons who may report pursuant to subdivision (g) of Section 11166 are not required to include their names.

*(Amended by Stats. 2010, Ch. 95, Sec. 1, Effective January 1, 2011.)*



The Board of Trustees believes that the personal life of an employee is not an appropriate concern of the Fullerton School District, except as it may directly prevent the employee from performing his/her duties or responsibilities.

An employee's religious or political activities, or the lack thereof, shall not be grounds for any discrimination or disciplinary action by the District, provided these activities do not violate Board policy, administrative regulations or local, state or federal laws.

Teachers shall have the right to refuse to submit to any evaluation or survey conducted by the District concerning personal values, attitudes and beliefs; sexual orientation; political affiliations or opinions, critical appraisals of other individuals with whom the teacher has a family relationship; or religious affiliations or beliefs.

#### Whistleblower Protection

All employees shall have the right to disclose improper governmental activities to a Board member, a school administrator, a member of the Orange County Board of Education, Orange County Superintendent of Schools, or the Superintendent of Public Instruction. An improper governmental activity is an activity by the District or a District employee that violates state or federal law, is economically wasteful, or involves gross misconduct, incompetency or inefficiency.

No employee shall use or attempt to use his/her official authority or influence to intimidate, threaten, coerce or command another employee for the purpose of interfering with that employee's right to disclose improper governmental activity.

An employee who has disclosed improper governmental activity and believes that he/she has subsequently been subjected to acts or attempted acts of reprisal shall file a written complaint in accordance with the District's complaint procedures. After filing a complaint with the District, he/she may also file a copy of the complaint with local law enforcement.

#### Rights in Legal Proceedings

Any employee has the right, if contacted by an attorney or the representative of a law firm not employed by the District about any claim, complaint, lawsuit or other legal proceeding against the District, to:

1. Speak to the attorney or the representative without fear of punishment in retaliation for such communication.
2. Contact his/her supervisor before answering questions or responding in any way.
3. Refuse to speak to the attorney or representative.
4. Notify the District that the attorney or representative has requested an interview.
5. Consult with his/her own attorney or an attorney employed by the District or bargaining unit.

\*Legal References are available on the District website

---

The Board of Trustees accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process.

The Superintendent or designee shall develop regulations which permit the public to submit complaints against district employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.

The Board prohibits retaliation against complainants. The Superintendent or designee, at his/her discretion, may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The District will not investigate anonymous complaints unless deemed necessary by law.

\*Legal References are available on the District website

---

AR 1312.1

Board Adopted: January 27, 1987

Parent(s)/guardian of students enrolled in the District are encouraged to discuss their concerns or complaints with District personnel. It is recommended that complaints be handled at the informal level between the complainant and the person against whom the complaint is presented.

Level I: Complaints should first be presented by communicating the concern or complaint with the person against whom the complaint is lodged. It is recommended that contact be made through a meeting, telephone call or in writing. The complaint will be communicated within 10 workdays of the event or incident that prompted the concern.

Level II: If the complaint is not resolved at the first level, the parent(s)/guardian may pursue the complaint with the immediate supervisor of the employee by filing a written complaint within 10 work days of completing level I. The Personnel Complaint Form may be used if either the supervisor or parent(s)/guardian would find it helpful.

- a. If the complaint concerns a school staff member, the complaint shall be filed with the principal.
- b. If the complaint concerns a principal, the complaint shall be filed with the Superintendent.
- c. If the complaint concerns a District administrator, the complaint shall be filed with the immediate supervisor.

The immediate supervisor shall look into and attempt to resolve the complaint within 10 workdays of receiving the written complaint. Within 20 workdays of receiving the written complaint the immediate supervisor will advise all concerned of the findings.

Level III: If the parent(s)/guardian wish to appeal the decision of the immediate supervisor, the Personnel Complaint Form shall be completed by the parent(s)/guardian and forwarded to the Superintendent within 10 workdays of receiving the findings from Level II. The written response will address specific issues pertaining to the findings from level II, present new information, and suggest a resolution. The Superintendent or designee shall review the documents and look into the complaint to seek resolution of the

complaint. Within 20 workdays of receiving the complaint, the Superintendent shall advise all concerned of the findings.

Level IV: If the parent(s)/guardian desires to appeal the decision of the Superintendent/ designee, they will request in writing, within 5 work days of receiving the Level III response, that the Board of Trustees hear the appeal in closed session. The parent(s)/guardian and employee who is the subject of the complaint shall be notified and given opportunity to attend the hearing at which time they will be given up to five minutes to address the Board with concerns related to the findings of the Level III response, present new information, and their suggested solution. The Board will render its decision within 10 workdays of the closed session meeting. The decision of the Board of Trustees shall be binding on all parties.

The Board of Trustees believes that the maintenance of drug and alcohol-free workplaces is essential to school and District operations.

No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations before, during or after school hours at school or in any other District workplace.

The Superintendent shall:

1. Publish and give to each employee a notification of the above prohibitions. The notification shall specify the actions that will be taken against employees who violate these prohibitions. The notification shall also state that as a condition of employment, the employee will abide by the terms of this policy and notify the employer, within five days, of any criminal drug or alcohol statute conviction which he/she receives for a violation occurring in the workplace.

For the purpose of this policy, “conviction” shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged to determine violations of federal or state criminal drug or alcohol statutes.

2. Establish a drug- and alcohol-free awareness program to inform employees about:
  - a. The dangers of drug and alcohol abuse in the workplace.
  - b. The District policy of maintaining drug and alcohol-free workplaces.
  - c. Any available drug and alcohol counseling, rehabilitation, and employee assistance programs and
  - d. The penalties that may be imposed on employees for drug and alcohol abuse violations.
3. Notify the appropriate Federal granting or contracting agencies within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.
4. Initiate disciplinary action within 30 days, or as soon as possible, after receiving notice of a conviction for a violation in the workplace from an employee or otherwise. Such action shall be consistent with State and Federal law, the appropriate employment contract, the applicable collective bargaining agreement and District policy and practices.
5. Make a good faith effort to continue maintaining a drug- and alcohol-free workplace through implementation of Board policy.

In taking disciplinary action, the Board of Trustees shall require termination when termination is required by law. When termination is not required by law, the Board of Trustees shall either take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency. The Board of Trustees’ decision shall be made in accordance with relevant state and federal laws, employment contracts, collective bargaining agreements and District policies and practices.

The Fullerton School District administrative offices and school sites are tobacco and smoke free facilities.

\*Legal References are available on the District website



The Superintendent shall develop and maintain a disaster preparedness plan, which details provisions for handling all foreseeable emergencies and disasters. The Superintendent may appoint a committee to regularly review the disaster preparedness plan and recommend changes.

The principal shall augment the District plan with working plans and procedures specific to each school. He/she shall present a copy of these site plans and procedures to the Superintendent. The Emergency Preparedness and Safety Liaison shall be responsible for augmenting the District plan for the District Office Complex and Food Services Complex.

District Office, Food Services Complex, and site plans shall address at least the following situations:

1. Fire on or off school grounds, District Office grounds, Food Services Complex grounds, and/or school site grounds, which endangers students and/or employees.
2. Natural or man-made disasters.
3. Bomb threat or actual detonation.
4. Attack or disturbance by individuals or groups.

The Superintendent should ensure that the plans include:

1. Procedures for personal safety and security.
2. Ways to ensure smooth administrative control of operations during a crisis.
3. Procedures to establish a clear, effective communications system.
4. Guidelines for law enforcement involvement, including specific steps for law enforcement intervention depending upon the intensity of the crisis.

