



GOVERNING BOARD MEETING AGENDA

26316 Hesperian Blvd. Hayward, CA 94545 • (510) 293-2971 • www.edenrop.org

Thursday, May 5, 2022
5:45 pm

GOVERNING BOARD MEMBERS

Juan Campos, President	San Lorenzo Unified School District
James Aguilar, Vice-President	San Leandro Unified School District
Gabriel Chaparro, Member	Hayward Unified School District
Gary Howard, Member	Castro Valley Unified School District

MISSION STATEMENT

The mission of the Eden Area ROP is to build a foundation for students that prepare them academically, technically, and professionally to meet challenging opportunities of the 21st Century with confidence and purpose.



Regular Meeting of the ROP Governing Board
Date: Thursday, May 5, 2022
Time: 5:45 p.m.

NOTICE - COVID-19 PUBLIC HEALTH EMERGENCY BOARD MEMBERS TO ATTEND VIRTUALLY

Consistent with Assembly Bill 361, effective October 1, 2021, and the continued state of emergency (COVID-19), the Eden Area ROP Governing Board will continue to hold meetings via teleconferencing until further notice. The public is invited to participate via teleconference per the Zoom link below.

Attend Zoom Meeting Instructions:

- **To observe the meeting by video conference**, please click on [LINK](#) or go <https://us02web.zoom.us/j/85111868657?pwd=UVoxb3N5SHoweDdvQkIPNWdLYjFSUT09> to at the noticed meeting time.
Meeting ID: **851 1186 8657**
Passcode: **EAROP22**

Instructions on how to join a meeting by video conference is available at: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>.

To listen to the meeting by phone, please call at the noticed meeting time **1-669-900-6833**, then enter ID **851 1186 8657**, then press "#". Passcode: **2713237**

Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663-Joining-a-meeting-by-phone>.

Public Comment Instructions:

- **To comment by video conference**, click the "Raise Your Hand" button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129-Raise-Hand-In-Webinar>.
- **To comment by phone**, you will be prompted to "Raise Your Hand" by pressing "*9" to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions of how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663-Joining-a-meeting-by-phone>.

AGENDA

Welcome to the Eden Area Regional Occupational Program Governing Board Meeting. The purpose of the meeting is to consider matters of policy and business necessary for the operation of the Regional Occupational Program.

Any member of the audience may speak on any agenda item by following this process, or upon recognition by the President by identifying him/herself and his/her organization affiliation prior to any action taken by the Governing Board. Such presentations may be limited. If there is a desire to address the Governing Board on a matter relating to the Eden Area ROP that does not appear on the agenda, this may be done during the "Public Comment" section.

State law prohibits the ROP Governing Board from taking any action on or discussing items that are not on the posted agenda except to A) briefly respond to statements made or questions posed by the public in attendance; B) ask questions for clarification; C) provide a reference to a staff member or other resource for factual information in response to the inquiry; or D) ask a staff member to report back on the matter at the next meeting and/or place it on a future agenda. (Government Code Section 54954.2 (a))

This meeting is being recorded. These recordings are maintained by the Eden Area ROP for 30 days and are available for review to the public upon request.

I. Call to Order

II. Roll Call

III. Pledge of Allegiance

IV. Mission Statement

V. Approval of Agenda

VI. Public Comment for Agenda items and matters that are related to the Eden Area ROP

(According to the Brown Act, the Board may not comment or take action on items not on the agenda.)

The Board respects and encourages the public to comment on matters on the Board agenda and within the Board's jurisdiction. The Board fully supports civil discourse and requests that everyone respect each other and their point of view.

Public Comment Instructions:

- When it is time for the speakers to address the Board, your name will be called and you will then be unmuted and allowed to make public comments.
- Speakers should rename their Zoom profile names to their real names to expedite this process.
- After the comment, the microphone for the speaker's Zoom profile will be muted.

With Board consensus, the President may increase or decrease the time allowed. This meeting is being recorded to prepare the official minutes.

VII. Student Recognition

- A. Presentation of Eden Area ROP Adult Programs Certification Awards (pages 4-5)

VIII. Consent Calendar

Action by the Eden Area ROP Governing Board of the Eden Area Regional Occupational Program means that all items listed under the Consent Calendar are adopted by one single motion, unless a member of the Governing Board, the Superintendent, or a member of the public requests that any such item be removed from the Consent Calendar and voted upon separately.

- A. Request the Governing Board to approve the Minutes of the Regular Governing Board Meeting of April 7, 2022 (pages 6-11)
- B. Request the Governing Board to approve the Bill Warrants (pages 12-19)
- C. Request the Governing Board to approve the Personnel Action Items (pages 20-21)
- D. Request the Governing Board to approve the Agreement with Abtech Technologies for Information Technology Support Services for the 2022-2023 School Year (pages 22-29)
- E. Request the Governing Board to approve the Agreement with Del Conte's Landscaping Inc. for Landscaping Services for the 2022-2023 School Year (pages 30-40)
- F. Request the Governing Board to approve the Agreement with ESI Employee Assistance Group for Participation in their Employee Assistance Program from June 1, 2022 through May 31, 2023 (pages 41-48)
- G. Request the Governing Board to approve the Agreement with Premier Commercial Cleaning Solutions, Inc. for Janitorial Services for the 2022-2023 School Year (pages 49-51)

IX. Information Items

- A. First Reading of Governing Board Policies, Administrative Regulations. Exhibits and Board Bylaw (pages 52-127)

X. Action Items

- A. Request the Governing Board to approve the Adoption of Resolution 13-21/22: Day of the Teacher (pages 128-129)
- B. Request the Governing Board to approve the Adoption of Resolution 14-21/22: Classified Employees' Week (pages 130-131)
- C. Request the Governing Board to approve the Adoption of Resolution 15-21/22: Temporary Borrowing Between Funds (pages 132-133)
- D. Request the Governing Board to approve the Adoption of Resolution 16-21/22: Year End Budget Transfers of Funds (pages 134-135)
- E. Request the Governing Board to approve the Adoption of Resolution 17-21/22: Authority to Sign Contracts for the 2021-2022 Fiscal Year (pages 136-137)
- F. Request the Governing Board to approve the Adoption of Resolution 18-21/22: Delegation of Powers to Agents for the 2021-2022 Fiscal Year (pages 138-139)
- G. Request the Governing Board to approve the Adoption of Resolution 19 21/22: Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom Dated March 4, 2020, and Authorizing Remote Teleconference Meetings for the Period May 9, 2022 through June 8, 2022 (pages 140-143)
- H. Request the Governing Board to approve the Addendum to the Superintendent's Employment Agreement (pages 144-148)

XI. Superintendent's Report

XII. Communications

- A. Letter from the Alameda County Office of Education regarding the Second Interim (pages 149-150)

XIII. Governing Board Reports

XIV. Recess to Closed Session

- A. Conference with Legal Counsel – Anticipated Litigation (Pursuant Government Code Section 54956.9)
- B. Public Employee Performance Evaluation (Pursuant Government Code 54957)
Title: Superintendent

XV. Reconvene to Open Session and Report Action Taken in Closed Session

- A. Conference with Legal Counsel – Anticipated Litigation (Pursuant Government Code Section 54956.9)
- B. Public Employee Performance Evaluation (Pursuant Government Code 54957)
Title: Superintendent

XVI. Adjournment



DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Craig Lang, Director of Adult Educational Services
SUBJECT: Presentation of Eden Area ROP Adult Programs Certification Awards

BACKGROUND

Eden Area ROP have developed adult programs for students to receive training in skills that are recognized by industry. Upon successful completion, students can earn at least one certification that can lead to a new career or assist in job advancement. Eden Area ROP would like to acknowledge the outstanding efforts and achievements of our adult students as they focus on learning and training to earn an industry recognized certification.

CURRENT SITUATION

The focus to provide access to adults for industry recognized certifications has proven to be a successful, motivational tool in the classroom, among the staff and the students of the Eden Area ROP.

The following students are on track to complete their certification(s) by the end of May:

STUDENT NAME	PROGRAM	CERTIFICATION(S)	INSTRUCTOR(S)
Brenda Avilez	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Amy Campos	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Herian Garcia	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Kevyn Cruz	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Elizabeth DeJesus	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Vanessa Delgadillo	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Laeloni Hernandez	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot

Lesli Jimenez	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Gabriella Lopez	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Selena Gomez	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Vanessa Lucero	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Ana Pena	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Jamilex Rodriguez	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Veronica Santiago	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Manuel Sierra	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Edith Trujillo-Garcia	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Suzanna Udave	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot
Rubie Vargas	Foundations in Dental Assisting	California Dental X-Ray License California Dental Practice Act Infection Control	Kathy O'Brien Tammey Brown Anissa Barrot

RECOMMENDATION

Information only

CONSENT CALENDAR

CONSENT CALENDAR



Minutes of the Regular Meeting of the ROP Governing Board April 7, 2022

I. Call to Order

Juan Campos, Board President, called the meeting to order at 5:45 p.m. on Thursday, April 7, 2022. Due to COVID-19 all Board members and attendees attended the meeting virtually via Zoom.

II. Roll Call

Eden Area ROP Governing Board Members Present:

Juan Campos, President	San Lorenzo USD	
James Aguilar, Vice-President	San Leandro USD	arrived at 5:52 pm
Gary Howard, Member	Castro Valley USD	
Gabriel Chaparro, Member	Hayward USD	

Eden Area ROP Superintendent/Clerk of the Board Present:

Linda Granger

Eden Area ROP Administrators Present:

Mercedes Henderson	Human Resources Administrator
Craig Lang	Director of Adult Programs
Anthony Oum	Fiscal Services Administrator

Eden Area ROP Staff Present:

Zennaita Bradford	Entrepreneurship Instructor
Christina Charlton	Marketing Instructor
Gabriela Juarez	Executive Assistant
Sukhi Sidhu	Career Counselor
Byron Thompson	Marketing Instructor

Others Present:

Roman Muñoz	Lozano Smith
Students of the Month and their families	

III. Pledge of Allegiance

Emily Nguyen led the Pledge of Allegiance.

IV. Mission Statement

Adan Garcia read the Eden Area ROP mission statement.

V. Approval of Agenda

Trustee Gabriel Chaparro moved to approve the agenda. Trustee Gary Howard seconded the motion. By the following vote, the agenda was approved:

AYES:	3 (Campos, Chaparro, Howard)
NOES:	0
ABSTAIN:	0
ABSENT:	1 (Aguilar)

VI. Public Comment for Agenda items and matters that are related to the Eden Area ROP

None

VII. Student of the Month Awards

The following students were honored by their teachers, ROP Staff and the Governing Board as students of the month for April 2022:

STUDENT NAME	HIGH SCHOOL	ROP PROGRAM	INSTRUCTOR
Adan Garcia	Tennyson High School	Entrepreneurship I P	Zennaita Bradford
James Nichola Adiong	Mt. Eden High School	Entrepreneurship I P	Vanita Lee-Tatum
Frida Veliz	Castro Valley High School	Marketing Economics I P	Byron Thompson
Emily Nguyen	Arroyo High School	Marketing Economics III P	Christina Charlton

Sukhi Sidhu, Career Counselor, introduced the instructors, who presented their students to the Governing Board. A framed certificate of achievement was delivered to each student. Each student was given an opportunity to introduce their family and say a few words.

VIII. Consent Calendar

Trustee Gary Howard moved to approve the consent calendar items as follows:

- A. Minutes of the Regular Governing Board Meeting of March 3, 2022
- B. Bill Warrants
- C. Personnel Action Items
- D. Quarterly Report on Williams Act Complaints and Resolutions
- E. Agreement with Burnham Benefits Insurance Services for Employer Reporting Services for the 2022-2023 School Year
- F. Agreement with Cabrillo Community College for the Strong Workforce Program from January 2022 through June 2024
- G. Agreement with the California School Boards Association District Services Corporation (CSBADSC) for GASB Full Report Services for the 2021-2022 School Year
- H. Agreement with Deborah Maynard for Targeted Support for the 2021-2022 School Year
- I. Revised Agreement with Eide Bailly LLP for Auditing Services for the 2021-2022 and 2022-2023 School Years
- J. Agreement with Karen Huff for Targeted Support for the 2021-2022 School Year
- K. MOU with the Alameda County Office of Education Network (ACOENet) for the Access Plus Service for the 2022-2023 School Year

Trustee Gabriel Chaparro seconded the motion.

AYES: 4 (Aguilar, Campos, Chaparro, Howard)
NOES: 0
ABSTAIN: 0
ABSENT: 0

IX. Information Items

A. ROP Pathway Review: Entrepreneurship/Self Employment and Marketing

Linda Granger, Superintendent, shared that the instructor, Christina Charlton, will provide a report to the Board regarding the pathway review of Entrepreneurship/Self Employment and Marketing pathways. The programs in these pathways are offered at all four districts' comprehensive high schools.

Ms. Charlton shared that we offer Entrepreneurship IP and IIP, Marketing Econ and Marketing Economics IP. She was excited to report that a new Marketing textbook has been approved. The program is correlated to the latest national marketing standards and incorporates academic content and research-based reading strategies. Including current articles & supplemental material.

The programs offer project-based learning, work-based learning, Career Technical Student Organizations (CTSO) participation and community service and leadership skills. She overviewed the curriculum for Entrepreneurship that includes: the economy, business ownership, influences of business, money management and finance, human resources, career exploration and goal setting, problem solving and critical thinking, business and finance technology and business skills.

B. Career Counselor Report

Sukhi Sidhu presented to the Board about her role as the Career Counselor. She serves as the liaison between the home high schools and the Eden Area ROP instructors. She supports all ROP students and parents and counsels students on a variety of services. She maintains a partnership with Chabot College, supports grant requirements as needed, organizes events and substitutes in classrooms as needed.

She serves as a liaison with the home school counselors and case managers to ensure students are receiving the necessary support. To promote outreach and support she created the "To, Through and Beyond ROP Form" and the "Program Summary Sheet." The purpose of the forms was to help students connect to pathways beyond ROP. In addition, Mrs. Sidhu developed a sophomore lesson plan to help students determine which industry would be the best fit for their personality and in turn could chose a program related to that industry. She worked collaboratively with the Chabot College counselor to create a mapping table that shows the pathways available to students after they complete the program at the Eden Area ROP.

Mrs. Sidhu shared that she provides regular reporting on grades, attendance, enrollment, information about courses, upcoming events and any behavioral concerns. She also supports students by counseling them on college options and financial aid. She provides information on different apprenticeship programs and industry and trades. She oversees the special education accommodations and social and emotional counseling.

Mrs. Sidhu shared with the Board the California CareerZone platform that she uses with students. This platform is user friendly and provides career exploration, interview practice and résumé building. It helps students understand their interests through the interest profiler and personality test. Students also learn how to apply for jobs and understand finances.

Next, Mrs. Sidhu discussed students with Individual Education Plans (IEPs) and 504 Plans. She reported that approximately 135 students attending ROP have an IEP or a 504 plan.

She reviews all EAROP students' special education status and distributes IEPs to instructors. Throughout the year she communicates regularly with home school counselors and case managers as well as attends IEP and 504 plan meetings. Through the relationships built during this process, Mrs. Sidhu can provide feedback and have open communication with the team. She also provides support to instructors with implementation of accommodations.

She reported she continues to maintain strong relationships with staff at Chabot to stay informed. She is an active member of Chabot Area Counseling Collaborative (CACC). She is the liaison between instructors and Chabot Pathways. Through Mrs. Sidhu's efforts students were able to participate in virtual and in-person presentations given by Chabot staff. She also shared that she assisted seniors with early decision information and the financial aid application process.

Mrs. Sidhu also provides support to meet grant requirements for WIOA and Workability.

Mrs. Sidhu concluded her report by sharing that one of the most rewarding parts of her job is celebrating the students. Students are celebrated at the Board meetings and the annual student award ceremony.