The Superintendent shall use federal-approved National Incident Management System guidelines when updating District and site-level emergency and disaster preparedness plans.

The Superintendent shall consult with city and/or county agencies so that District and site plans may provide the best possible way of handling each situation and also provide for emergency communications systems between these agencies and each District school.

By signing the Oath of Allegiance upon employment with the Fullerton School District, these public employees serve as disaster service workers in the event of a disaster pursuant to California Government Code Section 3100-3109. Therefore, in order to save lives and protect property, all District staff and students must be prepared to respond quickly and responsibly to emergencies, disasters and events, which threaten to result in a disaster.

Disaster preparedness exercises shall be held regularly at each school site and District department locations and shall demonstrate how safety procedures may be applied to various types of emergencies. All students and employees shall receive instruction regarding emergency plans.

The Board encourages all employees to become proficient in first aid and cardiopulmonary resuscitation (CPR). The Superintendent shall ascertain that at least one staff member at each school and District department location holds a valid certificate in these areas. The Superintendent shall provide for CPR in-service training to be offered at least once a year for District staff.

**Regulation No.: 3516 \_**  
**Emergencies and Disaster Preparedness Plan – Page 1**

---

The District disaster preparedness plan shall be available to staff, students and the public in the office of the Superintendent and in the office of each principal. Individual school site disaster plans shall be provided to each teacher and shall be available for public inspection at the principal's office.

When not needed by the District during or after a disaster, the Board of Trustees shall grant the use of school buildings, grounds and equipment to public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare. The Board shall cooperate with such agencies in furnishing and maintaining whatever services the Board deems necessary to meet the community's needs.

Release of Students

The following procedures shall be followed in releasing students in the event of an emergency or disaster:

1. The principal and/or designee shall receive authorization from the Superintendent before releasing students.
2. Individual students shall not leave a school site without receiving permission from the principal or designee.
3. If possible, staff shall release students only to persons authorized on the student emergency card.
4. In absence of an emergency card or in an emergency in which reference to the emergency card is impossible, individual students shall be release, upon presentation of identification, to parents/guardians, persons authorized by the parents/guardians, or to authorized persons representing public agencies that may take responsibility, when necessary, of the safety of the student.
5. The principal and/or designee shall record the release of all students.

Role of Staff

School staff are considered disaster service workers and are subject to disaster service activities assigned to them.

During an emergency, staff shall fulfill the following roles:

1. The principal shall assume overall control and supervision of activities at the school site during an emergency. He/she shall have authority to use discretionary judgment in emergency situations which do not permit execution of prearranged plans. The principal shall:
  - a. Direct evacuation of buildings.
  - b. Arrange for transfer of students when their safety is threatened.
  - c. Inform the Superintendent of all emergency actions taken as soon as possible.
  - d. Schedule periodical fire drills and other disaster preparedness exercises and keep appropriate records.
  - e. Post directions for fire drills and other disaster drills in classrooms, multipurpose rooms, etc.

2. Teachers shall be responsible for supervision of students in their charge. Teachers shall:
  - a. Direct evacuation of students in their charge in accordance with the principal's instruction.
  - b. Give the DROP command as necessary.
  - c. Take attendance, stay with the students and provide supervision.
  - d. Report missing students to the principal or designee.
  - e. Send students in need of first aid to the school nurse or a person trained in first aid.
3. Custodians are responsible for the use of emergency equipment, the handling of supplies and the use of available utilities. Custodians shall:
  - a. Survey and report damage to the principal.
  - b. Direct search and rescue operations as required.
  - c. Direct the use of fire extinguishers until regular fire-fighting personnel take over.
  - d. Control main shutoff valves for gas, water and electricity and ascertain that no hazard results from broken gas, water mains or fallen electrical lines.
  - e. Disburse supplies and equipment as needed.
4. The school secretary and secretarial staff shall:
  - a. Report a fire or disaster to the appropriate authorities.
  - b. Answer telephones and monitor radio emergency broadcasts.
  - c. Provide for the safety of essential school records and documents.
  - d. Assist the principal as needed.
5. The school nurse and/or health aide shall:
  - a. Administer first aid.
  - b. Supervise the administration of first aid.
  - a. Organize first aid and medical supplies.
6. The Food Services Manager shall:
  - a. Direct the use and preparation of the cafeteria stock and water supply whenever the feeding of students becomes necessary during a disaster.

#### School Site Fire Drills

The principal shall cause the fire alarm signal to be sounded at least once every month.

The principal shall hold fire drills at least once a month at the elementary level and four times every school year at the intermediate level.

1. The principal shall notify staff as to the schedule for fire drills.

2. Whenever a fire drill is held, all students, teachers and other employees shall be directed to leave the buildings.
3. Teachers shall ascertain that no student remains in any buildings.
4. Teachers shall be prepared to select alternate exits and shall direct their classes to these exits whenever the designated escape route is blocked.
5. The principal shall keep a record of each fire drill conducted and file a copy of this record with the Emergency Preparedness and Safety Liaison.

#### District Office and Food Services Complex Fire Drills

The District Department Manager shall alert employees in the event of a fire.

The District Office and Food Services Complex shall hold fire drills at least twice a year.

1. The District Department Manager shall notify staff as to the schedule for fire drills.
2. Whenever a fire drill is held, all employees shall be directed to leave the buildings and report to their assigned area.
3. The District Department Designee shall ascertain that no employee remains in any buildings.
4. Employees shall be prepared to select alternate exits and use these alternate exits whenever the designated escape route is blocked.
5. The Emergency Preparedness and Safety Liaison shall keep a record of each fire drill conducted at the District Office and/or Food Services Complex.

#### Fires

When a fire is discovered in any part of the school, District Office, and/or Food Services Complex, the following actions shall be taken:

1. The principal or District Department Manager shall alert personnel, unless the school and/or building is equipped with an automatic fire detection and alarm system that is activated.
2. The principal or District Department Manager shall call 911.
3. All persons shall be directed to leave the building and shall proceed outside to designated assembly areas.
4. Staff shall give students and employees clear direction and supervision and help maintain a calm and orderly response.
5. In outside assembly areas at the school site, principals and teachers shall take roll, report missing students and staff, and provide assistance to any injured students and staff.
6. In outside assembly areas of the District Office or Food Services Complex, the District Department Designee shall account for their staff, report missing staff, and provide assistance to any injured staff.
7. If the fire is extensive, students and employees shall be taken to an alternate location for protective custody until parents/guardians can pick them up or until they can be safely transported to their homes.



### Receiving Bomb Threats

Any staff member receiving a telephoned bomb threat shall try to keep the caller on the line so as to gather information about the location and timing of the bomb and the person(s) responsible. He/she should also try to determine the caller's gender and age and should take note of any distinctive features of voice or speech and any background noises such as music, traffic, machinery or other voices.

Staff members who customarily receive telephone calls or handle packages shall receive training related to bomb threats.

### Bomb Threat Procedures

1. Any employee who receives a bomb threat shall immediately call 911 and also report the threat to the principal and/or District Department Manager. If the threat is in writing, he/she shall place the message in an envelope and take note of where and by whom it was found.
2. Any student or employee seeing a suspicious package shall promptly notify the principal and/or District Department Manager.
3. The principal and/or District Department Manager shall immediately use fire drill signals and institute standard evacuation procedures as specified in the emergency plan.
4. The principal and/or District Department Manager shall turn off any two-way radio equipment, which is located in a threatened building.

Law enforcement and/or fire department staff shall conduct the bomb search. No school staff shall search for or handle any explosive or incendiary device.