X. Action Items

A. Request the Governing Board to approve the Second Reading and Adoption of Governing Board Policies and Administrative Regulations

Upon review of and a motion by Trustee Gabriel Chaparro and a second by Trustee Gary Howard the Governing Board approved the second reading and adoption of Governing Board Policies and Administrative Regulations.

AYES: 4 (Aguilar, Campos, Chaparro, Howard)
NOES: 0
ABSTAIN: 0
ABSENT: 0

B. Request the Governing Board to approve the Adoption of Resolution 12 21/22: Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom Dated March 4, 2020, and Authorizing Remote Teleconference Meetings for the Period April 8, 2022 through May 8, 2022

Upon review of and a motion by Trustee Gary Howard and a second by Trustee Gabriel Chaparro the Governing Board approved the adoption of Resolution 12 21/22: Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom Dated March 4, 2020, and Authorizing Remote Teleconference Meetings for the Period April 8, 2022 through May 8, 2022.

AYES: 4 (Aguilar, Campos, Chaparro, Howard)
NOES: 0
ABSTAIN: 0
ABSENT: 0

C. Request the Governing Board to approve the Revised Job Description (Superintendent)

Upon review of and a motion by Trustee Gary Howard and a second by Trustee Gabriel Chaparro the Governing Board approved the revised job description (Superintendent).

AYES: 4 (Aguilar, Campos, Chaparro, Howard)
NOES: 0
ABSTAIN: 0
ABSENT: 0

XI. Superintendent's Report

Superintendent Granger was excited to share that the ROP had its first in-person event which was the Spring Showcase. It was very well attended and a great opportunity for students to demonstrate the skills they have learned and for the community to learn about our programs.

Superintendent Granger reported that on May 25, 2022 the Eden Area ROP will hold an in-person Student of the Year Award Ceremony at the San Leandro High School Performing Arts Center. She discussed the Boards role at the event and noted that a formal invitation is to follow.

XII. Governing Board Reports

Trustee James Aguilar, San Leandro USD representative, reported that SLUSD has fully opened the Board meetings to the public. He noted that although the mask mandate has been optional, but strongly recommended that all the sites have reported that about 90% of students and staff have continued to wear their masks.

Trustee Juan Campos, San Lorenzo USD representative, reported that masking is optional outdoors and continues to be required indoors.

XIII. Recess to Closed Session

The meeting was called into closed session at 6:51 p.m.

- A. Conference with Legal Counsel – Anticipated Litigation (Pursuant Government Code Section 54956.9)**
- B. Public Employee Appointment/Employment (Pursuant Government Code section 54957): Superintendent's Contract**
- C. Conference with Labor Negotiator, (Pursuant to Government Code Section 54957.6)
Designated Representative: Anthony Oum
Unrepresented employees**

XIV. Reconvene to Open Session and Report any Action taken in Closed Session

The meeting resumed to open session at 8:07 p.m.

- A. Conference with Legal Counsel – Anticipated Litigation (Pursuant Government Code Section 54956.9)**

Board President, Juan Campos, reported that the Board has given direction to legal counsel.

- B. Public Employee Appointment/Employment (Pursuant Government Code section 54957): Superintendent's Contract**

Board President, Juan Campos, reported that the Board has given direction to Superintendent Granger to bring the contract to the next Board meeting.

**C. Conference with Legal Counsel – Anticipated Litigation (Pursuant Government Code Section 54956.9) Conference with Labor Negotiator, (Pursuant to Government Code Section 54957.6)
Designated Representative: Anthony Oum
Unrepresented employees**

Upon review of and a motion by Trustee Gabriel Chaparro and a second by Trustee Gary Howard the Governing Board approved effective July 1, 2022 a 1% increase to all salary schedules and additionally the following increases:

- A \$1.75/hour increase for each step on the Classified Employees salary schedule
- A \$1.75/hour increase for each step on the Certificated Hourly Employees salary schedule
- A \$3,412 addition to each step on the Certificated Salaried Employees salary schedule
- A \$3,412 addition to each step on the Classified Exempt Employees salary schedule
- A \$3,412 addition to each step on the Administration salary schedule

AYES: 4 (Aguilar, Campos, Chaparro, Howard)
NOES: 0
ABSTAIN: 0
ABSENT: 0

XV. Adjournment

The Governing Board meeting was adjourned in memory of:

- Keith T. Septer, nephew of Cheryl Gixti, Merchandising Instructor
- Leonel Cervantes, cousin of Johanna Lopez, Website and Marketing Specialist

The meeting was adjourned at 8:11 p.m.

Approved by the Eden Area ROP Governing Board _____.

Linda Granger, Superintendent/Clerk to the Eden Area ROP Governing Board



DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Sabrina Ubhoff, Accounting Technician
SUBJECT: Request the Governing Board to approve the Bill Warrants

CURRENT SITUATION

The bill warrants submitted for approval are for the period of March 17, 2022 through April 13, 2022 and include test warrant numbers and voided warrants.

CONSENT CALENDAR



DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Mercedes Henderson, Human Resources Administrator
SUBJECT: Request the Governing Board to approve the Personnel Action Items

CURRENT SITUATION

The attached listing of personnel action items are the Eden Area ROP Superintendent's recommendations for approval.

CONSENT CALENDAR



DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Agreement with Abtech Technologies for Information Technology Support Services for the 2022-2023 School Year

BACKGROUND

Abtech Technologies has spent nearly 30 years designing, configuring and supporting IT platforms for organizations of all sizes. They also support organizations in managing technology with their IT support, managed services and disaster recovery services.

Abtech Technologies continues to provide network support for the Eden Area ROP on an hourly basis, as needed, to keep our network operational. Formalizing this partnership on an annual basis will enable the Eden Area ROP to maintain tech services for staff and center programs.

CURRENT SITUATION

The attached is the agreement renewal with Abtech Technologies, effective July 1, 2022 through June 30, 2023.

CONSENT CALENDAR

Where **Technology** **Meets** Business Objectives

Information Technology Support Services

Prepared For:

Anthony Oum, aoum@edenrop.org



By:

Aaron Van Velsir
Abtech Technologies
PHONE: 800.474.7397 x202
avanvelsir@abtechtechnologies.com

MARCH 21, 2022

Schedule A: Services Summary

As part of the Monthly Management Charge (MMC), Eden Area ROP (“Client”) shall be entitled to up to a predesignated number of hours per month to be used for IT support services for their Covered Environment. This service includes remote and on-site, as determined by Abtech, to fulfill IT management and remediation tasks.

I) Definition of Services:

A) Abtech Server Care, NOC, and Help Desk Services

The hourly entitlement can be used for the following services:

1) Abtech Server Maintenance Service (ASC):

ASC Service includes the following:

- 7x24 Monitoring:
 - Physical state of servers, storage devices, network devices
 - Up/down of virtual machines
 - Up/down of Microsoft infrastructure applications (Server, SQL, Active Directory, Exchange)
 - Pass/fail backup
 - Thresholds (disk percentage full, recurring memory issues, recurring errors indicating physical or configuration issues, etc.)
 - Critical services and ports
 - Up/down of connection to internet
 - Workstation hardware failure monitoring (if OS reports the fault) and patching
- Review anti-virus, anti-spam policies if on approved vendor list and Abtech has access to management console
- Patching servers (critical and security-related updates only, others optional as discussed with Client)
- Scheduled business reviews to go over service delivery and make recommendations.

2) NOC Services:

NOC Services include the following:

- Remediating configuration issues with servers, storage, network devices, virtual machines, MS infrastructure applications, connectivity to other devices (print devices, etc.)
- Installs of updates and Microsoft Office applications.
- Troubleshoot internet connectivity and network degradation
- Active Directory administration (add/remove users, security groups, permissions)
- Exchange administration (add/remove mailboxes, archiving, groups, forwarding)
- Restore files if available
- Assist application managers, database administrators, and vendors with infrastructure during their own troubleshooting. Support for specialized business applications (CAD, CRM, accounting, etc.) is limited to troubleshooting underlying infrastructure software (eg. MS operating systems, Exchange, Active Directory, etc). Any further troubleshooting, upgrading, or help desk questions should go the application provider.
- Remediation of the above during normal business hours (M-F 6AM-6PM PST)

3) Abtech Help Desk Services:

Abtech’s Help Desk Service supports users of desktop systems, laptops, or mobile devices. Abtech will provide remediation services, either onsite or remotely, during Abtech business hours. Help Desk Services include:

- Functionality of Microsoft Office applications (Word, Excel, PowerPoint, Outlook)
- Functionality of desktop operating systems (Windows, MacOS)

- Connectivity (server, internet, printers, mobile devices)
- Desktop stability and performance
- Account maintenance (username/password resets, access)
- File/message restore, if possible
- Assist remote workforce

B) One-Time Services

The following “as needed” services will be invoiced separately from the MMC and as required by Client:

- 1) Onboarding Services:
Onboarding services allow Abtech to implement the necessary hardware & software into the Client environment, as well as gather the necessary environment data to be recorded in our Network Operations Center.
- 2) Projects:
Any service that is not detailed in Sections A are considered projects. Project work will be quoted separately with a defined Statement of Work (SOW) and invoiced separately.

C) Recommended Software Subscription Options

Client may subscribe to the following services which will be added as a separate line item charge to the monthly invoice:

- 1) Anti-Virus Protection:
ESET and SonicWall Capture Client are the preferred Anti-Virus products.
- 2) Anti-Spam Protection:
Proof-Point is the preferred Anti-Spam product.
- 3) Off-Site Backup and Disaster Recovery Services:
An off-site backup and Disaster Recovery plan are recommended to avoid excess downtime and expense due to ransomware, environmental issues, and general failures. Abtech recommends subscribing to StorTrust’s hybrid cloud backup and disaster recovery services.
- 4) Microsoft Subscriptions
Any Microsoft licenses provisioned by Client or by Abtech at Client’s request (eg. Office365, Azure, etc.) will be added to the monthly invoice.
- 5) Other Third-Party Software Subscriptions
Any other third-party software licenses provisioned by Client or by Abtech at Client’s request (eg. DropSuite, AWS, etc.) will be added to the monthly invoice.

Schedule B: Covered Environment¹

Covered Hardware						Quantity (up to)	Support Included in MMC
Servers:	2 x Dell R630 and 1 x Workstation (Domain Controller) Model TBD						
Physical:	3	Virtual:	9	Hypervisor:	VMWare	12	Yes
Desktops / Laptops:		Models TBD				50	Yes
Managed Switches ² :		HP ProCurve 2920 and 1410				10	Yes
Wireless Access Points ¹ :		UniFi				3	Yes
Firewalls ¹ :	Barracuda					1	Yes
SAN/NAS ^{1,2} :		Dell MD3420				1	Yes
UPS ^{1,3} :		APC 3000				2	Yes
Tablets ⁴ :		TBD				0	No
Smart Phones ³ :		TBD				0	No
Other:		N/A					

Covered Software		Version	Support Included in MMC
Server Operating Systems:	Windows	2008R2	Yes
Desktop Operating Systems:	Windows	TBD	Yes
Email:	Outlook/O365	TBD	Yes
Business Productivity Software:	MS Office	TBD	Yes
Antivirus Software:	ESET	TBD	Yes
Backup Software:	TBD	TBD	Yes
3 rd Party Vendor Assistance ⁵ :	Abtech will engage with 3 rd party vendors for support	TBD	Yes

Authorized Helpdesk Contacts	2	Total
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¹ Adding more monitored endpoints or computer users will incur additional incremental fees. See Schedule D for pricing.

² Up/Down monitoring and alerting if device is added to the contract.

³ Up/Down monitoring and alerting if network connected and manageable.

⁴ Company issued assets only.

⁵ Assist Client with communication and issue resolution concerning 3rd party services as it relates to Client's network and server systems. Abtech cannot guarantee resolution of any issue to any level of Client's satisfaction in which Abtech must rely on a 3rd party to resolve.

Schedule C: Pricing

Summary of Monthly Charges

Service	Description	Qty	Price	Extended Price
MMC for Managed IT Services	ASC, NOC, and Help Desk Service, entitled to up to 16 hours/month of service*	1	\$2,109.80	\$2,109.80
Antivirus Software	ESET Antivirus Licenses – Endpoints	161	\$2.50/user	\$402.50
Office365	Microsoft Office365 Subscription	NA	NA	NA
Monthly Total:				\$2,512.30

* This MMC is a special rate and is a NON-CANCELLABLE 1 Year Contract.

- a) Additional hours beyond entitlement for ASC, NOC, and Help Desk business hours labor will be added to the monthly invoice at the following special discounted rates: \$150/hour, invoiced in 10-minute increments. All other rates (projects, after hours, holiday) are detailed below. Any service subcontracted to an Abtech partner may carry an additional hourly fee.
- b) Adding more monitored endpoints or computer users will incur additional incremental fees. See Schedule D for pricing.

All remediation services as well as any additional support services outside the scope of service as defined in Schedule A, Part I) A will be invoiced at the following rates:

Additional Services Outside of Agreement	Abtech Business Hours	Outside Business Hours	Abtech Holidays*
Helpdesk/NOC - Remote/Telephone:	\$150/hour	\$195/hour	\$300/hour
Minimum:	10-minute increments	1 Hour	1 Hour
Helpdesk/NOC – Onsite:	\$175/hour	\$245/hour	\$300/hour
Minimum:	2 Hours plus travel	2 Hours plus travel	2 Hours plus travel
Hardware Support - Onsite, portal to portal:	\$175/hour	\$245/hour	\$300/hour
Minimum:	2 Hours plus travel	2 Hours plus travel	2 Hours plus travel
Consultant/DBA – Remote/Telephone:	\$250/hour	\$300/hour	\$350/hour
Minimum:	1 Hour	1 Hour	1 Hour
Consultant - Onsite, portal to portal:	\$250/hour	\$300/hour	\$350/hour
Minimum:	2 Hours plus travel	2 Hours plus travel	2 Hours plus travel

*Abtech Observed Holidays schedule for current year available upon request.

Schedule D: Add-on Pricing

Additional endpoints or users beyond the base numbers will incur the following charges:

Device	Base Number	Add-on charges/unit/month (\$)
Locations	1	0
Computer Users	50	95
Physical Servers	3	95
Virtual Servers	9	75
NAS	0	15
SAN	1	75
Computers (Desktop, Laptop)	50	25
Tablets	0	20
Windows Mobile Handhelds	0	20
Firewalls	1	20
Managed Switches	10	20
Unmanaged Switches	0	15
WAPS	3	5
Managed UPS	2	15
Multifunction Printer	1	15
Network Printers	1	10
Non-Network Printers	1	15
Software		
ESET Licenses – Endpoint	131	2.50
ESET Licenses – Mail Scanning	0	1.50
Proofpoint Anti-Spam	0	1.50
Microsoft Office 365 Licenses		Call Abtech for Pricing

Abtech Service Order: Managed IT Services WMS

Client:	Eden Area ROP		
Service Start Date:	7/1/2022	Contract Renewal Date:	6/30/2023
Contract Number:		Invoiced:	Monthly, in arrears
		Terms:	Net 30
Contract Period of Maintenance:	6am-6pm PST, Monday-Friday, excluding Abtech Observed Holidays*		
	Primary Location	Additional Locations	
Location(s) and Phone #:	26316 Hesperian Blvd. Hayward, CA 94545 (510)798-4005		
	Primary Contact	Additional Contacts	
Client Contacts:	Anthony Oum	Christopher Kwon	
Contact E-mail:	aoum@edenrop.org	ckwon@edenrop.org	

This Service Order is made between Abtech Technologies, Inc. and any of Abtech's subsidiaries, DBAs, agents, successors, or parent companies ("Abtech") and Client and its affiliates, subsidiaries, DBAs, divisions, branches, departments, agents, successors, or parent companies thereof ("Client").

This Service Order hereby incorporates by reference as if fully set forth herein as a full and binding part of this Service Order, the Abtech Master Service Agreement ("MSA") and Addendum: Abtech Managed IT Services Agreement ("Services Agreement"). A copy of both the MSA and the Services Agreement can be accessed here : <http://www.abtechtechnologies.com/contract-agreements>.

Client shall receive services as detailed in Schedule A on the hardware and software listed in Schedule B ("Services") as consideration for payment detailed in Schedule C.

Upon execution of this Service Order, Service will commence on the Service Start Date (or on the date signed, if not otherwise specified) and will continue until the MSA and Services Agreement is terminated by either party under the termination clauses specific to each individual Addendum. For convenience, the MSA shall survive and remain in force for future transactions unless explicitly terminated.

Notwithstanding the foregoing and as defined in the MSA, either party may terminate this Service Order or any Addendum if the other party: (i) experiences a Change of Control; (ii) experiences a Bankruptcy Event; or (iii) is in material breach of the Agreement and fails to correct the breach or to commence corrective action reasonably acceptable to the aggrieved party and proceed with due diligence to completion within thirty (30) days of written notification.

Client agrees that this Service Order is executed when (a) both parties physically or digitally sign below; (b) both parties electronically sign via a purchasing portal or website an Abtech Service Order; or (c) Abtech accepts a transactional document (eg. purchase order, purchase requisition, etc.) that explicitly reference this Service Order or the Maintenance Agreement and any Addenda. Upon execution, Schedules A, B, and C of this of this Service Order shall also become the same lettered Schedules for the Service Agreement.

Client acknowledges that it has read this Service Order and all other Agreements referenced, understands and agrees to be bound by its terms and further agrees that it is the complete and exclusive statement of the agreement between the parties. This Service Order may not be modified or altered except by mutual written agreement and signed by both parties.

Agreed to:

Client: Eden Area ROP



Signature

Anthony Oum

Print Name

Fiscal Services Administrator

Title

05/05/2022

Date

Agreed to:

Abtech Technologies, Inc.

Signature

Print Name

Title

Date



DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Agreement with Del Conte's Landscaping, Inc. for Landscaping Services for the 2022-2023 School Year

BACKGROUND

Each year, the Eden Area ROP contracts with Del Conte's Landscaping, Inc. to provide landscaping services.

CURRENT SITUATION

The attached is the agreement renewal with Del Conte's Landscaping, Inc., effective July 1, 2022 through June 30, 2023.

CONSENT CALENDAR



LANDSCAPE MAINTENANCE SERVICES AGREEMENT FOR

Eden Regional Occupation Program (Eden ROP)

("Client")

This is an agreement for landscape maintenance services ("Agreement") between the above-named Client and Del Conte's Landscaping, Inc. with principal place of business at 41900 Boscell Road, Fremont, California 94538, CSLB: 672485 ("Contractor").

A. SUBJECT PROPERTY

Eden ROP

26316 Hesperian Blvd.
Hayward, Ca 94545

("JOB SITE")

Eden ROP

C/O Anthony Quinn
26316 Hesperian Blvd.
Hayward, Ca 94545

("Main Office")

B. SCOPE OF SERVICES

1. Lawn Care

i. Mowing Frequency: Lawns will be mowed at the following frequency:

1. April 1 – October 30: Lawns will be mowed weekly to ensure uniform height and a neat appearance.



2. November 1 – March 31: Lawns will be mowed as reasonably needed to ensure uniform height and neat appearance
 - ii. **Mowing Process:** Contractor uses a mulching lawn-mowing process, eliminating the need to remove grass clippings, while enhancing lawn health and improving water retention. Mowing shall not remove more than one and one-half inches (1½”) of the above ground grass.
 - iii. **Trimming and Edging:** Turf shall be trimmed next to walks, header-boards, around plants, around drains, utility boxes, tree wells, and adjacent to fences and buildings on a regular basis to ensure containment and a neat appearance.
 - iv. **Weed Control:** A weed removal and control program, which will ultimately lead to control of crabgrass and broad-leaved herbaceous weeds, shall be employed with the use of proper water management, and select herbicides.
 - v. **Fertilization:** Fertilization will be scheduled on a regular basis as necessary to keep the lawn in a healthy, green, and vigorous condition. Contractor will fertilize to the limited extent of reasonable sustenance of plant health. Any and all soil tests performed by Contractor shall be charged to Client.
2. Shrubbery and Groundcover
 - i. **Routine Pruning:** A regular pruning routine will be followed for all “Formal” trimmed shrubs or hedges. “Informal” shrubs or hedges will be trimmed as needed to maintain neat appearance, balanced growth habit and to prevent encroachment on walks, driveways, buildings, and windows. “Formal” and “Informal” hedges are defined per industry standard in the State of California.
 - ii. **Shrub Wells:** Contractor will trim around shrubs and perennials as needed to prevent over-run by ground cover. Shrubs shall be kept free of vines at all times.
 - iii. **Routine Edging:** Edging of groundcover will be as needed to prevent encroachment on lawn areas, pavement areas, and buildings. Generally, groundcover and plant material will be trimmed 6”-10” inside containment to allow space for fresh growth.
 - iv. **Weed Control:** Shrub beds will be maintained reasonably weed-free, using appropriate chemicals and manual weeding on a weekly basis. Chemicals will be in compliance with DPR Regulations for the State of California.

- v. **Fertilization:** Fertilization will take place on a regular basis during the growing season, recognizing the variable growing needs of differing plant material soil temperature. Schedule of program to be adjusted seasonally. Fertilization application shall be coordinated with operation of the automatic irrigation system to assure watering the day of application. Contractor will fertilize to the limited extent of reasonable sustenance of plant health. Contractor shall not modify and/or change the pH level of the soil and/or modify in any way the nutrient levels of the soil. Any and all soil tests performed by Contractor shall be charged to Client.

3. Trees

- i. **Routine Pruning:** Contractor will prune trees regularly to remove sucker growth, and as needed to maintain clearance from structures and eight-foot clearance above walkways and twelve-foot clearance above roads. Trees shall be kept free of vines at all times.
- ii. **Tree Stakes:** For trees less than fifteen feet in height, stakes, ties and guides will receive periodic checks and adjustments to ensure they are functioning properly, and/or removed when they are no longer required to support any individual tree. Damaged or broken stakes and ties will be replaced (as necessary) and billed as an extra.
- iii. **Pest Control:** Contractor may monitor the general well-being, such as insect/disease infestation, vehicle damage and general condition of these trees and advise when service or treatment is recommended.
- iv. **Fertilization.** Contractor will fertilize to the limited extent of reasonable sustenance of plant health. Contractor shall not modify and/or change the pH level of the soil and/or modify in any way the nutrient levels of the soil. Any and all soil tests performed by Contractor shall be charged to Client.
- v. **Tree Exceptions:** Trimming trees in excess of 15 ft. in height or 6 inches diameter shall not be part of this Agreement.

4. General Care

- i. Contractor will maintain a weed-controlled environment through cultivation, spraying, pulling, etc. of all landscape common areas on site, including parking area perimeters and paving joints. Contractor will spray all plant material (excluding trees above 15 feet in height or 6 inches in diameter) as needed with fungicides, insecticides and other appropriate solutions to control diseases and pests (anything detrimental to the general health) of the landscape plant material, excluding vertebrate pests.



- ii. Contractor will remove general litter, debris, and yard waste from landscape at completion of every service visit. This does not include large deposits or piles of disposal which shall be removed at additional charge to client. Available details for client to potentially subrogate will be provided to client. All debris resulting from any/all landscape work by Contractor shall be removed before leaving the Job Site.
- iii. During November through March, leaves will be raked during the normal service visits to regularly achieve a neat appearance.
- iv. This Agreement does not include control of vertebrate pests, which are considered an extraordinary condition. Contractor will monitor for damage from vertebrate pests and advise when service or treatment is recommended.
- v. Hand watering of pots and non-irrigated areas are expressly excluded from this Agreement.
- vi. The warranty for newly installed plants is 90 days if we are under a service contract and currently maintaining the property.

5. Irrigation

- i. **General:** Contractor will comply with mandated water restrictions. Regulate automatic sprinkler systems (including drip systems) to optimize plant health, aesthetics, and water cost control, within limitation of system hardware and client-defined priorities. Routine inspections of irrigation systems shall be completed to report any breaks, recommended replacements and to adjust sprinkler heads for maximum coverage.
- ii. **Watering Schedule:** Contractor will maintain dynamic ET-Based (Evapo-Transpiration) irrigation timer schedules for each month of the watering season. Ten-year data averages from C.I.M.I.S. (California Irrigation Management Information System) will be utilized to establish monthly Programs. Additional programming will be implemented as needed to compensate for extreme weather fluctuations. While this information is maintained and implemented for the benefit of our clients, it is proprietary to Contractor.
- iii. **Remote-Control Harness:** If required a remote-control harness will be installed on all irrigation timers to facilitate Contractor's remote-control irrigation inspection device during the term of this contract. The harness

will be removed, and the system returned to original its original condition, upon cancellation of contract by either party. There is no cost-to-client associated with installation or removal of the wire harness.

- iv. **Site-Maps:** Contractor will maintain detailed site maps including, but not limited to, the following: timer locations; backflow locations; water meter locations; station zoning; crop type; application hardware; water meter service areas. While this information is maintained for the benefit of servicing the property, the development of such information is done at no charge and it is the proprietary work product of Contractor. All such information is available for client viewing at our office in Fremont, but is subject to Contractor's copyright and other intellectual property rights.
- v. **Maintenance Repairs:** Labor and materials required for repairs associated with the maintenance of the sprinkler system shall be billed as an extra. Typically, maintenance repairs are the result of malfunctions found during system checks (performed three (3) to four (4) times per year), or work order requests originating from client entities and Contractor site management staff.

IRRIGATION REPAIR PRE-AUTHORIZATION		
This Pre-Authorization will enable existing minor irrigation repairs to be completed during the Routine - Maintenance system inspection. This authorization will prevent damage to landscape and waste of water which could occur without immediate repair of your irrigation system.		
Please initial one of the following options to indicate a desired course of action during the performance of routine maintenance repairs to the irrigation system:		
<i>Initial here:</i>	To authorize Contractor to proceed with repairs with the Pre-Authorized Limit of:	\$500.00
<i>Initial here:</i>	To authorize Contractor to proceed with repairs at an alternative amount from above, as follows:	<i>(Please fill in below.)</i>
<i>Initial here:</i> <i>Ap.</i>	If Contractor must submit a written proposal and wait for subsequent approval from Client prior to repairing broken irrigation parts.	



- vi. **Non-Routine Maintenance Repairs:** Non-routine maintenance irrigation repairs and consulting shall be billed on a labor time plus materials (“T&M”) basis. When the cost of T&M repair exceeds clients-defined pre-authorized limits as set forth in Section v above, a proposal will be submitted for authorization prior to commencement of work. By default, mainline repair, valve replacement, timer replacement, wire tracking, and other items requiring significant use of billable labor will be submitted for approval by authorized agent prior to commencement. Upgrades, which by definition are optional enhancements to the systems, will always be submitted for written approval prior to commencement. Non-emergency labor rate is currently **\$/65.00 hour.**
- vii. **Emergency Irrigation Repairs:** Irrigation is the life blood of landscapes in California during much of the year. In such event that non-routine irrigation repairs ordinarily submitted for written authorization are needed immediately in order to avoid damage to the landscape, Contractor will make every reasonable effort to contact authorized agent for approval, which shall be by telephone and e-mail, to proceed (i.e. rupture of mainline has rendered irrigation inoperative, the landscape is already dry, and plant material will be significantly damaged and/or lost if water is not restored immediately).

EXIGENT CIRCUMSTANCE CONSENT

In the event that an emergency irrigation repair is needed and after reasonable efforts, Contractor is unable to contact Client, this authorization will prevent damage to landscape and will authorize Contractor to take reasonable action in response to the emergency irrigation repair.

Please initial one of the following options to indicate a desired course of action in such event that attempts to contact authorized agent proves unsuccessful:

<i>Initial here:</i> _____	To authorize Contractor to proceed with repairs and other billable action deemed necessary to avert damage to landscape that would otherwise occur without prompt restoration of irrigation system. Within constraints of situation, the most efficient
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	technique available will be employed to minimize labor and material costs involved.
<i>Initial here:</i> <i>Ap.</i> <hr/>	If you prefer that Contractor wait for availability and subsequent approval from an authorized agent of Client. Note that if this term is selected that Contractor shall be obligated to take no action despite the exigent circumstance, and Client understands that this could result in damage to the landscape.

6. Miscellaneous

- i. Contractor shall provide all equipment, tools, labor, and materials required to accomplish the Scope of Work outlined by this Agreement, unless otherwise indicated.
- ii. Response to emergency calls during non-production hours will be billed at a charge of \$225.00 for the first hour. Any additional time over 1 hour will be billed as T&M at the applicable overtime rate. Production hours are 7:00 a.m. – 3:30 p.m., Monday through Friday, excluding holidays.
- iii. Account Manager to attend monthly walk-through with board and/or manager, as requested.
- iv. Contractor agrees to respond to all work or service orders within one week or as arranged, except emergencies which are to be attended to as soon as commercially reasonably possible.
- v. Four (4) sets of keys to applicable property gates, necessary access boxes, etc., must be supplied to Contractor prior to beginning of service period.



PAYMENT TERMS City

1. Base monthly fee for maintenance service as outlined above, for existing landscape, excluding option addendum(s):

\$1,702.00

(“Base Monthly Maintenance Service Fee”)

2. Payment to be received before the first day of month following the month of service.
3. Invoice must be paid within 15 days of the invoice date. There will be 1.5% of contract amount or a minimum \$35.00 late fee charge per month on late invoices, whichever is higher.
4. Client’s billing address is as follows:

Eden ROP
C/O Anthony Quinn
26316 Hesperian Blvd.
Hayward, Ca 94545

B. TERM AND TERMINATION

1. **Effective Date:** The effective commencement date of this Agreement shall be as follows:

7/1/22

(“Effective Date”)

2. **Term:** This Agreement shall endure for a term of one (1) year and shall be automatically renewed for the next year with a cost of living adjustment applied to the contract pricing at each contract anniversary. The pricing adjustment shall be equal to the Annual Adjustment of the CPI Index for the SF Bay Area, if not otherwise terminated.
3. **Termination:** To terminate this Agreement, either party can serve a 30-day written notice to the other.



C. DEFAULT & COLLECTIONS

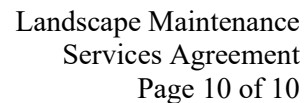
1. In the event of default of payment by Client, after 60 days of non-payment past the date payment was due, a penalty fee of 15% shall incur on the balance owed. In the event Contractor shall pursue collections against Client, Client shall be liable for collection fees, court costs, expenses, reasonable attorney's fees, and all incidental and consequential damages arising from the default.

D. GENERAL INDEMNIFICATION

1. Client hereby agrees to indemnify and hold harmless Contractor against loss or threatened loss or expense by reason of the liability or potential liability of Contractor for or arising out of any claims for damages, including payment and compensation for reasonably incurred attorney's fees and other related professional fees.
2. Contractor shall not be held liable for damage caused by irrigation malfunctions that Contractor was not aware of and/or did not cause.
3. Contractor shall not be held liable for structural or landscape damage associated with written directives from an authorized agent from Client when such directives are contrary to Contractor's professional recommendation.

E. CONTRACT TERMS

1. **No Waiver or Cumulative Remedies.** No failure or delay on the part of any undersigned party to this Agreement in exercising any right, power or remedy hereunder shall operate as a waiver thereof; nor shall any single or partial exercise of any such right, power or remedy preclude any other or further exercise thereof or the exercise of any other right, power or remedy hereunder. The remedies herein provided are cumulative and not exclusive of any remedies provided by law.
2. **Inurement.** This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
3. **Merger and Integration.** This Agreement and the schedules attached hereto contain the entire agreement of the parties with respect to the subject matter of this Agreement, and supersede all prior negotiations, agreements and understandings with respect thereto. This Agreement may only be amended by a written document duly executed by the undersigned parties.
4. **Force Majeure.** In the event of unforeseen disasters, events, or conditions that the parties were not able to contemplate at the execution of this Agreement, such as sabotage, riots, terrorism, political or governmental complications, market conditions, or natural occurrences such as hurricanes, floods, earthquakes, etc. or



5. **Severability.** If any term or provision of this Agreement shall to any extent be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
6. **Descriptive Headings.** The headings in this Agreement are for convenience of reference only and shall not limit or otherwise affect the meaning of terms contained herein. Unless the context of this Agreement otherwise requires, references to "hereof," "herein," "hereby," "hereunder" and similar terms shall refer to this entire Agreement.
7. **Authority and Authorization.** The undersigned parties hereby represent and warrant that he or she has been duly authorized by its corporate entity or principal to enter into this Agreement and to bind that corporate entity or principal to the terms hereof.