No staff or students shall reenter the threatened building(s) until the law enforcement and/or fire department staff advises the principal and/or District Department Manager that reentry is safe.

Any student who makes a bomb threat shall be subject to disciplinary procedures.

### Earthquake Emergency Procedure System

The Superintendent shall establish an emergency procedure system to be followed in case of earthquakes. This system shall include, but not be limited to, the following:

1. A school building disaster plan, District Office disaster plan, and Food Services Complex disaster plan, ready for implementation at any time, for maintaining the safety and care of students and staff.
2. A DROP procedure in which students and staff members:
  - a. Drop to their knees.
  - b. Take cover under a table or desk.
  - c. Protect their head with their arms.
  - d. Face away from the windows.
3. Protective measures to be taken before, during and after an earthquake.

4. A training program to ensure that all students and all certificated and classified staff are aware of, and properly skilled in, the earthquake emergency procedure system.

School, District Office, and Food Services disaster plans shall outline roles, responsibilities and procedures for students and staff.

DROP procedures may be expanded to ensure that students get under stationary desks or tables where available, or otherwise get next to an inside wall or under an inside doorway. Students should stay in the drop position until the emergency is over or until further instructions are given.

#### Earthquake Education

DROP procedures shall be practiced at least once each school quarter in elementary schools and at least once each semester in secondary schools.

Students also shall be taught to take the following safety precautions during an earthquake if adults are not present to give specific directions:

1. If you are in the open, stay there.
2. Move away from building, trees and exposed wires.
3. After the earthquake, if you are on your way to school, continue to school.
4. After the earthquake, if you are on your way home, continue home.

#### Earthquake While Indoors at School Sites

When an earthquake occurs, the following actions shall be taken inside buildings and classrooms:

1. Teachers shall have students perform the DROP procedure.
2. As soon as possible, teachers shall move the students away from windows and out from under heavy suspended light fixtures.
3. Teachers shall have students leave the building in an orderly manner when the earthquake is over.

#### Subsequent Emergency Procedures for School Sites, District Office, and Food Services Complex

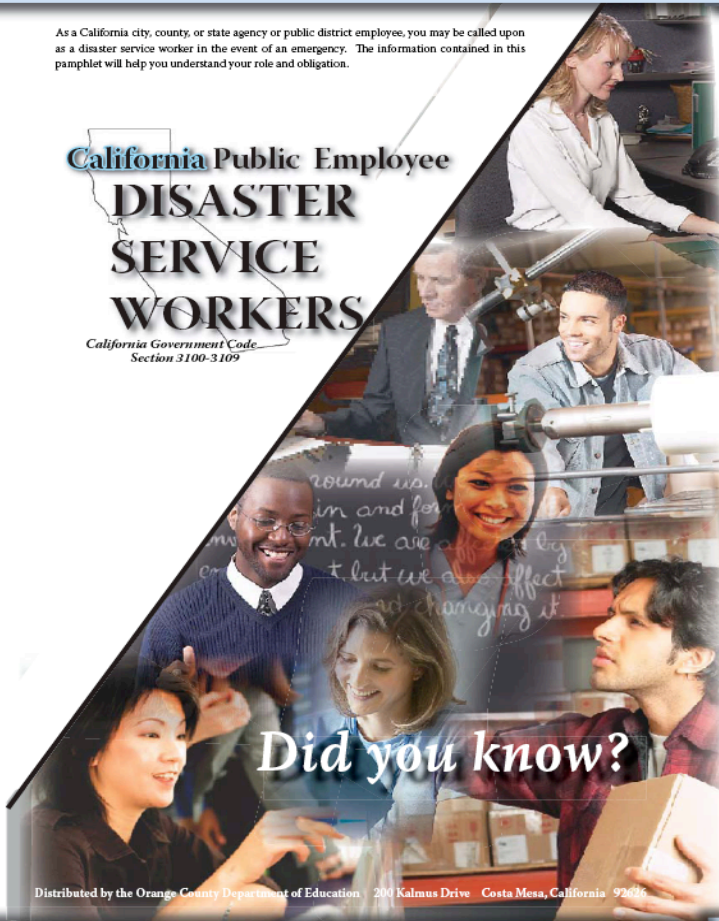
1. In outside assembly areas, teachers and/or District personnel shall provide assistance to any injured students and/or employees, take roll and report missing students and/or employees to the principal and/or District Department Manager.
2. The principal and/or District Department Manager shall request assistance as needed from the county or city civil defense office or fire and police departments. He/she shall consider the possibility of aftershocks and shall determine the advisability of closing the school, District Office, and/or Food Services Complex with the advice of the county or city officials, as appropriate. He/she shall also contact the Superintendent for further instructions.
3. The principal and/or District Department Manager shall post guards at a safe distance from all building entrances to see that no one reenters until the buildings are declared safe. Monitors may be custodians, teachers, students and/or other District personnel.
4. Following the earthquake, the principal, school site custodian, and/or District Department Manager shall inspect all buildings for water and gas leaks, electrical breakages and large cracks or earth slippage affecting buildings. The principal and/or District Department Manager shall notify utility companies of any break or suspected break in lines, which may present an additional hazard. If damage has occurred, the custodian shall shut off all utilities at the main valve.

5. Teachers, students and/or District staff shall not light any stoves or burners after the earthquake until the area is declared safe.
6. If the principal and/or District Department Manager believes the school and/or District Office/Food Services Complex is damaged sufficiently to be a hazard, he/she shall notify the Superintendent and ask that the county or city building inspector check for structural failure and equipment adequacy. Until this is done, the building shall not be occupied.

As a California city, county, or state agency or public district employee, you may be called upon as a disaster service worker in the event of an emergency. The information contained in this pamphlet will help you understand your role and obligation.

# California Public Employee DISASTER SERVICE WORKERS

California Government Code  
Section 3100-3109



Distributed by the Orange County Department of Education 200 Kalmus Drive Costa Mesa, California 92626

For more information, please visit the following websites:

**California Emergency Services Act**  
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=go&v&group=08001-09000&file=8550-8551>

**California Government Code 3100-3109**  
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=03001-04000&file=3100-3109>

**The California Constitution Oath or Affirmation**  
[http://www.leginfo.ca.gov/const/article\\_20](http://www.leginfo.ca.gov/const/article_20)

**Governors Office of Emergency Services**  
[http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/Laws&RegsCalCodePDFs/\\$file/Ch2.3\\_%20DSW.pdf](http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/Laws&RegsCalCodePDFs/$file/Ch2.3_%20DSW.pdf)



## Public Employee Disaster Service Worker Status

California Government Code  
Section 3100-3109

*It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, man-made, or war-caused emergencies which result in conditions of disaster or extreme peril to life, property, and resources is of paramount state importance...in protection of its citizens and resources, all public employees are hereby declared to be disaster service workers...*

*All disaster service workers shall, before they enter upon the duties of their employment, take and subscribe to the oath or affirmation...*

### What does disaster service mean?

Disaster service means all activities authorized by and carried out pursuant to the California Emergency Services Act\*.

### Who is included in the disaster service worker status?

All public employees are included in the disaster service worker status which are all persons employed by any county, city, state agency or public district.

### What are the scope of duties of employee disaster service workers?

Any public employees performing duties as a disaster service worker shall be considered to be acting within the scope of disaster service duties while assisting any unit of the organization or performing any act contributing to the protection of life or property or mitigating the affects of an emergency.

### How are public employees assigned disaster service activities?

Public employees are assigned disaster service activities by their superiors or by law to assist the agency in carrying out its responsibilities during times of disaster.