CONTRACTOR:

X

X 

Company: Eden Area ROP
Signor's Name: Anthony Oum
Position/Title: Fiscal Services Administrator
Date Signed: 05/05/2022
Location: Hayward, California



DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Mercedes Henderson, Human Resources Administrator
SUBJECT: Request the Governing Board to approve the Agreement with ESI Employee Assistance Group for Participation in their Employee Assistance Program from June 1, 2022 through May 31, 2023

BACKGROUND

ESI has been providing an employee support program to companies for over 35 years. The services provided range from counseling to personal finance and online professional development for staff.

CURRENT SITUATION

The Eden Area ROP employees, like so many, have had a lot of additional responsibilities due to the impact of the pandemic. This agreement will enable the Eden Area ROP to further support our employees and their families in navigating all of the potential changes in their personal and work life.

CONSENT CALENDAR

Employee Assistance Program (EAP) | AGREEMENT

This Employee Assistance Program (EAP) Agreement ("Agreement") is between **Eden Area Regional Occupational Program** ("Client") and **EMPLOYEE SERVICES LLC dba ESI EMPLOYEE ASSISTANCE GROUP**, a New York corporation, 55 Chamberlain Street, Wellsville, New York 14895 ("ESI") for ESI to provide the benefits described herein for employees of Client effective **6/1/22**.

I. Productivity Solutions

With employees losing an average of over 3 weeks of productivity each year, addressing productivity losses is critical. Our entire focus is on providing the most comprehensive benefits to make the largest possible impact on improving employee lives and reducing lost productivity cost. We offer more than twice the benefits of other EAPs. Employees of Client and their household members including children up to age 26 who do not reside with employee are referred to herein as Members.

- **Unlimited Telephonic Counseling:** Members speak directly with our professional staff counselors 24 hours a day via a toll-free number. Every counselor has a Master's or Ph.D. degree. Staff counselors provide direct in-the-moment counseling when a Member calls and act as case managers when referrals are made to local counselors or other work-life or wellness resources, overseeing each case to its ultimate closure – regardless of the amount of time involved in assisting the Member.
- **Face-to-face Counseling Sessions per Issue:** Up to **3**
Members are eligible for telephonic counseling and short-term, in-person counseling.
- **Work/life Benefits:** Benefits offered to assist Members with a wide variety of issues including Legal, Financial, Caregiver, Adoption, Special Needs, Personal Assistant, Tools for Tough Times and Pet Help.
- **Lifestyle Benefits:** Menu of value-added wellness services designed to enhance a Member's quality of life – discounts vary by season and location.
- **Wellness Resource Center:** Includes the latest, most reliable articles, videos and self-assessments for dealing with stress, diet, fitness and smoking.

II. Engagement Solutions - Peak Performance Benefits

ESI is the only EAP to offer Peak Performance Benefits - an entire menu of coaching programs, self-help resources and training to stimulate employee engagement. These benefits are designed to improve the performance of not just some but all of your employees. ESI also provides Hiring, Onboarding and Employee Engagement Resource Centers for HR, managers and supervisors. The result: Employees report improved personal and professional performance at work and at home; and overall employee engagement is improved.



TotalCare EAP
Public Safety EAP
Educators' EAP
Higher Ed EAP
HealthCare EAP
Union AP

- **Personal and Professional Coaching:** One-on-one telephonic coaching from Certified Coaches combined with structured, online trainings. Coaching is delivered by Masters or Ph.D. level Coaches in scheduled telephonic coaching sessions to review key concepts of the trainings and implementation of skills. Coaches use a solution-focused approach to improve current and future performance.
- **Wellness Coaching:** Unlimited coaching assistance from an integrated team of Certified Wellness Coaches and Behavioral Health Clinicians for the mental and emotional challenges each employee must overcome to improve their physical health.
- **Information Resource Benefits:** 25,000 Self-Help Resources – Tools, Assessments, Financial Calculators, Video Library, and Articles for thousands of topics.
- **Online Training and Personal Development:** Includes over 8,000 online personal and professional development trainings to help employees balance their work and personal life.
- **Recruiting, Hiring, Interviewing, Onboarding, and Employee Engagement Resource Centers:** Extensive array of articles and Web resources from leading experts.

III. EAP Administration - Orientation and Engagement

An employee assistance program that is not used is not useful. Utilization begins with employee awareness. A well-planned installation and continued awareness campaigns will have a direct impact on the level of engagement. ESI provides comprehensive employee orientation and communications.

- **Automated Digital Communication (ADC):** Proprietary Automated Digital Communications (ADC) system allows ESI EAP to engage in periodic email communications with Members. Utilization is the key to maximizing the effectiveness of your EAP by helping employees to resolve issues and distractions that hinder productivity.
- **EAP Mobile App:** Members have the convenience and privacy of 24/7 access to all EAP benefits and services at their fingertips wherever they go via the EAP smartphone app.
- **EAP Ongoing Communication & Engagement:** ESI provides a wide variety of high-quality video, hardcopy and electronic materials to promote continued awareness and maximize engagement of the program. The continued awareness campaign includes Brochures, Wallet Cards, Posters, Monthly Newsletters, Table Top Displays, Topical Flyers, Video Presentations, and New Benefit Announcements.
- **EAP Member/Employee & Supervisor Orientation:** ESI provides comprehensive employee and supervisor orientations via group web conference meetings and online orientation videos.

IV. Manager, Supervisor and Human Resources Services

ESI offers an entire menu of management-focused employee assistance services to help deal with important compliance and liability issues.

- **Trauma Response & Resources:** Provides consultation with our counselors and grief and loss resources for managers and Members. Responses include on-scene deployment, telephonic counseling and private counseling as well as group debriefings.
- **Unlimited Administrative (Mandatory) Referrals:** Formal process to address employee policy violations and unacceptable job performance that could be improved through Coaching and Training.
- **Unlimited HR Consultations w/ SPHR's:** Managers may contact our clinical staff or our certified SPHRs (Senior Professionals in Human Resources) for counsel on human resource and complex employee issues.
- **Supervisor Resource Center:** Forms, policies, articles and other tools designed to help develop people management best practices. Key topics include Recruiting, Hiring, Interviewing, Onboarding, Employee Engagement, FMLA, Workplace Violence and Harassment Prevention.
- **HR Web Café:** Workplace blog about employment issues, people matters and work trends.

V. ESI Accountability

- **Activity Reports:** ESI generates detailed online EAP statistical reports on a monthly basis. Due to confidentiality, clients with less than 25 employees will not have access to an activity report.
- **Quality Assurance Program:** ESI maintains a rigorous Quality Assurance Program. Key elements include Proprietary Network, Provider Review, Member Satisfaction Research, Peer Review, Weekly Clinical Staff Meetings, Clinical Supervision and Immediate Problem Resolution.
- **Confidentiality:** Confidentiality is always maintained except in cases where there is a legal obligation to intervene, such as in the case of child or elder abuse, a serious threat of harm to self or others, or threats of workplace violence.

VI. Optional Services

- **GCN Compliance Training: No**
ESI has partnered with Global Compliance Network (GCN) to offer online compliance training to our Member organizations at a **discounted rate**.

VII. Term

- This Agreement shall be effective from the Effective Date for an initial term of one (1) year. This Agreement shall automatically renew for consecutive 1-year terms thereafter, unless (i) either party notifies the other of its intent not to renew not later than 30 days prior to the expiration of the then-current term; or (ii) the Agreement is terminated as provided for in this Agreement. Any



TotalCare EAP
Public Safety EAP
Educators' EAP
Higher Ed EAP
HealthCare EAP
Union AP

renewal shall be on the same terms and conditions as this Agreement, except that for each renewal, ESI may modify the financial terms as set forth in Section VIII herein.

- B.** Either party may terminate this Agreement for breach upon 60 day's prior written notice to the other party; provided, however, that the notice shall identify the specific breach; and provided, further that the other party shall have the right to cure any alleged breach within 30 days following receipt of such notice.

VIII. Fees and Payment

- A.** Client agrees to pay ESI the fees set forth in Exhibit A for the services described in this Agreement ("Service Charges"). Service Charges shall be paid in accordance with the terms and conditions set forth in Exhibit A.
- B.** Interest may be imposed on overdue Service Charges. In addition, ESI shall have the right, in its sole discretion, to take one or more of the following actions without further notice to Client in the event of untimely payments for fees due to ESI under Exhibit A: (i) immediately suspend services described in this Agreement, or (ii) terminate the Agreement in accordance with Section VII.
- C.** The Service Charges set forth in Exhibit A may be changed by ESI on each renewal date, with prior written notice to Client.

IX. Indemnification and Limitation of Liability

- A.** ESI shall indemnify and hold Client and its successors, parents, subsidiaries, officers, directors, employees (the "Client Parties") harmless against any and all liabilities, loss, costs or expenses of whatsoever kind and nature which may be imposed on, incurred by, or asserted against the Client Parties at any time to the extent such liability, loss or expense results from ESI's gross negligence or willful misconduct under this Agreement.
- B.** Client shall indemnify and hold ESI and its successors, parents, subsidiaries, officers, directors, employees (the "ESI Parties") harmless against any and all liabilities, loss, costs or expenses of whatsoever kind and nature which may be imposed on, incurred by, or asserted against the ESI Parties at any time to the extent such liability, loss or expense results from Client's gross negligence, willful misconduct, or Client's noncompliance with any state or federal laws related to this services provided for under this Agreement.
- C.** Whenever a party becomes aware of a claim that may be subject to the provisions of this Section, the party shall notify the other party as soon as practicable and both parties shall reasonably cooperate in the resolution of such matter.
- D.** IN NO EVENT SHALL EITHER PARTY'S LIABILITY FOR ANY CLAIM ARISING OUT OF OR RELATING TO THIS AGREEMENT EXCEED THE TOTAL AMOUNTS PAID AND PAYABLE TO ESI UNDER THIS AGREEMENT IN THE MOST RECENT TWELVE (12) MONTH PERIOD PRECEDING THE EVENT GIVING RISE TO SUCH CLAIM. NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, SPECIAL, OR PUNITIVE DAMAGES.

X. Force Majeure

ESI's inability to perform any of the obligations provided in this Agreement due to (i) an act of God, such as earthquake, hurricane, tornado, flooding or other natural disaster; (ii) unavailability or interruption or delay of transportation, telecommunications, internet, cable, or third-party services; (iii) failure of



TotalCare EAP
Public Safety EAP
Educators' EAP
Higher Ed EAP
HealthCare EAP
Union AP

software; (iv) inability to obtain supplies or power used in or equipment needed for provision of the services; (v) labor strikes, riots, insurrection, war; or (vi) other significant factors that are beyond ESI's reasonable control ("Force Majeure Event(s)") shall not be deemed a breach of this Agreement. In the event of Force Majeure Event(s), ESI shall make every reasonable effort to minimize delay of performance.

XI. Execution of Documents

This Agreement and all related documents may be executed by the parties in one or more counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument. The exchange of executed copies of this Agreement and related documents and of signature pages by facsimile transmission and/or by electronic mail in Portable Document Format ("PDF") or similar format shall constitute effective execution and delivery and may be used in lieu of the original documents for all purposes. Signatures of the parties transmitted by facsimile and/or by electronic mail in PDF or similar format shall be deemed to be their original signatures for all purposes.

XII. Entire Agreement

This Agreement constitutes the entire agreement of the parties hereto with respect to the subject matter of this Agreement, and supersedes any prior understandings or written or oral agreements between the parties with respect to the subject matter of this Agreement.

EMPLOYEE SERVICES LLC

**Eden Area Regional
Occupational Program**

Gordon G. Bell, President

Authorized Signature

Date

Date



TotalCare EAP
Public Safety EAP
Educators' EAP
Higher Ed EAP
HealthCare EAP
Union AP

Employee Assistance Program (EAP) | EXHIBIT A

Eden Area Regional Occupational Program ("Client") 6/1/22-5/31/23

Service Charges and Payment

- A.** The total number of employees covered under this Agreement is **62**.
- B.** Client agrees to pay ESI the sum of **\$3,500.00** annually.
- C.** The annual fee includes all employees and their household members, as well as children up to age 26 who do not reside with the employee.
- D.** Payment of the **Annual** premium is due upon receipt of the invoice.
- E.** Flat Rate listed above covers a census of **51** to **100**. Contract rate may be modified at renewal and/or if census moves outside of this range.
- F.** Trauma Responses available at **\$250.00** per hour plus travel time.
- G.** DOT required Substance Abuse Evaluations - **\$850.00** each.

Invoice



TotalCare EAP
Public Safety EAP
Educators' EAP
Higher Ed EAP
HealthCare EAP
Union AP

Phone: 585-593-9870

Fax: 585-593-5719

Invoice No.: 46218

Invoice Date: May 1, 2022

Contract Period: 6/1/22-5/31/23

Due Date: Jun 1, 2022

Customer ID#: 5968

Sold To:

Eden Area Regional Occupational Program
26316 Hesperian Blvd.
Hayward, CA 94545

Attention: Mercedes Henderson

Employee Assistance Program

Description	Total Price
EAP Services from 6/1/22-5/31/23	3,500.00

Late Fee: 1.5% (18% annually) on unpaid invoices after 30 days.

Make checks payable and send to:

Employee Services LLC
55 Chamberlain St.
Wellsville, NY 14895

TOTAL INVOICE

3,500.00



DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Agreement with Premier Commercial Cleaning Solutions (PCCS) for Janitorial Services for the 2022-2023 School Year

BACKGROUND

For FY 2021-2022, the Eden Area ROP contracted with Premier Commercial Cleaning Solutions (PCCS) to provide campuswide janitorial services.

CURRENT SITUATION

The attached is the agreement renewal with PCCS, effective July 1, 2022 through June 30, 2023.

CONSENT CALENDAR



SERVICE CONTRACT

This agreement is made between Premier Commercial Cleaning Solutions, Inc (service provider), and Eden Area ROP (client) 26316 Hesperian Blvd, Hayward, CA 94545

1. PCCS will provide janitorial services from **July 1, 2022, to June 30, 2023**, with month-to-month terms. If the client is not satisfied with services, the client must provide a 30-day written notice. Said notice must demonstrate clear proof of breach of janitorial service per this agreement. If the client has any grievances in connection with the service, the client will provide written notification of the grievance and permit PCCS to resolve it within ten days.

2. PCCS will perform service as per our proposal. As consideration for these services client will pay the amount list below for the period above.

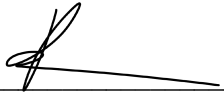
\$96,576.00

An invoice will be issued in advance on the 1st day of each month and is **due 30 days** after services have been completed. If payment is not received within 70 days, PCCS reserves the right to suspend service until the account is brought current. PCCS bills separately for special services such as carpet cleaning, window cleaning, strip, waxing, buffing, COVID protocol and labor charges, etc. All additional service invoices are **due 30 days** after the service has been completed. The above fee is based on current labor and material costs. If such costs change or the job requirements change, PCCS reserves the right to amend the fee accordingly. The client may either agree to the adjusted price or may elect to cancel service.

3. PCCS carries liability insurance and is bonded.

4. The undersigned who has executed this agreement on behalf of the client warrants and represents that he/she has full authority to enter into this agreement on the client's behalf. This agreement will be binding upon the parties hereto their respective successors and assigns.

The parties hereto, intending to be legally bound, have signed this Agreement on the day and year written below.

BY  Date 05/05/2022
Eden Area ROP

BY Cristi Alonso Date March 22, 2022
Cristi Alonso
Premier Commercial Cleaning Solutions, Inc

Eden Area ROP Janitorial Cleaning Schedule

Service Areas

- Campus Areas A, B, C, F, G, H

Scope Of Work

Each Service	
<ul style="list-style-type: none"> Remove trash and spot clean trash receptacles Clean and disinfect desktops, countertops and tabletops Clean and disinfect drinking fountains Vacuum all carpeted floors and runners Mop and disinfect all hard surface floors and mats Clean glass entrance doors and partitions 	<ul style="list-style-type: none"> Clean and disinfect toilets, urinals, sinks and dispensers, and restroom mirrors Spot clean chairs, cabinets, and vending machines Clean and disinfect breakroom surfaces and breakroom appliance exteriors Restock restrooms/breakrooms soap and paper products dispensers with customer's supplies
Weekly Service	
<ul style="list-style-type: none"> Dust horizontal surfaces such as file cabinets, copy machines, bookshelves, and tables (excluding walls) Dust desktop and accessories such as calculators, calendars, letter trays, etc. 	<ul style="list-style-type: none"> Clean carpet stains equivalent to the size of a quarter or smaller, and no more than a total of 8 spots Clean and disinfect restroom mirrors Spot clean bathroom walls, partition walls and doors
Monthly Service	
<ul style="list-style-type: none"> Clean and disinfect partition walls and doors in restrooms Low dusting of chair rails and legs, desk and table legs, baseboard, ledges, vents, etc. Vacuum upholstered furniture 	<ul style="list-style-type: none"> Vertical dusting of sides of desks, cabinets, files, bookshelves, etc. High dusting of ledges, picture frames, door frames, wall vents, etc. Dust windowsills

INFORMATION ITEMS

DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: First Reading of Governing Board Policies, Administrative Regulations, Exhibits and Board Bylaw

BACKGROUND

By law, districts are mandated to adopt policies and administrative regulations to help ensure that districts are legally compliant. New laws are passed by the legislature and congress every year and our policies can quickly become out-of-date. The last thorough review of all of the Eden Area ROP Governing Board policies and administrative regulations occurred in the 2019-2020 school year.

Since then, the Eden Area ROP has contracted with California School Boards Association (CSBA) to receive regular updates and suggested policy language for any additions, changes, or modifications to educational code that impacts policy. Staff regularly review these updates and bring relevant changes to the board for their consideration throughout the year.

The Eden Area ROP's policy development process includes a first reading at a public Governing Board meeting and a subsequent second reading and adoption for Board approval at a public Governing Board meeting.

CURRENT SITUATION

What follows is the first reading of updated board policies, administrative regulations, exhibits and board bylaw to reflect current law and regulations provided in CSBA's quarterly update.

NUMBER	TYPE	TITLE	STATUS
4030	BP	Nondiscrimination in Employment	Revise
4112.9 4212.9 4312.9	E(1)	Employee Notifications	Revise
4161.8 4261.8 4361.8	R	Family Care and Medical Leave	Revise
5113	R	Absences and Excuses	Revise
5145.6	E(1)	Parental Notifications	Revise
9322	BB	Agenda/Meeting Materials	Revise

RECOMMENDATION

Information only



EdenAreaROP SUPERINTENDENT'S MEMO

To: Eden Area ROP Governing Board
From: Linda Granger, Superintendent
Date: May 5, 2022
Re: First Reading of Board Policies, Administrative Regulations, Exhibits and Board Bylaw

Listed below is a summary of the changes being recommended to Board Policies (BP), Administrative Regulations (R), Exhibits (E) and Board Bylaw (BB) for the consideration of the Board.

Number	Type	Title	Explanation of Change	Status
4030	BP	Nondiscrimination in Employment	Policy updated to reflect NEW LAW (SB 331, 2021) which makes unlawful a district's use of a nondisparagement agreement or other document that would deny an employee the right to disclose information about unlawful acts in the workplace, in exchange for a raise or bonus, with respect to any complaint or claim that involves workplace harassment or discrimination, not just those relating to sexual harassment or sexual assault. Policy also updated to reflect NEW LAW (SB 807, 2021) that makes it an unlawful employment practice for an employer to fail to maintain certain records in accordance with law, particularly when a workplace discrimination or harassment complaint has been filed with the California Department of Fair Employment and Housing.	Revise
4112.9 4212.9 4312.9	E(1)	Employee Notifications	Exhibit updated to add employee notifications related to (1) receipt of written notification that minor student has committed a felony or misdemeanor involving specified offenses; (2) duties of the district liaison for homeless students; (3) termination of services of certificated permanent or probationary employee when, during the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies, the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent; (4) receipt of transfer student record regarding acts that resulted in suspension or expulsion; and (5) disclosure of document identifying an employee who is a victim of domestic violence. Exhibit also updated to reflect NEW LAW (AB 438, 2021) regarding classified employees who are laid off due to lack of work or lack of funds, and classified employees whose positions must	Revise

			be eliminated due to expiration of a specially funded program.	
4161.8 4261.8 4361.8	R	Family Care and Medical Leave	Regulation updated to reflect NEW LAW (SB 1383, 2020) which, for purposes of leave under the California Family Rights Act, (1) revises the definition of "child" to include the child of a registered domestic partner; (2) includes an employee's grandparent, grandchild, sibling, and registered domestic partner as persons for whom an employee may take leave for a serious health condition; (3) repeals a provision of law which had limited any leave related to the birth or placement of the child to only one parent if a district employs both parents, thereby requiring the district to grant leave to each employee; (4) eliminates the district's authority to deny reinstatement, upon return from leave, for an employee who is among the highest paid 10 percent of district employees when the employee's absence would cause substantial and grievous economic injury to district operations; and (5) authorizes military family leave to attend to an exigency arising when the employee's registered domestic partner is on active duty or on call to active duty status in the National Guard or Reserves or is a member of the regular Armed Forces on deployment to a foreign country.	Revise
5113	R	Absences and Excuses	Regulation updated to reflect NEW LAW (SB 14, 2021) which includes an absence for the benefit of a student's mental or behavioral health within an absence due to a student's illness, and NEW LAW (AB 516, 2021) which includes an absence for a student's participation in a cultural ceremony or event as an excused absence. Regulation also updated for clarification and alignment with law.	Revise
5145.6	E(1)	Parental Notifications	Exhibit updated to reflect NEW LAW (AB 128, 2021) which extends the suspension of certain mandated activities through the 2021-22 fiscal year. Exhibit also updated to add parental notifications related to (1) completion and submission of the Federal Application for Federal Student Aid and California Dream Act Application; (2) public hearing on alternative schedule in secondary grades; and (3) early entry to transitional kindergarten if early entry is offered. Additionally, exhibit updated to expand description regarding notifications related to (1) uniform complaint	Revise

			procedures; (2) student records; (3) college admission requirements; (4) transfer opportunities for foster youth, homeless youth, former juvenile court school students and children of military families through the California Community Colleges; (5) parent/guardian rights when child participates in licensed child care and development program; (6) change in service to child care or preschool services; and (7) homeless student or unaccompanied youth notices. Exhibit also updated to include additional classroom/facility notices regarding uniform complaint procedures and parental rights related to licensed child care and development centers.	
9322	BB	Agenda/Meeting Materials	Bylaw updated to reflect NEW LAW (SB 274, 2021) which requires districts with a website to email a copy of, or a website link to, the agenda or a copy of all the documents constituting the agenda packet, if a person requests such items be delivered by email, unless it is technologically infeasible to do so. Bylaw also updated to include a focus on student well-being in the philosophical statement, add a provision for each agenda to include a statement regarding the option for students and parents/guardians to request that directory information or personal information of the student or parent/guardian be excluded from the meeting minutes as required by law, and to make other clarifying changes.	Revise

Policy 4030: Nondiscrimination In Employment

Status: DRAFT

Original Adopted Date: 05/07/2020

The Governing Board is determined to provide a safe, positive environment where all Eden Area Regional Occupational Program (Eden Area ROP) employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with the Eden Area ROP to provide services, as applicable.

(cf. 1240 - Volunteer Assistance)

(cf. 3312 - Contracts)

(cf. 3600 - Consultants)

(cf. 4111/4211/4311 - Recruitment and Selection)

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)

The Eden Area ROP shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that ~~it is necessary~~ **the Eden Area ROP is required to do so in order** to comply with federal immigration law. (2 CCR 11028)

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

1. ~~Discrimination in hiring~~ Hiring, compensation, terms, conditions, and other privileges of employment

(cf. 4151/4251/4351 - Employee Compensation)

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

2. Taking of ~~an~~ adverse employment actions, such as termination or the denial of employment, promotion, job assignment, or training

3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the ~~individual's~~ **employee's** work performance or creating an intimidating, hostile, or offensive work environment

4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:

- a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status

(cf. 4033 - Lactation Accommodation)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

- b. Religious creed discrimination based on an employee's religious belief or observance, including religious dress or grooming practices, or based on the Eden Area ROP's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement

(cf. 4119.22/4219.22/4319.22 - Dress and Grooming)

c. ~~Requirement for a~~ Requiring medical or psychological examination of a job applicant; or making an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity

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

d. Failure to make reasonable accommodation for the known physical or mental disability of an employee, or to engage in a timely, good faith, interactive process with an employee who has requested such accommodations in order to determine the effective reasonable accommodations, if any, to be provided to the employee

(cf. 4032 - Reasonable Accommodation)

The Governing Board also prohibits retaliation against any Eden Area ROP employee who opposes any discriminatory employment practice by the Eden Area ROP or its employees, agents, or representatives or who complains, reports an incident, testifies, assists, or in any way participates in the Eden Area ROP's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940; 2 CCR 11028)

No employee shall, in exchange for a raise or bonus or as a condition of employment or continued employment, be required to sign any document that releases of the employee's claim or right to file a claim against the Eden Area ROP or to disclose a nondisparagement agreement or other document that has the purpose or effect of preventing the employee from disclosing information about harassment, discrimination or other unlawful employment practices acts in the workplace, including any conduct that the employee has reasonable cause to believe is unlawful. (Government Code 12964.5)

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

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designated Eden Area ROP Superintendent or designee as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. ~~The Eden Area ROP shall protect any employee who reports such incidents from retaliation.~~

The Superintendent or designee shall use all appropriate means to reinforce the Eden Area ROP's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other related prohibited conduct, how to respond appropriately, and components of the Eden Area ROP's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the Eden Area ROP's employment practices and, as necessary, shall take action to ensure Eden Area ROP compliance with the nondiscrimination laws.

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

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

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

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

State References

Description

2 CCR 11006-11086

Discrimination in employment -
<https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMYTIWMKA==>

2 CCR 11023

Harassment and discrimination prevention and correction -
<https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==>

2 CCR 11024

Required training and education on harassment based on sex, gender identity and expression, and sexual orientation -
<https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==>

2 CCR 11027-11028	National origin and ancestry discrimination - https://simbli.eboardsolutions.com/SU/SYk7u9LttH4epGWfUlfjdg==
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 51.7	Freedom from violence or intimidation - https://simbli.eboardsolutions.com/SU/biK5w5xHjaslshApluscWXhrJ7ZQ==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Gov. Code 11135	Discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtQ==
Gov. Code 11138	Rules and regulations
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940-12952	Unlawful employment practices
Gov. Code 12960-12976	Unlawful employment practices; complaints
Pen. Code 422.56	Definitions, hate crimes

Federal References

20 USC 1681-1688	Discrimination based on sex or blindness, Title IX
28 CFR 35.101-35.190	Americans with Disabilities Act
29 USC 621-634	Age Discrimination in Employment Act
29 USC 794	Rehabilitation Act of 1973, Section 504
34 CFR 100.6	Compliance information
34 CFR 104.7	Designation of responsible employee for Section 504
34 CFR 104.8	Notice
34 CFR 106.8	Designation of responsible employee and adoption of grievance procedures
34 CFR 106.9	Severability
34 CFR 110.1-110.39	Nondiscrimination on the basis of age
42 USC 12101-12213	Equal opportunity for individuals with disabilities
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
42 USC 2000ff-2000ff-11	Genetic Information Nondiscrimination Act of 2008
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age discrimination in federally assisted programs

Management Resources References

CA Dept of Fair Employment and Housing Publication	Transgender Rights in the Workplace
CA Dept of Fair Employment and Housing Publication	Workplace Harassment Guide for California Employers
CA Dept of Fair Employment and Housing Publication	Your Rights and Obligations as a Pregnant Employee
CA Dept of Fair Employment and Housing Publication	California Law Prohibits Workplace Discrimination and Harassment
Court Decision	Shephard v. Loyola Marymount, (2002) 102 Cal.Appl 4th 837
Court Decision	Thomson v. North American Stainless LP, (2011) 131 S.Ct. 863
U.S. DOE Office for Civil Rights Publication	Notice of Non-Discrimination, August 2010

U.S. Equal Employment Opportunity Comm Publication	Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
U.S. Equal Employment Opportunity Comm Publication	EEOC Compliance Manual
Website	California Department of Fair Employment and Housing - https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyI8K40jw==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPtTcoZle111WmbX10Vg==
Website	U.S. Equal Employment Opportunity Commission - https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/e50nGqNuG7jQfN4N7E4ONA==
0470	COVID-19 Mitigation Plan - https://simbli.eboardsolutions.com/SU/lkd0OQyrdn0CMAAnaMO7MAw==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/6eqaGlrNiZIWJNVmplusi2A==
1113	District And School Web Sites - https://simbli.eboardsolutions.com/SU/H2plusFDdQcslsh06TQUscBPYRyw==
1113-E PDF(1)	District And School Web Sites - https://simbli.eboardsolutions.com/SU/XbuVoK6Tf26q2m9jOKKacA==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/DrRYIAkWzbu02sJcWkya9Q==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/4rkxjWrEmtNQNDmUsIsho2o2A==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/grfk2plusfzw2DJWZ6WMvvpA==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/YCbehdu5XHV0vJxUuUnGiw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbjmYVcdcJw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/UfrhTFRxuKf8z4GXGxqRg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NCII01x8xFCdtQRniKVFQQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BA1WWI3efmslshPOPghyV4WnQ==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==
1313	Civility - https://simbli.eboardsolutions.com/SU/BxJMQDuDpEErhDnhTU2k1g==
3312	Contracts - https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUeplusgoPI9Q==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/Ff4ia0AAsaMygDrG5pM2hQ==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/hoPekPtWQxdUX1FtAxVw0w==
3580	District Records - https://simbli.eboardsolutions.com/SU/BVBOZJc6bUBBVUHXL3OHsw==
3580	District Records - https://simbli.eboardsolutions.com/SU/xvRmbIVplus3rJ1gRwplus5odLvA==