### What is the oath or affirmation referred to in the government code?

Before entering upon the duties of employment, all public employees take and subscribe to the oath or affirmation set forth in the California Constitution that declares them to be disaster service workers in time of need.

### When do public employees take the oath or affirmation?

Most public employees sign the oath or affirmation during the hiring process and it is kept with the employer.

### Do public employees acting as disaster service workers get paid?

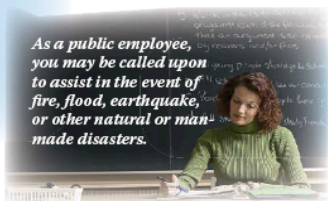
Public employees acting as disaster service workers get paid only if they have taken and subscribed to the oath or affirmation.

### Can disaster service workers be sued for actions taken while performing duties?

Public employee disaster service workers for non-profit organizations and government cannot be held liable for their actions during a disaster while acting within the scope of their responsibilities.

### What if public employees are injured while acting as disaster service workers?

Claims sustained by public employees while performing disaster services shall be filed as worker compensation claims under the same authorities and guidelines as with all employees within their agency.



*As a public employee, you may be called upon to assist in the event of fire, flood, earthquake, or other natural or man-made disasters.*

\*California Emergency Services Act  
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=08001-09000&file=8550-8551>

For further information, please visit the websites listed on the back.

# **Fullerton School District**

## **Board Policy**

### **Employee Use of Technology**

**BP 4040**

#### **Personnel**

**Board Adopted: September 9, 2008**

**Board Revised: August 24, 2010, July 26, 2016**

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

Employees shall be responsible for the appropriate use of technology and shall use the District's technological resources primarily for purposes related to their employment.

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

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

The Superintendent or designee shall annually notify employees in writing that they have no reasonable expectation of privacy in the use of any equipment or other technological resources provided by or maintained by the District, including, but not limited to computer files, e-mail, text messages, instant messaging, and other electronic communications even when provided their own password. To ensure proper use, the Superintendent or designee may monitor employee usage of District technology at any time without advance notice or consent and for any reason allowed by law. When passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

Employees shall be notified that records maintained on any personal device or messages sent or received on a personal device that is being used to conduct District business may be subject to disclosure, pursuant to a subpoena or other lawful request.

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

Inappropriate use of District technology may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

The Superintendent or designee shall establish administrative regulations and an Acceptable Use Agreement, which outline employee obligations and responsibilities related to the use of District technology. He/she also may establish guidelines and limits on the use of technology resources. Inappropriate use may result in a cancellation of the employee's user privileges, disciplinary action, and/or legal action in accordance with law, Board policy, and administrative regulation.

To qualify for federal universal service discounts for Internet access, Internet services, or internal connections (E-rate discounts), districts are mandated by 47 USC 254 to adopt an Internal safety policy that includes, but is not limited to, provisions addressing access by minors to "inappropriate matter" on the Internet; see BP 6163.4 – Student Use of Technology.

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

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

The Superintendent or designee shall provide copies of related policies, regulations, and guidelines to all employees who use the District's technological resources. Employees shall be required to acknowledge in writing that they have read and understood the District's Acceptable Use Agreement.

#### Use of Cellular Phone or Mobile Communications Device

An employee shall not use a cellular phone or other mobile communications device for personal business while on duty, except in emergency situations and/or during scheduled work breaks.

Any employee that uses a cell phone or mobile communications device in violation of law, Board policy, or administrative regulation shall be subject to discipline and may be referred to law enforcement officials as appropriate.

\*Legal Reference are available on the District website

The following regulation is based on Title 8, Section 5193, which contains specific requirements for compliance with OSHA standards for preventing exposure to Blood Borne pathogens.

Definitions

*Occupational Exposure* means “reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties.”

*Exposure Incident* means “a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee’s duties.” Parenteral contact means “piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.”

Exposure Control Plan

The Fullerton School District’s Exposure Control Plan shall contain at least the following components:

1. A determination of which employees have occupational exposure to blood or other potentially infectious material.
2. A description of the schedule and method for implementing exposure control requirements, including but not be limited to:
  - a. Universal precautions
  - b. Engineering and work practice controls
  - c. Personal protective equipment
  - d. Cleaning and maintenance schedules
  - e. Hepatitis B vaccination
  - f. Post-exposure evaluation and follow-up
  - g. Informing employees about biohazards, including:
    - (1) Labels and signs, and
    - (2) Training
  - h. Maintenance of training and medical records

3. The District’s procedure for evaluating circumstances surrounding exposure incidents.

The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to:

- a. Reflect new or modified tasks and procedures affecting occupational exposure.
- b. Reflect new or revised employee positions with occupational exposure.
- c. Review the exposure incidents that occurred since the previous update

The District's Exposure Control Plan shall be accessible to employees in accordance with law. It also shall be made available to the Chief or Director of the National Institute for Occupational Safety and Health and Human Services, or his/her designee, upon request for examination and copying.

#### Exposure Determination

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

1. All job classifications in which all employees have occupational exposure to Blood Borne pathogens.
2. Job classifications in which some employees have occupational exposure.
3. All tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs and which are performed by employees listed in item 2 above

#### Hepatitis B Vaccination

Hepatitis B vaccinations shall be provided at no cost to those employees determined to have occupational exposure to blood and other potentially infectious materials. Employees who decline to accept the vaccination shall sign the Hepatitis B declination statement as required by law.

The District may exempt "designated first-aid providers" from the pre-exposure Hepatitis B vaccine if:

1. Rendering first aid is not the primary job responsibility of the employee and is not performed on a regular basis.
2. The District's Exposure Control Plan provides that:
  - a. Employees report all first-aid incidents involving the presence of blood or other potentially infectious materials before the end of the work shift during which the incident occurred.
  - b. Designated first-aid providers participate in the Blood Borne pathogens training program.
  - c. Unvaccinated first-aid providers shall have the opportunity to receive the full Hepatitis B vaccination series no later than 24 hours after rendering assistance in any situation involving the presence of blood or other potentially infectious material regardless of whether an exposure incident occurred.
3. The District implements a procedure to ensure the above requirements are met.

#### Protective Equipment

The District shall provide appropriate personal protective equipment at no cost to the employee. The District shall maintain, repair, make accessible and require employees to use and properly handle protective equipment.

#### Information and Training

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



Employees who fall within the definition of designated first-aid providers shall also receive training. Such training shall include the specifics of reporting first-aid incidents that involve blood or body fluids that are potentially infectious.

#### First-Aid Incidents

Unvaccinated designated first-aid providers must report any first-aid incident involving the presence of blood or other potentially infectious materials to their supervisors, regardless of whether an exposure incident occurred, by the end of the work shift. The full Hepatitis B vaccination series shall be made available to such employees no later than 24 hours after the first-aid incident.

#### Exposure Incidents: Post-Evaluation and Follow-Up

All exposure incidents must be reported as soon as possible to the Superintendent or designee. Following a report of an exposure incident, the District shall provide the exposed employee with a confidential medical evaluation and follow-up, as required by law. The District shall maintain the confidentiality of the affected employee and the exposure source during all phases of the post-exposure evaluation.

#### Records

Medical and training records shall be kept in accordance with law. Medical records shall be maintained for the duration of employment plus thirty years. Training records shall be maintained for three years from the date of training.

Medical records for each employee with occupational exposure will be kept confidential as appropriate and transferred or made available in accordance with law.

Records shall be made available to employees and the National Institute for Occupational Safety and Health in accordance with law.