3600	Consultants - https://simbli.eboardsolutions.com/SU/coKmzpWaJpl8LkLTNHNi5g==
4000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/9Pyvflsh2ubiT9xmfmH2QpeQ==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/eK452M5kQnYGHd40xSsBPA==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/pMDebdpBYqwcfxR4MHP2Kg==
4111	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/zGPPjgt7K9dEplusU4lp63iCg==
4111.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/Z6TjO5plus5giA3RBPebCWjw==
4111.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/eFJNlppHRKpxvL0KIA0ZZA==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/8slshlwuXC09HcCycDxWi4o8g==
4112.6	Personnel Files - https://simbli.eboardsolutions.com/SU/38uY6urbUXfplus8GEHEmuDTQ==
4112.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/o1z7Typlus5uslshdLslshKYteEqR0w==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/fQAypGvWMEaBoqLbzsUZIQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/DT1mPEVM7fvlFhAovuKMzQ==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XNvDKoMKzeSET7e8lu7odQ==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/4iB9yzVMSD28thd0bsVO5A==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/n53qzOBCEgohWSgWOFoNzA==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/cJOXmqjulsxhwgdIHJ4K0sw==
4119.11-E PDF(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==
4119.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/ZDpcR4FbgeFJfnThO6Tcvw==
4119.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/SslshUYhwhCPRMJoVhjafFSxA==
4119.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/l6qk8RhflplusplusAmmLHt6ym6Jw==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/plusx7quVYJcRgCQGF9vm10iQ==
4119.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/PvFT8K5PSplus0tb6PTidzaBw==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/uP83U93Ls7bxBnKbH0uyyg==
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4144	Complaints - https://simbli.eboardsolutions.com/SU/jMJUWwbRaLqEmvhJ3ML13A==
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4151	Employee Compensation - https://simbli.eboardsolutions.com/SU/9TAfgyNeBplusw1DIBuvsIshiiVA==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3VpYXQ4qqosIshgppplusNU8Ha2g==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/plusAc3wfJrXvm28jplusOj2itiw==
4161.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/Xplus1plus7F9YBZTKTpinJCDR7g==
4211	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/WFCCupluswTs5YL9MliLySUFw==
4211.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/BnlkVVtfoyUyzslshWSDhMGYA==
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4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/UplusyEUuDolplusQdeSd0HGnnMg==
4212.6	Personnel Files - https://simbli.eboardsolutions.com/SU/plusz18IFjwhNBmtLe5GvL59A==
4212.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/sB0AT5rrYcXaooAbf9vAZQ==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Pd4UbqkJGPTTnAAfxxKDvw==
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4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/xJYPhB9woocaRf4kK80kaQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCrA==
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4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/Qv4TYtYQZHj9TYplusmXThlqQ==
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4219.11-E PDF(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==
4219.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/ck87Uj0xslsh5dCl8slshplusQdeBuQ==
4219.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/dJUoj1L0tT9UgO1RmCnjVw==
4219.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/NljwR5inuFC6Cd6twLCfpA==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/UnlzMtjoly0fkBOcG4ZrMg==

4219.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/VUOnUGgPdKZslshraslsh3B4h87g==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/GJ5nOaM5sMBqslsh21YMISuzQ==
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4244	Complaints - https://simbli.eboardsolutions.com/SU/Ojld2dnxGJxfwG6RsewdNg==
4251	Employee Compensation - https://simbli.eboardsolutions.com/SU/EAmdslshfDWyxV1QCpluswBplus2BWw==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/CSLIbrhNraqTMiUivWKcAA==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4tx5rJF6vUP0pluslai4Zpl1g==
4261.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/JP4GvVUJr8P9CHfOCav43A==
4311	Recruitment And Selection - https://simbli.eboardsolutions.com/SU/FFQQeQH5MfkLBH4kTGDo5A==
4311.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/fBMxOPowUQY7PCZX84mpluseA==
4311.2	Legal Status Requirement - https://simbli.eboardsolutions.com/SU/80CK45UHrt7cWGHckJrplus9Q==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/jO5MpXplusetZS9M2VPi4Vjag==
4312.6	Personnel Files - https://simbli.eboardsolutions.com/SU/cYzkplusfxJzwIVOnrMsFa1WA==
4312.8	Employment Of Relatives - https://simbli.eboardsolutions.com/SU/ud67uJTB4wNslshw6TQJph0VA==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Jf1oae2HJ0qdxsBFnE9myQ==
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4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/oQEHAWSQe7UXxxW5WR3WXg==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/XVplusMxO8wF45tCXAdqo0wWg==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/LYG72eG7EyKkWFI5slshJZ0TQ==
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4319.11-E PDF(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==
4319.12	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/Fv9bplQyYsfYu12Z0fslshslshlw==
4319.12-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/ZvUouJdgGL6Qz1slsh9Zplusfw9w==
4319.22	Dress And Grooming - https://simbli.eboardsolutions.com/SU/plusaERreXizl7hJ9RXUCiA1w==

4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/FEDeJMdGgJmuugihzeFErA==
4319.41	Employees With Infectious Disease - https://simbli.eboardsolutions.com/SU/QUiyaTmoumjZgB5aR9hglQ==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==
4344	Complaints - https://simbli.eboardsolutions.com/SU/81islshPFcSeJaoFtslshzpmvsRg==
4344	Complaints - https://simbli.eboardsolutions.com/SU/EpF4T2e1sCscykw5uttqlw==
4351	Employee Compensation - https://simbli.eboardsolutions.com/SU/4NqlzGHpNQM3u8BYX0BK1A==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3s41x2FYSKTCypamMOTQsg==
4361.8	Family Care And Medical Leave - https://simbli.eboardsolutions.com/SU/KsmK287z0DJJz6T0dpnv9w==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/7ycRID3oKqdPgEslshplus6tolGQ==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/MyQpluss80rgctiYYBVNvOKslshg==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/RwgA7Wt3wpjixYEyaslshplusvhQ==

Exhibit 4112.9, 4212.9, 4312.9

Employee Notifications

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

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees			
At the beginning of school year or upon employment	Education Code 231.5; Government Code 12950	AR 4119.11 AR 4219.11 AR 4319.11	The Eden Area ROP's policy on sexual harassment, legal remedies, complaints
Annually, and 72 hours before pesticide application	Education Code 17612	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information on pesticides
Annually	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, appeals, civil law remedies, coordinator, complaints about student fees and local control and accountability plan
Annually	Education Code 49414	AR 5141.21	Request for volunteers to be trained to administer epinephrine auto-injectors
To all employees	Government Code 1126	BP 4136 42364336	Prohibition of activities that are inconsistent, incompatible, in conflict with, or inimical to duties; discipline; appeal
To all employees	Government Code 8355; 41 USC 8102; 34 CFR 84.205, 84.210	BP 4020 BP 4159 BP 4259 BP 4359	Eden Area ROP's drug- and alcohol-free workplace; actions to be taken if violated; available employee assistance programs

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
Upon employment	Government Code 21029	None	Right to purchase PERS service credit for military service performed prior to public employment
Upon placement of automated external defibrillator (AED) in school, and annually thereafter	Health and Safety Code 1797.196	AR 5141	Proper use of AED; location of all AEDs on campus, sudden cardiac arrest, school's emergency response plan
Annually, or more frequently if there is new information	Health and Safety Code 120875, 120880	BP 4119.43 BP 4219.43 BP 4319.43	AIDS and hepatitis B, including methods to prevent exposure
To new employees upon hire and other employees upon request, in districts with 25 or more employees	Labor Code 230.1	AR 4161.2 AR 4261.2 AR 4361.2	Rights pursuant to Labor Code 230-230.1 pertaining to leaves and accommodations for victims of crime or abuse
With each paycheck	Labor Code 246	AR 4161.1 AR 4261.1 AR 4361.1	Amount of sick leave available
Upon hire, in employee handbook, and upon request for parental leave	Labor Code 1034	BP 4033	The Eden Area ROP's policy on lactation accommodation
To covered employees and former employees	Labor Code 2800.2	AR 4154 AR 4254 AR 4354	Availability of COBRA/ Cal-COBRA continuation and conversion coverage; statement encouraging careful examination of options before declining coverage
To employees participating in a flexible spending account	Labor Code 2810.7	None	Deadline to withdraw funds from account before the end of the plan year

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. To All Employees (continued)			
To every new employee, either at the time employee is hired or by end of first pay period	Labor Code 3551	AR 4157.1 AR 4257.1 AR 4357.1	Workers' compensation benefits, how to obtain medical care, role of primary physician, form for reporting personal physician/chiropractor
Within one day of receiving notice of potential exposure to COVID-19, to employees who were on the premises during the infectious period, the exclusive representative, and the employer of subcontracted employees as applicable	Labor Code 6409.6	AR 4157 AR 4257 AR 4357	Potential exposure to COVID-19; benefits to which employees may be entitled; available leave options; protection against discrimination and retaliation; Eden Area ROP's disinfection and safety plan
Prior to beginning employment	Penal Code 11165.7, 11166.5	AR 5141.4	Status as a mandated reporter of child abuse, reporting obligations, confidentiality rights, copy of law
Upon employment, and when employee goes on leave for specified reasons	Unemployment Insurance Code 2613	AR 4154 AR 4254 AR 4354	Disability insurance rights and benefits
To principal, counselor who directly supervises or reports on student's behavior or progress, and teacher and other administrators who directly supervise or report on student's behavior or progress when principal believes needs the information for the protection of self or others when working with student, when	Welfare and Institutions Code 827	AR 4158 AR 4258 AR 4358	Limited exception to juvenile court record confidentiality to ensure rehabilitation of juvenile criminal offenders and protect students and staff

Superintendent or designee receives written notification that minor student has committed a felony or misdemeanor involving specified offenses

To all employees and job applicants

2 CCR 11023; 34 CFR 104.8, 106.9

BP 0410
AR 4030

Eden Area ROP's policy on nondiscrimination and related complaint procedures

To all employees via employee handbook, or to each new employee

2 CCR 11091, 11095; 29 CFR 825.300

AR 4161.8
AR 4261.8
AR 4361.8

Benefits through Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA); obligation to provide 30 days' notice of need for leave when possible

When/Whom to Notify

Education or Other Legal Code

Board Policy/ Administrative Regulation #

Subject

I. To All Employees (continued)

To all employees

34 CFR 106.8

AR 4119.11
AR 4219.11
AR 4319.11

Nondiscrimination on the basis of sex; contact information for Eden Area ROP's Title IX Coordinator; referral of inquiries to Title IX Coordinator and/or Office for Civil Rights

Annually

40 CFR 763.84, 763.93

AR 3514

Availability of asbestos management plan; inspections, response actions, post-response actions planned or in progress

When/Whom to Notify

Education or Other Legal Code

Board Policy/ Administrative Regulation #

Subject

II. To Certificated Employees

To eligible certificated employees in a

Education Code 22455.5

AR 4121

Criteria for membership in retirement system; right to elect

timely manner,
and to part-time
and substitute
certificated
employees
within 30 days of
hire

membership at any time

Upon
employment of a
retired
certificated
individual

Education Code
22461

AR 4117.14
AR 4317.14

Postretirement earnings
limitation or
employment restriction;
monthly report of
compensation

To certificated
employees

Education Code
35171

AR 4115
BP 4315

Eden Area ROP
regulations related to
performance evaluations

By May 30, if
Eden Area ROP
issues
reemployment
notices to
certificated
employees

Education Code
44842

AR 4112.1

Request that the
employee notify Eden
Area ROP of intent to
remain in service next
year

**When/Whom to
Notify**

**Education or
Other Legal
Code**

**Board Policy/
Administrative
Regulation #**

Subject

II. To Certificated Employees (continued)

To probationary
and temporary
certificated
employees upon
employment, and
every July
thereafter

Education Code
44916

AR 4112.1
AR 4121

Employment status and
salary

When certificated
employee is subject to
disciplinary action for
cause, at any time of
year or, for charge of
unsatisfactory
performance,
during
instructional year

Education Code
44934, 44934.1,
44936

BP 4118

Notice of charges,
procedures, and
employee rights; intent
to dismiss or suspend 30
days after notice

To certificated
employee
charged with
unprofessional
conduct, at least

Education Code
44938

BP 4118

Notice of deficiency and
opportunity to correct

45 days prior to suspension/
dismissal notice

To certificated employee charged with unsatisfactory performance, at least 90 days prior to suspension/dismissal notice or prior to last quarter of school year

Education Code
44938

BP 4118

Notice of deficiency and opportunity to correct

To certificated employee charged with mandatory leave of absence offense, within 10 days of entry of judgment in proceedings

Education Code
44940.5

AR 4118

Notice of intent to dismiss
30 days from notice unless employee demands hearing

When/Whom to Notify

Education or Other Legal Code

**Board Policy/
Administrative Regulation #**

Subject

II. To Certificated Employees (continued)

Before the end of the school year to temporary employee who served 75 percent of school year but will be released

Education Code
44954

BP 4121

Eden Area ROP's decision not to reelect employee for following school year

To teacher, when a student engages in or is reasonably suspected of specified acts

Education Code
49079

AR 4158
AR 4258
AR 4358

Student has committed specified act that constitutes ground for suspension or expulsion

To teacher of a student who is suspended or expelled, when Superintendent or designee receives transfer student's record regarding acts that resulted in suspension or

Education Code
48201

AR 4158
AR 4258
AR 4358

Student has committed specified act that constitutes ground for suspension or expulsion

expulsion			
To certificated employee upon change in employment status due to alleged misconduct or while allegation is pending	5 CCR 80303	AR 4117.7 AR 4317.7	Contents of state regulation re: report to Commission on Teacher Credentialing
When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject

III. To Classified Employees

By March 15, when laid off due to lack of work or lack of funds, with final notice by May 15	Education Code 45117	AR 4217.3	Notice of layoff, displacement and reemployment rights, right to hearing; final notice of Board decision regarding Termination
During the time between five days after the enactment of an annual Budget Act and August 15 of the fiscal year to which the Budget Act applies when the Board determines that the district's local control funding formula apportionment per unit of ADA for that fiscal year has not increased by at least two percent, to classified employees who are laid off due to lack of work or lack of funds	Education Code 45117	AR 4217.3	District Statement of Reduction in Force to affected employees in accordance with a schedule of notice and hearing adopted by the Board
At least 60 days prior to the effective date of layoff, or by April 29 for if the employee's position must be eliminated due to the expiration of a specially funded program that expires at end of school year	Education Code 45117	AR 4217.3	Notice of layoff date, displacement and reemployment rights

Upon employment and upon each change in classification	Education Code 45169	AR 4212	Employee's class specification, salary data, assignment or work location, duty hours, prescribed workweek
To permanent employee whose leave is exhausted	Education Code 45192, 45195	AR 4261.1 AR 4261.11	Exhaustion of leave, opportunity to request additional leave

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
IV. To Administrative/Supervisory Personnel			
To superintendent, deputy, associate, or assistant superintendent or senior manager of classified service, at least 45 days before expiration of contract	Education Code 35031	BP 2121 BP 4312.1	Decision not to reelect or reemploy upon expiration of contract or term
Upon request by administrative or supervisory employee transferred to teaching position	Education Code 44896	AR 4313.2	Statement of the reasons for the reassignment
By March 15 to employee who may be released/reassigned the following school year	Education Code 44951	AR 4313.2	Notice that employee may be released or reassigned the following school year

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. To Individual Employees Under Special Circumstances			
In the event of a breach of records, to affected employees	Civil Code 1798.29	BP 3580	Types of records affected, security of Eden Area ROP date of breach, description of incident, and, as applicable, contact information for credit reporting agencies

Prior to placing derogatory information in personnel file	Education Code 4031	AR 4112.6 AR 4212.6 AR 4312.6	Notice of derogatory information, opportunity to review and comment
To employees who volunteer to administer epinephrine auto-injector	Education Code 49414	AR 5141.21	Defense and indemnification from civil liability by the Eden Area ROP
To district police officer, within 30 days of decision to impose discipline	Government Code 3304	AR 3515.3	Decision to impose discipline, including the date that discipline will be imposed
When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject

V. To Individual Employees Under Special Circumstances (continued)

To employee returning from military leave of absence, within 30 days of return	Government Code 20997	AR 4161.5 AR 4261.5 AR 4361.5	Right to receive PERS service credit for military service; application form
24 hours before Board meets in closed session to hear complaints or charges against employee	Government Code 54957	BB 9321	Employee's right to have complaints/charges heard in open session
When taking disciplinary action against employee for disclosure of confidential information	Government Code 54963	BP 4119.23 BP 4219.23 BP 4319.23	Law prohibiting disclosure of confidential information obtained in closed session
When document identifying employee who is victim of domestic violence is disclosed	Labor Code 230	AR 4158 AR4258 AR4358	Accommodations and leave for victims of domestic violence
Within one working day of work-related injury or victimization of crime	Labor Code 3553, 5401	AR 4157.1 AR 4257.1 AR 4357.1	Potential eligibility for workers' compensation benefits, claim form
When adverse employment action is based on DOJ criminal history information or subsequent arrest notification	Penal Code 11105, 11105.2	AR 4112.5 AR 4212.5 AR 4312.5	Copy of DOJ notification
To any employee with exposure to blood or	8 CCR 3204	AR 4119.42 AR 4219.42	The existence, location, and availability of 72

other potentially infectious materials, upon initial employment and at least annually thereafter		AR 4319.42	exposure and medical records; person responsible for maintaining and providing access to records; right to access records
To any employee assigned to a work area where hazardous chemicals are present, upon initial assignment and upon new exposure situation	8 CCR 5191	AR 3514.1	Location and availability of chemical hygiene plan, exposure limits, signs and symptoms of exposure, location of reference material

When/Whom to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
V. To Individual Employees Under Special Circumstances (continued)			
To any employee who may be exposed to hazardous substances in the work area, upon initial assignment and when new hazard is introduced into work area	8 CCR 5194	AR 3514.1	Any presence of hazardous substances in the work area, location and availability of hazard communication program, new material safety data sheet, employee rights
To employee eligible for military leave	38 USC 4334	AR 4161.5 AR 4261.5 AR 4361.5	Notice of rights, benefits, and obligations under military leave
Within five days of employee's request for FMLA leave, receipt of supporting information, or Eden Area ROP's knowledge that the requested leave may qualify as FMLA leave	29 CFR 825.300; 2 CCR 11049, 11091	AR 4161.8 AR 4261.8 AR 4361.8	Designation of leave as FMLA or non-FMLA; if not eligible, reason not eligible; requirement to use paid leave; any requirement for fitness-for-duty certification; any subsequent changes in designation notice
Whenever notice of eligibility for FMLA is provided to employee	29 CFR 825.300	AR 4161.8 AR 4261.8 AR 4361.8	Rights and responsibilities re: use of FMLA; consequences of failure to meet obligations

Date Adopted:
~~March 3, 2022~~

Regulation 4161.8: Family Care And Medical Leave

Status: DRAFT

Original Adopted Date: 05/07/2020

The Eden Area Regional Occupational Program (Eden Area ROP) shall not deny any eligible employee the right to family care, or medical leave, or pregnancy disability leave (PDL) pursuant to the Family and Medical Leave Act (FMLA), or the California Family Rights Act (CFRA), or leave for pregnancy disability pursuant to California Pregnancy Disability Leave (PDL), or the Fair Employment and Housing Act (FEHA) nor restrain or interfere with the employee's exercise of such right. In addition, the Eden Area ROP shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the Eden Area ROP discharge, an employee or discriminate or retaliate against an employee him/her for taking such leave, or for his/her opposition to or challenge of opposing or challenging any unlawful Eden Area ROP employment practice in relation to any of these laws, or for his/her involvement being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child (son or daughter) means a biological, adopted, or foster child; a stepchild; a legal ward; or a child to whom the employee stands in loco parentis, as long as the child is under 18 years of age or an adult dependent child. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee, for FMLA and CFRA purposes means an employee who has been employed with the Eden Area ROP for at least 12 months and who has at least 1,250 hours of service with the Eden Area ROP during the previous 12-month period during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child.

Parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee an eligible family member of the employee or his/her child, parent, or spouse, that involves either including, but not limited to, treatment for substance abuse, that involves either of the following: inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when formally admitted to a health care facility formally admits him/her to the facility with the expectation of that he/she will remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

- a. A period of incapacity of more than three consecutive full days
- b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
- c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
- d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
- e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage, or For purposes of CFRA leave, spouse includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility

The Eden Area ROP shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. To care for the employee's child, parent, or spouse the employee's eligible family member with a serious health condition
3. The employee's own serious health condition that makes him/her the employee unable to perform one or more essential job functions of his/her the position
4. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. To care for a covered servicemember with a serious injury or illness if the covered servicemember is the employee's spouse, child, parent, or next of kin, as defined

In addition, the Eden Area ROP shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. In circumstances where the leaves do not run concurrently under the law, the employee may take up to 12 work weeks for both CFRA and FMLA, for a total of 24 work weeks. (Government Code 12945.2; 29 USC 2612)

This 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

If both parents of a child work for the Eden Area ROP, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 work weeks. This restriction shall apply regardless of the legal status of both parents' relationship. (Government Code 12945.2, 12945.6; 2 CCR 11088; 29 USC 2612)
Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the Eden Area ROP.

Use/Substitution of Paid Leave

During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

The Eden Area ROP and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161/4261/4361 - Leaves)

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

(cf. 4261.1 - Personal Illness/Injury Leave)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the Eden Area ROP shall limit leave increments to the shortest period of time that the Eden Area ROP's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the Eden Area ROP shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The Eden Area ROP may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.
2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The Eden Area ROP agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The Eden Area ROP shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the Eden Area ROP aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, ~~he/she~~ ~~the employee~~ must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The Eden Area ROP shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the Eden Area ROP is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the Eden Area ROP with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the Eden Area ROP with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to Eden Area ROP operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for ~~his/her own or his/her child's, parent's, or spouse's~~ ~~the~~ serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the Eden Area ROP's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for ~~a child, parent, or spouse~~ ~~an eligible family member~~ with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of ~~the child, parent, or spouse~~ ~~the eligible family member~~ during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the ~~child, parent, or spouse~~ ~~eligible family member~~
4. If the employee is requesting leave because of ~~his/her~~ ~~the employee's~~ own serious health condition, a statement that due to the serious health condition, ~~he/she~~ ~~the employee~~ is unable to work at all or is unable to perform one or more essential ~~job~~ functions of ~~the position~~ ~~his/her job~~
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the Eden Area ROP to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee doubts has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, he/she the Superintendent or designee may require the employee to obtain a second opinion from an Eden Area ROP-approved health care provider, at Eden Area ROP expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the Eden Area ROP, again at Eden Area ROP expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

For PDL, the Superintendent or designee shall request that the an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if he/she the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the Eden Area ROP may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

~~The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011.~~

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for his/her the employee's own serious health condition, the employee shall present certification from the health care provider that he/she is able of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of his/her job the position.

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

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

~~However, the Eden Area ROP may refuse to reinstate an employee returning from FMLA or CFRA leave to the same or a comparable position if all of the following apply: (Government Code 12945.2; 2 CCR 11089; 29 USC 2614)~~

~~1. The employee is a salaried "key employee" who is among the highest paid 10 percent of district employees who are employed within 75 miles of the employee's worksite.~~

2. The refusal is necessary to prevent substantial and grievous economic injury to Eden Area ROP operations.

3. The Eden Area ROP informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

The Eden Area ROP may **also** refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The Eden Area ROP may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the Eden Area ROP and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the Eden Area ROP shall continue to provide an eligible employee the group health plan coverage that was in place before **he/she** the employee took the leave. The employee shall reimburse the Eden Area ROP for premiums paid during the leave if **he/she** the employee fails to return to Eden Area ROP employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond **his/her** the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

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

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the Eden Area ROP shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the Eden Area ROP in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, or spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country and, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign country includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment

2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status

3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and Eden Area ROP agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the Eden Area ROP's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The Eden Area ROP shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. 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
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child of any age for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, son, or daughter or child, unless or as designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:

a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating

b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran

d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the Eden Area ROP and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the Eden Area ROP's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the FEHA/PDL and FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on Eden Area ROP premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11050, 11091)

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

2. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of his/her eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)

3. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)

a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

c. The employee's right to use paid leave, whether the Eden Area ROP will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

e. The employee's status as a "key employee" if applicable, potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial

ef. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

fg. The employee's potential liability for health insurance premiums paid by the Eden Area ROP during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of his/her receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

4. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

If the Eden Area ROP requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the Eden Area ROP requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of family care and medical leave in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

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

State References

2 CCR 11035-11051

2 CCR 11087-11097

Ed. Code 44965
Fam. Code 297-297.5
Fam. Code 300
Gov. Code 12926
Gov. Code 12940

Gov. Code 12945

Gov. Code 12945.1-12945.2
Gov. Code 12946

Unemployment Insurance Code 3300-3308

Description

Unlawful sex discrimination: pregnancy, childbirth and related medical conditions -
<https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==>

California Family Rights Act -
<https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==>

Granting of leaves of absence for pregnancy and childbirth
Rights, protections, benefits under the law; registered domestic partners
Definition of marriage
Definitions
Unlawful discriminatory employment practices
Unlawful discrimination based on pregnancy, childbirth, or related medical conditions
California Family Rights Act
Fair employment and Housing Act: discrimination prohibited
Paid family leave

Federal References

1 USC 7

29 CFR 825.100-825.702
29 USC 2601-2654
42 USC 2000ff-2000ff-11

Description

Definition of marriage, spouse -
<https://simbli.eboardsolutions.com/SU/zna14bZkFoCQ5ILKxeKqGw==>

Family and Medical Leave Act of 1993
Family Care and Medical Leave Act
Genetic Information Nondiscrimination Act of 2008

Management Resources References

CA Dept of HR Publication
Court Decision
Court Decision
Court Decision
U.S. Department of Labor Publication
U.S. Department of Labor Publications

Website

Website

Website

Description

Questions and Answers - Military Family Leave - FMLA
Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864
Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045
United States v. Windsor, (2013) 699 F.3d 169
FMLA Frequently Asked Questions
Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act, Form WH-380-F
California Department of Human Resources -
<https://simbli.eboardsolutions.com/SU/6QfmjG7KW2Tx9Sc7PUq4NA==>
U.S. Department of Labor, FMLA -
<https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw==>
California Department of Fair Employment and Housing -
<https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==>

Cross References

0410

0470

Description

Nondiscrimination In District Programs And Activities -
<https://simbli.eboardsolutions.com/SU/e50nGqNuG7jQfN4N7E4ONA==>
COVID-19 Mitigation Plan -
<https://simbli.eboardsolutions.com/SU/lkd0OQYrdrn0CMAAnaMO7MAw==>

2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/jVoYXjIX5Smq6jRw7fN3Yw==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/tA8Nrx4fwhdPnt5IFP14w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/huJBjF9Mb5p0Jg2fOeadIA==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/eK452M5kQnYGhD40xSsBPA==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/pMDebdpBYqwcfxR4MHP2Kg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/Ai5mkBQW9g0dF3kIAslshfVEQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/N3Bs1UMslshANAV8zGjSOSvsA==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/8slshlwuXC09HcCycDxWi4o8g==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/fQAypGvWMEaBoqLbzUZIQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/DT1mPEVM7fvIFhAovuKMzQ==
4113.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/qF0jWXslshDrtTAhpLzWzyGQw==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/IDw3CuBnFDTcvfvFmdKz3Q==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslshgppplusNU8Ha2g==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/plusAc3wfJrXvm28jplusQj2itiw==
4161	Leaves - https://simbli.eboardsolutions.com/SU/7plusW7uQZAz0yoM9vjFJplussMw==
4161	Leaves - https://simbli.eboardsolutions.com/SU/43LAg0J4Hc77RETcpxIRJQ==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/eewP9MaTi3ITpPD5D3GF4A==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/x6tU3Tpluskw7DAoCNqbZqvBg==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/UplusyEUuDolplusQdeSd0HGnnMg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Pd4UbqkJGPTTnAAfxxKDvw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/4A0tslshXyXIjvP6B6ft5plusnng==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/xJYPhB9woocaRf4kK80kaQ==
4213.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/sA27msjGY8GrXazjn7xwGQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/CSLlbrhNraqTMIUivWKcAA==

4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4tx5rJF6vUP0pluslai4Zpl1g==
4261	Leaves - https://simbli.eboardsolutions.com/SU/liG4YQsRuj6F8eIS9GG2kA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/Z5o7gMjXslshycN2SHIZ9BFRA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/slsh8oMjzcJGtcyVciXusC0bA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/xuNpyFIDoeUBNGJiduslshLeA==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/jO5MpXplusetZS9M2VPi4Vjag==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Jf1oae2HJ0qdxsBFnE9myQ==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/oQEHAWSQe7UXxxW5WR3WXg==
4313.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/3FiczQKjslshF0xWHoNT6wyTQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3s41x2FYSKTCvpamMOTQsg==
4361	Leaves - https://simbli.eboardsolutions.com/SU/G3y2Jy4MfTgEffD9BUvfw==
4361	Leaves - https://simbli.eboardsolutions.com/SU/d737EvzScSbfuUUjvZslshvAA==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wul5V6hXWcizpM6hydtxDg==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/6Euq6plus2q8QMELEkh2xDEPw==

Regulation 4261.8: Family Care And Medical Leave

Status: DRAFT

Original Adopted Date: 05/07/2020

The Eden Area Regional Occupational Program (Eden Area ROP) shall not deny any eligible employee the right to family care, or medical leave, or pregnancy disability leave (PDL) pursuant to the Family and Medical Leave Act (FMLA), or the California Family Rights Act (CFRA), or leave for pregnancy disability pursuant to California Pregnancy Disability Leave (PDL), or the Fair Employment and Housing Act (FEHA) nor restrain or interfere with the employee's exercise of such right. In addition, the Eden Area ROP shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the Eden Area ROP discharge, an employee or discriminate or retaliate against an employee him/her for taking such leave, or for his/her opposition to or challenge of opposing or challenging any unlawful Eden Area ROP employment practice in relation to any of these laws, or for his/her involvement being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child (son or daughter) means a biological, adopted, or foster child; a stepchild; a legal ward; or a child to whom the employee stands in loco parentis, as long as the child is under 18 years of age or an adult dependent child. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee, for FMLA and CFRA purposes means an employee who has been employed with the Eden Area ROP for at least 12 months and who has at least 1,250 hours of service with the Eden Area ROP during the previous 12-month period during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child.

Parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee an eligible family member of the employee or his/her child, parent, or spouse, that involves either including, but not limited to, treatment for substance abuse, that involves either of the following: inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when formally admitted to a health care facility formally admits him/her to the facility with the expectation of that he/she will remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

- a. A period of incapacity of more than three consecutive full days
- b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
- c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
- d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
- e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage, or For purposes of CFRA leave, spouse includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility

The Eden Area ROP shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. To care for the employee's child, parent, or spouse the employee's eligible family member with a serious health condition
3. The employee's own serious health condition that makes him/her the employee unable to perform one or more essential job functions of his/her the position
4. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. To care for a covered servicemember with a serious injury or illness if the covered servicemember is the employee's spouse, child, parent, or next of kin, as defined

In addition, the Eden Area ROP shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. In circumstances where the leaves do not run concurrently under the law, the employee may take up to 12 work weeks for both CFRA and FMLA, for a total of 24 work weeks. (Government Code 12945.2; 29 USC 2612)

This 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

If both parents of a child work for the Eden Area ROP, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 work weeks. This restriction shall apply regardless of the legal status of both parents' relationship. (Government Code 12945.2, 12945.6; 2 CCR 11088; 29 USC 2612)
Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the Eden Area ROP.

Use/Substitution of Paid Leave

During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

The Eden Area ROP and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161/4261/4361 - Leaves)

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

(cf. 4261.1 - Personal Illness/Injury Leave)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the Eden Area ROP shall limit leave increments to the shortest period of time that the Eden Area ROP's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the Eden Area ROP shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The Eden Area ROP may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.
2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The Eden Area ROP agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The Eden Area ROP shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the Eden Area ROP aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, ~~he/she~~ ~~the employee~~ must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The Eden Area ROP shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the Eden Area ROP is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the Eden Area ROP with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the Eden Area ROP with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to Eden Area ROP operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for ~~his/her own or his/her child's, parent's, or spouse's~~ ~~the~~ serious health condition of the employee or an eligible family member, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the Eden Area ROP's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for ~~a child, parent, or spouse~~ ~~an eligible family member~~ with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of ~~the child, parent, or spouse~~ ~~the eligible family member~~ during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the ~~child, parent, or spouse~~ ~~eligible family member~~
4. If the employee is requesting leave because of ~~his/her~~ ~~the employee's~~ own serious health condition, a statement that due to the serious health condition, ~~he/she~~ ~~the employee~~ is unable to work at all or is unable to perform one or more essential ~~job~~ functions of ~~the position~~ ~~his/her job~~
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the Eden Area ROP to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee doubts has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, he/she the Superintendent or designee may require the employee to obtain a second opinion from an Eden Area ROP-approved health care provider, at Eden Area ROP expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the Eden Area ROP, again at Eden Area ROP expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

For PDL, the Superintendent or designee shall request that the an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if he/she the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the Eden Area ROP may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

~~The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011.~~

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for his/her the employee's own serious health condition, the employee shall present certification from the health care provider that he/she is able of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of his/her job the position.