\*Legal References are available on the District website

## **HIV/AIDS & HEPATITIS B**

### **What is HIV/AIDS?**

AIDS (Acquired Immune Deficiency Syndrome) is the advanced stage of HIV (Human Immunodeficiency Virus) infection. HIV attacks the body's immune system, leaving it vulnerable to life-threatening opportunistic infections and cancers. The virus also may directly attack the central nervous system and cause deterioration of the brain. Persons infected with HIV frequently have no apparent symptoms. They may look healthy. There is no known cure for AIDS. More than half of the persons in the United States with AIDS have died.

### **How is HIV infection spread?**

Everyone infected with HIV, even a person without apparent symptoms, can transmit the virus to someone else. HIV infection can be transmitted by:

- Sexual activity involving direct contact with semen, blood or vaginal secretion of someone who is infected,
- Sharing unsterilized instruments for tattooing, ear piercing, shaving, or acupuncture,
- Sharing intravenous (IV) needles and/or syringes with someone who is infected,
- Direct contact with infected blood on broken skin,
- Accidental needle sticks with needles containing infected blood,
- Receiving blood transfusion or blood products from someone who is infected (a screening test has been used since 1985 that has reduced this risk to 1 in 68,000 in California [AIDS Update, December 1988]), or
- Being born to or breastfed by an infected mother.

### **The HIV/AIDS Virus cannot be transmitted or spread:**

- Through air or water
- By coughing or sneezing
- On surfaces such as phones, doorknobs, office equipment, tools, etc.
- By using drinking fountains, toilets, sinks, etc.
- Through kissing or biting. (There is no documentation of transmission through these modes.)

### **SYMPTOMS**

A person could be infected with HIV and not even know because it might take years to damage the immune system enough for symptoms to appear. They may not know for many years that they have the infection. When symptoms do appear, they often seem like many common illnesses such as:

- Fever
- Swollen Glands
- Loss of Appetite
- Night Sweats
- Diarrhea

Only a physician or a blood test will identify the presence of HIV. As the HIV infected person becomes unable to fight off infections and certain illnesses, they are diagnosed with AIDS. There is no cure for HIV or AIDS.

## **What is Hepatitis B?**

Hepatitis B is an infection of the liver caused by a virus present in blood and other body fluids of infected persons. Less than 50 percent of persons who become infected show symptoms of illness. The symptoms are like those of Hepatitis A and include fatigue, mild fever, muscle or joint aches, nausea, vomiting, loss of appetite, and abdominal

pain. In some patients the urine turns dark and the skin becomes yellow. The onset of symptoms may appear from 6 weeks to 6 months after becoming infected with the virus. Death is uncommon in Hepatitis B, but 5 to 10 percent of those infected become long-term virus carriers. Up to 25 percent of carriers may develop serious chronic liver disease. There is a highly effective vaccine to prevent infection with Hepatitis B.

## **How is Hepatitis B Spread?**

An infected person can transmit Hepatitis B as long as the virus remains in the blood. Transmission may occur as early as 4 weeks before any symptoms occur. A small number of people will carry the virus in their blood for years and are known as chronic carriers. Hepatitis B is transmitted by:

- Sexual activity involving direct contact with semen, blood, or vaginal secretions of someone who is infected,
- Sharing unsterile instruments used to penetrate the skin such as those used for tattooing, ear piercing, shaving or acupuncture with someone who is infected,
- Sharing intravenous (IV) needles and/or syringes with someone who is infected,
- Direct contact of infected blood with mucous membrane of the eye and mouth,
- Direct contact with infected blood on broken skin (e.g., cuts),
- Accidental needle sticks with needles containing infected blood,
- Sharing toothbrushes contaminated with infected blood, or
- Being born to an infected mother.

## **SYMPTOMS**

The symptoms of HEPATITIS B include:

- Mild Fever
- Fatigue
- Loss of Appetite
- Abdominal Pain
- Nausea
- Muscle Aches
- Joint Aches
- Skin Becomes Yellowish (Jaundice)
- Vomiting
- Urine Turns Dark

For more information concerning HIV/AIDS, Hepatitis B, or the Hepatitis B vaccine, please contact the nurses at extension 562.

## **What are Universal Precautions?**

Universal Precautions are precautions used in all situations and not limited to use with individuals known to be carrying a specific virus such as HIV or the virus causing Hepatitis B. In the school setting, those precautions should include: hand washing, using gloves, careful trash disposal, using disinfectants, and modification of cardiopulmonary resuscitation (CPR).

**HANDWASHING:** Hand washing facilities should include soap and warm running water. Automatic hand dryers or paper towels can be used for drying. Classroom instruction about proper hand washing can be integrated into health instruction at all grade levels. Students should be instructed to wash their hands for 10 seconds. Scheduling time for students to wash hands before eating is suggested to encourage this practice.

**USING GLOVES:** All staff members who may be required to administer first aid involving blood or to handle body fluids that may contain blood should have access to latex gloves in the areas where the gloves might be required to be used. Gloves should be used only once and then disposed properly.

**TRASH DISPOSAL:** Special containers lined with plastic and marked appropriately are recommended for disposal of trash containing blood or any body spills that may contain blood. These wastes should be double-bagged. If needles, syringes, or lancets are used in the school setting, arrange for a puncture-proof container. Contact your local health department for directions about disposal of contaminated materials. Place intact needles and syringes in the designated container. Do not bend or break needles. Do not recap needles.

**FIRST AID INVOLVING BLOOD AND CPR:** Individuals with responsibility for administering first aid in school, on the athletic fields, in the cafeterias, on the playgrounds, or on school buses should have current CPR instruction and certification. That instruction can be provided by certificated school nurses employed by the school districts or by local agencies such as the American Red Cross and the American Heart Association. Gloves should be standard components of first-aid supplies in the schools so that they are readily accessible for emergencies and regular care given in school health offices, cafeterias, and athletic training rooms. Devices that prevent backflow of fluids from the mouth of a victim being given CPR also should be readily accessible to those persons most likely to be the rescuers in the school setting. A wide variety of devices are available. Contact your local paramedic teams or hospital emergency room to determine which devices they recommend.

## **Policies and Laws**

The law states that the information regarding HIV/AIDS status requires written permission. The information may only be shared with persons specifically named.

- While adults grant their own written permission to share their HIV/AIDS status, parents or guardians of children can grant written permission to share information on students under 18.
- Sharing information about HIV/AIDS infected persons without consent is prohibited by law, and that person is subject to a civil penalty and a fine not to exceed \$5,000,000.
- The policies for students with HIV/AIDS state that students must not be excluded or placed specially or solely because of their HIV status.
- Only a student's physician may determine if school attendance is inappropriate due to the student's vulnerability to infections present at school.
- The current law does not require parents or physicians to inform school officials of the student's HIV/AIDS status. If disclosure by student or parent is made, it must be kept confidential unless written permission is given.
- In the legalities of testing, it is a misdemeanor to disclose blood test results of HIV/AIDS positives except by written authorization (CH & S Code Chapter 1.11 & 1.12 Sections 199.21, 199.30, 199.31 & 199.37).
- Pupils in grades 7-12 must receive AIDS prevention instruction at least once in junior high or middle school and once in high school (California Education Code 51201.5).
- Districts are required to provide inservice training for those employees who provide AIDS prevention instruction (California Education Code 51229.8).

# Fullerton School District Board Policy

## Nondiscrimination/Harassment

**BP 5145.3**

### Students

**Approved: June 10, 2005**

**Revised: July 24, 2012, November 15, 2016, August 14, 2018**

The Board of Trustees desires to provide a safe school environment that allows all students equal access and opportunities in the District's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any District school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, national origin, nationality, immigration status, ethnicity, ethnic group identification, age, religion, pregnancy, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to District programs, school activities or to school attendance occurring within a District school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct that is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the District's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the District's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the District's educational program. He/she shall report his/her findings and recommendations to the Board after each review.

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

#### Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the District to monitor, address, and prevent repetitive prohibited behavior in District schools.

\*Legal References are available on the District website

# Fullerton School District

## Board Policy

### Professional Standards

**BP 4119.21, 4219.21, 4319.21**

#### **Personnel**

**Board Adopted: September 29, 2005**

**Board Revised: October 26, 2010, September 8, 2015**

The Board of Trustees expects Fullerton School District employees to maintain the highest ethical standards, exhibit professional behavior, follow District policies and regulations, and 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, and 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 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

Any employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or 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.

\*Legal References are available on the District website

---

**Personal Appearance:** Your personal appearance should be appropriate for your position. You should be well groomed at all times. Some departments have specific safety requirements, including the use of uniforms, when it comes to dress. Please check with your supervisor regarding specific dress requirement.

**Food and Drink Consumption:** Consumption of food and drink as an employee group or classroom as means of recognition and/or celebration is considered to be appropriate. Personal consumption during work time is not.

**Potential Toxic Materials:** Employees are expected to be vigilant in monitoring food and toxic materials brought to school. Nuts/peanuts can be a serious health issue for individuals who have allergic responses to these items and should be restricted from student areas.

**Cell Phones:** The use of personal cell phones and/or texting while on duty is discouraged. Personal communication devices should be used only during breaks, lunch times, and other off duty times.



**Technology:** The use of district technology for personal use during duty time is not an approved activity. Access to such technologies is acceptable during breaks, lunch periods, and other off duty time. Access to web locations outside the established District content firewalls while on District property or in the presence of students and community members is not acceptable.

**Employee Safety:** Employees are encouraged to assist the District in keeping all students, staff and community members safe. Please report safety hazards to your supervisor for proper resolution. Employees needing accommodations due to an injury or illness must submit a doctor's note with detailed restrictions clearly outlined. The District's Personnel Department, will determine if the employee may be accommodated. If the employee cannot be accommodated, they will either be placed on an alternative work assignment, if appropriate, or sent home until recovery allows for reinstatement of assignment.

The use of **crutches** in restricted areas is a hazard to the employee as well as those within the work area. Crutches in physically restrictive areas like classrooms will not be accommodated. Employees responsible for student safety are also not able to respond in a successful fashion while on crutches.

## Risky Behaviors Red Flags

The best way staff can protect themselves from false accusations is to avoid behaviors that can be misconstrued. The following risky behaviors are not absolute prohibitions, indisputable indicators of wrongdoing, or a substitute for common sense; they are intended as risk management guidelines.

1. Do not be alone with a student in your classroom with the door closed!
2. Do not meet students outside of school for a meal, a soft drink, etc. Regardless of the motivation, there is seldom justification for such conduct. (School sanctioned events with parental involvement excluded)
3. Do not counsel your students in nonacademic matters unless you are qualified to do so. Teachers, although well meaning, are not trained as counselors. (Teachers generally resent this suggestion, citing the bond of trust that they have developed with their students.) Teachers must consider the potential risk in discussing personal matters with students. If they believe that a student is in some type of trouble, they should refer the student to the school's counseling team.
4. Do not transport students in your own vehicle or allow students to have access to your vehicle.
5. Do not give students hall passes to come to your classroom on nonschool-related business.
6. Do not allow students to engage you in conversations regarding their romantic or sexual activities, and **do not** discuss your own personal affairs with students.
7. Do not entertain students in your home.
8. Do not make sexual comments/innuendos, comment about students' bodies, tell sexual jokes, or share sexually oriented material with students.
9. Do not place your hands on students in a manner that a reasonable person could interpret as inappropriate. Do not brush against their bodies; touch their hair; rub their necks, shoulders or backs; embrace them too tightly; or allow them to sit on your lap. Do not tickle, wrestle, poke, pat, pinch, punch, or spank students.
10. Do not ask students to give you a neck rub, back rub, etc.
11. Do not photograph or videotape students unless clearly related to instruction or a sanctioned school **activity/event** with parental permission.
12. All staff should maintain separate professional and personal social media pages. They should not e-mail, "friend" or otherwise communicate with students via the teachers' or students' personal pages. Teachers also should use privacy settings "to control access to their personal social media sites."
13. Do not allow students to call you by first name or nickname.
14. Do not give nicknames to your students. Avoid "sweetie", "honey", etc.
15. Use discretion in attending a student's social function such as birthday party; this could be construed as favoritism.
16. Do not babysit for students.
17. Do not tutor current or past students; this could be construed as favoritism.
18. Do not bully students verbally or physically (i.e., refrain from sarcastic comments, ridicule, etc).
19. Do not exchange cell phone numbers with students without parental permission.

## **FULLERTON SCHOOL DISTRICT STANDARDS OF CONDUCT FOR CLASSIFIED EMPLOYEES**

**ABSENCE REPORTING:** As a probationary employee you are entitled to use no more than six days of sick leave during your six-month probationary period. Additionally, although earning vacation, probationary employees are not allowed to utilize vacation until after they pass probation. Industrial Illness Salary Continuation Leave is also not available until your probationary period is completed.

The use of leave time generally requires pre-authorization. Refer to your bargaining unit contract and Personnel Commission Rules and Regulations for additional information regarding your use of and right to leaves. You will be given a personal copy of the contract if you are a bargaining unit employee and each site should have a copy of the Personnel Commission Rules and Regulation. If they are unavailable, a CSEA representative and/or Classified Personnel Department will make a copy available to you. These rules may also be available on the Fullerton School District web site at [www.fsd.k12.ca.us](http://www.fsd.k12.ca.us).

As an employee of the Fullerton School District you should be absent only when absolutely necessary and should arrange with your supervisor, in advance, all planned absences, including reporting to work late or leaving work early. Report to your supervisor as promptly as possible if a tardiness or absence is unplanned. Excessive use of sick and/or unpaid leave negatively impacts the work site and can result in disciplinary action. If it should be necessary for you to be absent from your duties, you are required to notify your supervisor of the reason for your absence and duration. Such notice should be given as soon as possible, but no later than the start of your shift on the day of the absence. Forms to report your absences are provided at all work sites. When you are able to return to your work site you are to notify your supervisor as soon as possible, but no later than the workday preceding your return. Failure to provide notification of your return may result in an unpaid day if a substitute has been assigned. You may be required to provide a doctor's certification that you are able to return to work following an absence for medical reasons.

**RIGHTS NOTIFICATION:** When you sign up as a new employee you will receive information regarding rights such as Family and Medical Leave Act, the California Family Rights Act, Sexual Harassment Complaint Procedures, Injury and/or Illness Leaves, Pregnancy Discrimination and the District's Ergonomic Program. If you perceive any discrimination or rights violations, report it immediately to your supervisor or to the Personnel Department.

**PROFESSIONALISM:** As an employee of the Fullerton School District you are expected to act in a professional manner at all times. If you have complaints, share them with your supervisor in a professional manner. If the problem is not resolved and you still have concerns the District has grievance and complaint procedures you may utilize. Report any circumstances that may affect satisfactory work performance, including unclear instructions, to your supervisor.

You may not engage in other employment during the hours for which you are employed. Outside professional commitments should not interfere with your employment with the Fullerton School District. Additionally, an employee may not use District time, funds, equipment, or other resources to work on a political campaign.

**SEXUAL MISCONDUCT AND HARASSMENT:** The Fullerton School District is committed to maintaining a working environment free from inappropriate conduct of a sexual nature. Incidents of sexual misconduct or sexual harassment, including verbal or physical conduct of a sexual nature are unacceptable behaviors and should be reported to your supervisor or Personnel Department immediately.

**PERSONAL APPEARANCE:** Your personal appearance should be appropriate for your position. You should be well groomed at all times. Some departments have specific safety requirements, including the use of uniforms, when it comes to dress. Please check with your supervisor regarding specific dress requirements.

**CONFIDENTIAL INFORMATION:** Every employee has responsibility for maintaining the security and confidentiality of information. An employee may access or disclose confidential and sensitive information only as permitted by contract, state and federal law or regulation, and scope of the employee's employment.

**SAFETY AND ACCIDENT PREVENTION:** All employees should perform their duties in compliance with all applicable District policies, federal, state and local laws and standards relating to the environment and protection of worker health and safety. Employees are strongly encouraged to become familiar with and understand how these laws, standards, and policies apply to their specific job responsibilities. Each employee is responsible for advising their supervisor or the site Departmental Environmental Health and Safety Committee of any serious workplace injury or any situation presenting a danger of injury so that timely corrective action may be taken.

**SMOKING/TOBACCO USE:** The Fullerton School District is a designated Tobacco Free Site. Use of Tobacco products on District premises and in District vehicles is forbidden.

**DISTRICT VEHICLES:** No District employee shall use any District vehicle for any purpose other than official business of the District.

**EQUIPMENT AND SUPPLIES:** District-issued machines, office supplies, and other equipment are to be used for District purposes only. Only properly licensed software may be loaded on District computers. District employees may be inspected at any time to monitor compliance with these regulations.

**Your receipt of this form will be noted on the Documents Received Verification.**

Definitions

Child is defined in Penal Code Section 11165 as a person under the age of eighteen years.

Child abuse or neglect includes the following: (ad defined in Penal Code Section 11165.6)

1. A physical injury inflicted by other than accidental means on a child by another person.
2. Sexual abuse of a child as defined in Penal Code section 11165.1.
3. Neglect as defined in Penal Code section 11165.2.
4. Willful cruelty or unjustifiable punishment of a child as defined in Penal Code section 11165.3.
5. Unlawful corporal punishment or injury resulting in a traumatic condition as defined in Penal Code section 11165.4.
6. Abuse or neglect in out of home care is defined in Penal Code Section 11165.5

Child abuse or neglect does not include:

1. A mutual affray between minors.
2. An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment.
3. The exercise by a teacher, vice principal, principal or other certificated employee of the same degree of physical control over a student that a parent/guardian would be privileged to exercise, not exceeding the amount of physical control reasonably necessary to maintain order, protect property, protect the health and safety of students, or maintain proper and appropriate conditions conducive to learning.
4. An amount of force that is reasonable and necessary for a school employee to quell a disturbance threatening physical injury to persons or damage to property, to protect himself/herself, or to obtain weapons or other dangerous objects within the control of the student.
5. Physical pain or discomfort caused by athletic competition or other such recreational activity voluntarily engaged in by the student.

Mandated reporters are defined in Penal Code Section 11165.7 to include but are not limited to teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; District police or security officers; and administrators, presenters or counselors of a child abuse prevention program.

Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse or neglect. The pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

A mandated reporter also includes volunteers of public or private organizations whose duties require direct contact and supervision of children who are encouraged to obtain training in the identification and reporting of child abuse.

## Reportable Offenses

A mandated reporter shall make a report using the procedures required by law and/or board policy whenever, in his/her employment, he/she has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse, physical abuse, sexual abuse or exploitation, emotional abuse, willful cruelty or neglect.

Any mandated reporter who has knowledge of or who reasonably suspects that mental suffering has been inflicted upon a child, or that the child's emotional well-being is endangered in any other way, may report the known or suspected instance of child abuse or neglect to the appropriate agency designated below.

Instances that indicate that the emotional well-being of a child might be endangered include, but are not limited to, evidence that the child is suffering from emotional damage, such as severe anxiety, depression, withdrawal, or untoward aggressive behavior towards self or others.

Any person shall notify a peace officer if he/she reasonably believes that he/she has observed the commission of a murder, rape, or lewd or lascivious act by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury, where the victim is a child under age 14.

## Responsibility for Reporting

The reporting duties are individual and cannot be delegated to another person.

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

No supervisor or administrator shall impede or inhibit a mandated reporter from making a report.

Any mandated reporter not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect shall report the known or suspected instance of child abuse or neglect to the appropriate agency.

## Reporting Procedures

### 1. Initial Telephone Report

Immediately or within 24 hours after knowing or observing suspected child abuse or neglect, a mandated reporter shall make a report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or the county welfare department.

Fullerton Police Department  
237 W. Commonwealth  
Fullerton, CA 92832  
(714) 738-6700

Orange County Department of Social Services  
Child Abuse Registry  
800 N. Eckhoff Ave.  
Orange, CA  
(714) 940-1000

Mail:  
P.O. Box 14102  
Orange, CA 92863-1502

## 2. Written Report

Within 36 hours of receiving the information concerning the incident, the mandated reporter shall prepare and send to the appropriate agency a written report which includes a completed Department of Justice form. The written report is in addition to the mandated oral report made within 24 hrs. of becoming aware on the suspected abuse or neglect.

Mandated reporters may obtain copies of the above form from either the District or the appropriate agency. Forms are available from the forms library on the District website or from the Orange County Social Services website at [www.ssa.ocgov.com](http://www.ssa.ocgov.com)

Reports of suspected child abuse or neglect shall include, if known:

- a. The name, business address and telephone number of the person making the report and the capacity that makes the person a mandated reporter
- b. The child's name and address, present location and, where applicable, school, grade and class
- c. The names, addresses and telephone numbers of the child's parents/guardians
- d. The information that gave rise to the reasonable suspicion of child abuse or neglect and the source(s) of that information
- e. The name, address, telephone number and other relevant personal information about the person(s) who might have abused or neglected the child.

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him/her.

Information relevant to the incident of child abuse or neglect may also be given to an investigator from an agency that is investigating the case.

## 3. Faxed Report

In lieu of a telephone call and written report, a mandated reporter may file a child abuse report by fax, to: (714) 938-0289

## 4. Internal Reporting

Employees reporting child abuse or neglect to the appropriate agency are encouraged, but not required, to notify the principal or designee as soon as possible after the initial telephone report to an appropriate agency.

The principal or designee so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law, Governing Board policy and administrative regulation. At the mandated reporter's request, the principal may assist in completing and filing these forms.

The mandated reporter shall not be required to disclose his/her identity to the principal.

He/she may provide or mail a copy of the written report to the principal, Superintendent or designee without his/her signature or name.

Reporting the information to an employer, supervisor, school principal, school counselor, co-worker, or other person shall not be a substitute for making a mandated report to the appropriate agency.

## Training

Training of mandated reporters shall include child abuse identification and reporting. All employees receiving such training shall receive written notice of state reporting requirements and employees' confidentiality rights.

## Victim Interviews

Upon request, a representative of an agency investigating suspected child abuse or neglect may interview a suspected victim during school hours, on school premises, concerning a report of suspected child abuse or neglect that occurred within the child's home or out-of-home care facility. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child.

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her, before the interview takes place, of the following requirements:

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Neglect Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school.

## Release of Child to Peace Officer

When a child is released to a peace officer and taken into custody as a victim of suspected child abuse or neglect, the Superintendent or designee and/or principal shall not notify the parent/guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent to notify the parent/guardian of the situation.

Peace officers shall be asked to sign an appropriate release or acceptance of responsibility form.

## Parent/Guardian Complaints

Upon request, the Superintendent or designee shall provide parents/guardians with procedures whereby they can report suspected child abuse occurring at a school site to appropriate agencies. Such procedures shall be in the primary language of the parent/guardian and, when communicating orally regarding those procedures, an interpreter shall be provided for parents/guardians whose primary language is other than English.

To file a complaint against a District employee or other person suspected of child abuse or neglect at a school site, parents/guardians may file a report by telephone, in person or in writing with any appropriate agency identified above under "Reporting Procedures."

If a parent/guardian makes a complaint to any District employee concerning a case of possible child abuse perpetrated by a school employee or occurring on a school campus, that employee shall notify the parent/guardian of procedures for filing a complaint with the appropriate agency and also is obligated

pursuant to Penal Code 11166 to file a report himself/herself using the procedures described above for mandated reporters.

In addition, if the child is enrolled in special education, a separate complaint may be filed with the California Department of Education pursuant to 5 CCR 4650(a)(viii)(C).

### Notifications

The Superintendent or designee shall give persons hired by the District a statement informing them that they are mandated by law to report suspected child abuse and neglect, inform them of their reporting obligations under Penal Code 11166, and provide a copy of Penal Code 11165.7 and 11166. Before beginning employment, employees shall sign the statement indicating that they have knowledge of the reporting obligations under Penal Code 11166 and that they will comply with those provisions. The signed statements shall be retained by the Superintendent or designee.

The Superintendent or designee shall also notify all employees that:

1. A mandated reporter who reports a known or suspected instance of child abuse or neglect shall not be held civilly or criminally liable for making a report. Any other person making a report shall not incur civil or criminal liability unless it can be proven that he/she knowingly made a false report or made a report with reckless disregard of the truth or falsity of the report.
2. If a mandated reporter fails to report an incident of known or reasonably suspected child abuse or neglect, he/she is guilty of a misdemeanor punishable by a fine and/or imprisonment.
3. No employee shall be subject to any sanction by the District for making a report.



# Fullerton School District

## Board Policy

### Sexual Harassment

**BP 4119.11, 4219.11, 4319.11**

#### **Personnel**

**Board Adopted: November 29, 2005**

**Board Revised: November 16, 2010, November 16, 2016**

The Board of Trustees prohibits sexual harassment of Fullerton School District employees and job applicants. The Board of Trustees also prohibits retaliatory behavior or action against District employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

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

1. Providing training to all staff every two years regarding the District's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the District's complaint procedures in order to avoid harm.
2. Publicizing and disseminating the District's sexual harassment policy to staff.
3. Ensuring prompt, thorough and fair investigation of complaints.
4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

Any District employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately contact his/her supervisor, Principal, District administrator or Superintendent to obtain procedures for filing a complaint. Complaints of sexual harassment shall be filed in accordance with Policy 4031 – Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

A supervisor, Principal or other District administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

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

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action.

Any District employee who engages or participates in sexual harassment, or who aids, abets, incites, compels or coerces another to commit sexual harassment against a District employee, job applicant or student, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

\*Legal References are available on the District website

## FULLERTON SCHOOL DISTRICT

### Business

Policy No.: 3513.3

### Tobacco Free Schools

Board Adopted: June 27, 2006

---

The Governing Board recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

The Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property and in district vehicles.

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground.

Legal Reference:      Education Code  
48900      Grounds for suspension/expulsion  
48901      Prohibition against tobacco use by students  
HEALTH AND SAFETY CODE  
39002      Control of air pollution from nonvehicular sources  
104350-104495 Tobacco use prevention, especially:  
104495      Prohibition of smoking and tobacco waste on playgrounds  
LABOR CODE  
6404.5      Occupational safety and health: use of tobacco products  
UNITED STATES CODE, TITLE 20  
6083      Nonsmoking policy for children's services  
7111-7117 Safe and Drug Free Schools and Communities Act  
PERB RULINGS  
Eureka Teachers Assn v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)  
CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989)  
PERB Order #750 (13 PERC 20147)

Fullerton School District employees may be insured for on-the-job specific or cumulative injuries in accordance with law. In order to reduce costs and facilitate employee recovery, the Board of Trustees desires to have an efficient claims handling process. Employees are required to report any work-related injuries or illnesses to their supervisor as required.

\*Legal References are available on the District website

**Regulation No.: 4097**  
**Work-Related Injuries**

**Revised: November 29, 2005**

---

Notifications

The Superintendent shall post a notice of employee rights related to workers' compensation and shall provide this information in writing to new employees.

This notice shall also include a statement of the District's policy requiring employees to report work-related injuries as soon as practicable.

Employees shall also be informed that it is a felony for an employee to make a false workers' compensation claim.

District Responsibilities

Supervisors receiving reports of a work-related employee injury shall gather appropriate information, including but not limited to:

1. The date, time and place of the injury.
2. The name, occupation and signature of the injured employee.
3. Details of how the injury occurred.
4. The names of any witnesses.

Supervisors shall promptly remit information about work-related injuries to the Superintendent and or designee.

Whenever a work-related injury results in lost work time beyond the date of the injury or requires medical treatment beyond first aid, the employee shall be given a workers' compensation claim form and a notice of potential eligibility for benefits within one working day of the injury.

Within five working days of obtaining knowledge of any injury which results in lost time beyond the date of the injury or which requires medical treatment beyond first aid, the Superintendent/designee shall file a complete report of the injury with the District's insurer.

Employee Responsibilities

Upon receiving treatment for a work-related injury, the employee shall obtain a medical verification of his/her condition, indicating any limitations on the employee's ability to work, the anticipated time needed for recovery from these limitations, and the type of work modification needed.

The District has designated a medical carrier where employees will be taken in case of a work-related injury. Employees who wish to be taken to their personal physician for treatment of work-related injuries must have a written request on file prior to the injury with the Superintendent/designee. It is the employee's responsibility to inform his/her supervisor that he/she has such a request on file.

\*Legal References are available on the District website

# **EMPLOYEE VERIFICATION**



## PERSONNEL SERVICES DOCUMENTS RECEIVED VERIFICATION

I verify that I have received and read the following information:

\_\_\_\_\_ **THE HANDBOOK FOR CERTIFICATED AND CLASSIFIED STAFF**

- **Rights Information:** California Family Rights Act/Family Medical Leave Act, Pregnancy Leave, Discrimination is Against the Law, Your Right to Freedom from Violence, Employment Discrimination Based on Disability
- **Fullerton School District Board Policies:**  
Professional Standards  
Drug and Alcohol Free Workplace  
Employee Use of Technology  
Complaints  
Reporting Suspected Child Abuse  
Civil and Legal Rights  
Sexual Harassment  
Nondiscrimination/Harassment  
Anti-Bullying  
Exposure Control Plan for Blood Borne Pathogens  
HIV/Aids & Hepatitis B  
Work-Related Injuries  
Emergencies and Disaster Preparedness Plan  
Disaster Service Workers
- **HIPAA Privacy Notice**
- **Retirement Plans for School Employees:**  
**403(B), 457(b) and Roth 403 (b)**
- **Asbestos Program Management Plan & Pesticide/Herbicide Notification**
- **Workers' Compensation Pamphlet**
- **Standards of Conduct for Classified Personnel**

**CLASSIFIED PERSONNEL ONLY:**

- \_\_\_\_\_ **CSEA Articles of Agreement** *(if applicable)*
- \_\_\_\_\_ **Job Description**
- \_\_\_\_\_ **Notification of Reasonable Assurance**

**SIGNED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PRINT NAME:** \_\_\_\_\_