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

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

~~However, the Eden Area ROP may refuse to reinstate an employee returning from FMLA or CFRA leave to the same or a comparable position if all of the following apply: (Government Code 12945.2; 2 CCR 11089; 29 USC 2614)~~

~~1. The employee is a salaried "key employee" who is among the highest paid 10 percent of district employees who are employed within 75 miles of the employee's worksite.~~

2. The refusal is necessary to prevent substantial and grievous economic injury to Eden Area ROP operations.

3. The Eden Area ROP informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

The Eden Area ROP may **also** refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The Eden Area ROP may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the Eden Area ROP and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the Eden Area ROP shall continue to provide an eligible employee the group health plan coverage that was in place before **he/she** the employee took the leave. The employee shall reimburse the Eden Area ROP for premiums paid during the leave if **he/she** the employee fails to return to Eden Area ROP employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond **his/her** the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

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

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the Eden Area ROP shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the Eden Area ROP in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, or spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country and, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign country includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment

2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status

3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and Eden Area ROP agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the Eden Area ROP's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The Eden Area ROP shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. 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
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child of any age for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, son, or daughter or child, unless or as designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:

a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating

b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran

d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the Eden Area ROP and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the Eden Area ROP's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the FEHA/PDL and FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on Eden Area ROP premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11050, 11091)

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

2. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of his/her eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)

3. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)

a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

c. The employee's right to use paid leave, whether the Eden Area ROP will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

e. The employee's status as a "key employee" if applicable, potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial

ef. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

fg. The employee's potential liability for health insurance premiums paid by the Eden Area ROP during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of his/her receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

4. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

If the Eden Area ROP requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the Eden Area ROP requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of family care and medical leave in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

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

State References

2 CCR 11035-11051

2 CCR 11087-11097

Ed. Code 44965
Fam. Code 297-297.5
Fam. Code 300
Gov. Code 12926
Gov. Code 12940

Gov. Code 12945

Gov. Code 12945.1-12945.2
Gov. Code 12946

Unemployment Insurance Code 3300-3308

Description

Unlawful sex discrimination: pregnancy, childbirth and related medical conditions -
<https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==>

California Family Rights Act -
<https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==>

Granting of leaves of absence for pregnancy and childbirth
Rights, protections, benefits under the law; registered domestic partners
Definition of marriage
Definitions
Unlawful discriminatory employment practices
Unlawful discrimination based on pregnancy, childbirth, or related medical conditions
California Family Rights Act
Fair employment and Housing Act: discrimination prohibited
Paid family leave

Federal References

1 USC 7

29 CFR 825.100-825.702
29 USC 2601-2654
42 USC 2000ff-2000ff-11

Description

Definition of marriage, spouse -
<https://simbli.eboardsolutions.com/SU/zna14bZkEoCQ5ILKxeKqGw==>

Family and Medical Leave Act of 1993
Family Care and Medical Leave Act
Genetic Information Nondiscrimination Act of 2008

Management Resources References

CA Dept of HR Publication
Court Decision
Court Decision
Court Decision
U.S. Department of Labor Publication
U.S. Department of Labor Publications

Website

Website

Website

Description

Questions and Answers - Military Family Leave - FMLA
Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864
Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045
United States v. Windsor, (2013) 699 F.3d 169
FMLA Frequently Asked Questions
Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act, Form WH-380-F
California Department of Human Resources -
<https://simbli.eboardsolutions.com/SU/6QfmjG7KW2Tx9Sc7PUq4NA==>
U.S. Department of Labor, FMLA -
<https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw==>
California Department of Fair Employment and Housing -
<https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==>

Cross References

0410

0470

Description

Nondiscrimination In District Programs And Activities -
<https://simbli.eboardsolutions.com/SU/e50nGqNuG7jQfN4N7E4ONA==>
COVID-19 Mitigation Plan -
<https://simbli.eboardsolutions.com/SU/lkd0OQYrdrn0CMAAnaMO7MAw==>

2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/jVoYXjIX5Smq6jRw7fN3Yw==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/tA8Nrx4fwhdPnt5IFP14w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/huJBjF9Mb5p0Jg2fOeadIA==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/eK452M5kQnYGhD40xSsBPA==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/pMDebdpBYqwcfxR4MHP2Kg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/Ai5mkBQW9g0dF3kIAslshfVEQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/N3Bs1UMslshANAV8zGjSOSvsA==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/8slshlwuXC09HcCycDxWi4o8g==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/fQAypGvWMEaBoqLbzUZIQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/DT1mPEVM7fvIFhAovuKMzQ==
4113.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/qF0jWXslshDrtTAhpLzWzyGQw==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/IDw3CuBnFDTcvfvFmdKz3Q==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslshgppplusNU8Ha2g==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/plusAc3wfJrXvm28jplusQj2itiw==
4161	Leaves - https://simbli.eboardsolutions.com/SU/7plusW7uQZAz0yoM9vjFJplussMw==
4161	Leaves - https://simbli.eboardsolutions.com/SU/43LAg0J4Hc77RETcpxIRJQ==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/eewP9MaTi3ITpPD5D3GF4A==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/x6tU3Tpluskw7DAoCNqbZqvBg==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/UplusyEUuDolplusQdeSd0HGnnMg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Pd4UbqkJGPTTnAAfxxKDvw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/4A0tslshXyXIjvP6B6ft5plusnng==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/xJYPhB9woocaRf4kK80kaQ==
4213.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/sA27msjGY8GrXazjn7xwGQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/CSLlbrhNraqTMIUivWKcAA==

4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4tx5rJF6vUP0pluslai4Zpl1g==
4261	Leaves - https://simbli.eboardsolutions.com/SU/liG4YQsRuj6F8eIS9GG2kA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/Z5o7gMjXslshycN2SHIZ9BFRA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/slsh8oMjzcJGtcyVciXusC0bA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/xuNpyFIDoeUBNGJiduslshLeA==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/jO5MpXplusetZS9M2VPi4Vjag==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Jf1oae2HJ0qdxsBFnE9myQ==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/oQEHAWSQe7UXxxW5WR3WXg==
4313.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/3FiczQKjslshF0xWHoNT6wyTQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3s41x2FYSKTCvpamMOTQsg==
4361	Leaves - https://simbli.eboardsolutions.com/SU/G3y2Jy4MfTgEffD9BUvfw==
4361	Leaves - https://simbli.eboardsolutions.com/SU/d737EvzScSbfuUUjvZslshvAA==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wul5V6hXWcizpM6hydtxDg==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/6Euq6plus2q8QMELEkh2xDEPw==

Regulation 4361.8: Family Care And Medical Leave

Status: DRAFT

Original Adopted Date: 05/07/2020

The Eden Area Regional Occupational Program (Eden Area ROP) shall not deny any eligible employee the right to family care, or medical leave, or pregnancy disability leave (PDL) pursuant to the Family and Medical Leave Act (FMLA), or the California Family Rights Act (CFRA), or leave for pregnancy disability pursuant to California Pregnancy Disability Leave (PDL), or the Fair Employment and Housing Act (FEHA) nor restrain or interfere with the employee's exercise of such right. In addition, the Eden Area ROP shall not interfere with, restrain, or deny the exercise of an employee's right to any such leave, nor shall the Eden Area ROP discharge, an employee or discriminate or retaliate against an employee him/her for taking such leave, or for his/her opposition to or challenge of opposing or challenging any unlawful Eden Area ROP employment practice in relation to any of these laws, or for his/her involvement being involved in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child (son or daughter) means a biological, adopted, or foster child; a stepchild; a legal ward; or a child to whom the employee stands in loco parentis, as long as the child is under 18 years of age or an adult dependent child. For purposes of CFRA leave, child also includes a child of a registered domestic partner. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee, for FMLA and CFRA purposes means an employee who has been employed with the Eden Area ROP for at least 12 months and who has at least 1,250 hours of service with the Eden Area ROP during the previous 12-month period during the 12 months immediately preceding the leave. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110)

Eligible family member means an employee's child, parent, or spouse. For purposes of leave to care for a family member with a serious health condition pursuant to CFRA, eligible family member includes an employee's child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling. (Government Code 12945.2; 2 CCR 11087; 29 USC 2612)

Employee disabled by pregnancy means an employee whose health care provider states that the employee is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of the job or to perform any of them without undue risk to the employee or other persons or to the pregnancy's successful completion
2. Suffering from severe "morning sickness" or needs to take time off for prenatal or postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child.

Parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee an eligible family member of the employee or his/her child, parent, or spouse, that involves either including, but not limited to, treatment for substance abuse, that involves either of the following: inpatient care or continuing treatment, including treatment for substance abuse, as follows: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611, 2612; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when formally admitted to a health care facility formally admits him/her to the facility with the expectation of that he/she will remaining overnight and occupying a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

- a. A period of incapacity of more than three consecutive full days
- b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition
- c. Any period of incapacity due to pregnancy or for prenatal care under FMLA
- d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective
- e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners in marriage, or For purposes of CFRA leave, spouse includes a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility

The Eden Area ROP shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2, 12945.6; 29 USC 2612; 29 CFR 825.112, 825.126, 825.127)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (parental leave)
2. To care for the employee's child, parent, or spouse the employee's eligible family member with a serious health condition
3. The employee's own serious health condition that makes him/her the employee unable to perform one or more essential job functions of his/her the position
4. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent, or, for CFRA leave only, a registered domestic partner, is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. To care for a covered servicemember with a serious injury or illness if the covered servicemember is the employee's spouse, child, parent, or next of kin, as defined

In addition, the Eden Area ROP shall grant PDL to any employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. In circumstances where the leaves do not run concurrently under the law, the employee may take up to 12 work weeks for both CFRA and FMLA, for a total of 24 work weeks. (Government Code 12945.2; 29 USC 2612)

This 12-month period shall be measured forward from the date the employee's first family care and medical leave begins. (29 CFR 825.200)

In addition, any employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of a child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

If both parents of a child work for the Eden Area ROP, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 work weeks. This restriction shall apply regardless of the legal status of both parents' relationship. (Government Code 12945.2, 12945.6; 2 CCR 11088; 29 USC 2612)
Each eligible employee shall be granted up to 12 work weeks for family care and medical leave related to the birth or placement of a child, regardless of whether both parents of the child work for the Eden Area ROP.

Use/Substitution of Paid Leave

During any otherwise unpaid period of FMLA or CFRA leave, except leave for an employee's own serious health condition, an employee shall use accrued paid leave, including, but not limited to, vacation leave, personal leave, or family leave. If the leave is for the employee's own serious health condition, the employee shall use accrued paid leave, including but not limited to, vacation leave, personal leave, or sick leave. During an unpaid period of PDL, the employee shall use any accrued sick leave and may elect to use any vacation time or other accrued personal time off. (Government Code 12945, 12945.2; 2 CCR 11044, 11092; 29 USC 2612)

The Eden Area ROP and employee may also come to agreement regarding the use of any additional paid or unpaid time off instead of using the employee's CFRA leave. (2 CCR 11092)

(cf. 4141/4241 - Collective Bargaining Agreement)

(cf. 4161/4261/4361 - Leaves)

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

(cf. 4261.1 - Personal Illness/Injury Leave)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or eligible family member may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition. However, the Eden Area ROP shall limit leave increments to the shortest period of time that the Eden Area ROP's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (Government Code 12945.2; 2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth, adoption, or foster care placement of a child shall be two weeks. However, the Eden Area ROP shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The Eden Area ROP may require an employee to transfer temporarily to an available alternative position under any of the following circumstances: (2 CCR 11041, 11090; 29 USC 2612)

1. The employee needs intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment for the employee or family member.
2. A medical certification is provided by the employee's health care provider that, because of pregnancy, the employee has a medical need to take intermittent leave or leave on a reduced work schedule.
3. The Eden Area ROP agrees to permit intermittent leave or leave on a reduced work schedule due to the birth, adoption, or foster care placement of the employee's child.

The alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

Request for Leave

The Eden Area ROP shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the Eden Area ROP aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, ~~he/she~~ ~~the employee~~ must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The Eden Area ROP shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the Eden Area ROP is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the Eden Area ROP with at least 30 days advance notice before the leave. When the 30 days' notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the Eden Area ROP with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to Eden Area ROP operations. (Government Code 12945.2; 2 CCR 11050, 11091)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for ~~his/her own or his/her child's, parent's, or spouse's~~ ~~the~~ serious health condition ~~of the employee or an eligible family member~~, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the Eden Area ROP's request, the employee shall provide the certification within 15 calendar days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11087, 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for ~~a child, parent, or spouse~~ ~~an eligible family member~~ with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of ~~the child, parent, or spouse~~ ~~the eligible family member~~ during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the ~~child, parent, or spouse~~ ~~eligible family member~~
4. If the employee is requesting leave because of ~~his/her~~ ~~the employee's~~ own serious health condition, a statement that due to the serious health condition, ~~he/she~~ ~~the employee~~ is unable to work at all or is unable to perform one or more essential ~~job~~ functions of ~~the position~~ ~~his/her job~~
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011. (Government Code 12940)

When an employee has provided sufficient medical certification to enable the Eden Area ROP to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

If the Superintendent or designee doubts has a good faith objective reason to doubt the validity of a certification that accompanies a request for leave for the employee's own serious health condition, he/she the Superintendent or designee may require the employee to obtain a second opinion from an Eden Area ROP-approved health care provider, at Eden Area ROP expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the Eden Area ROP, again at Eden Area ROP expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

Certification for PDL

For PDL, the Superintendent or designee shall request that the an employee who is requesting PDL provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if he/she the Superintendent or designee has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 calendar days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because the employee is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the Eden Area ROP may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

~~The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011.~~

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for his/her the employee's own serious health condition, the employee shall present certification from the health care provider that he/she is able of the employee's ability to resume work. The certification shall address the employee's ability to perform the essential job functions of his/her job the position.

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

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

~~However, the Eden Area ROP may refuse to reinstate an employee returning from FMLA or CFRA leave to the same or a comparable position if all of the following apply: (Government Code 12945.2; 2 CCR 11089; 29 USC 2614)~~

~~1. The employee is a salaried "key employee" who is among the highest paid 10 percent of district employees who are employed within 75 miles of the employee's worksite.~~

2. The refusal is necessary to prevent substantial and grievous economic injury to Eden Area ROP operations.

3. The Eden Area ROP informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

(cf. 4117.3 - Personnel Reduction)

(cf. 4217.3 - Layoff/Rehire)

The Eden Area ROP may **also** refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The Eden Area ROP may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, the employee shall maintain employee status with the Eden Area ROP and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the Eden Area ROP shall continue to provide an eligible employee the group health plan coverage that was in place before **he/she** the employee took the leave. The employee shall reimburse the Eden Area ROP for premiums paid during the leave if **he/she** the employee fails to return to Eden Area ROP employment after the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond **his/her** the employee's control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

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

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the Eden Area ROP shall not make plan payments for an employee during any unpaid portion of the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA/CFRA leave, during each 12-month period established by the Eden Area ROP in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while the employee's child, parent, or spouse, or, for purposes of CFRA leave, registered domestic partner, who is a military member is on covered active duty or on call to covered active duty status. (Government Code 12945.2; 29 USC 2612; 29 CFR 825.126)

Covered active duty means, for members of the Regular Armed forces, duty during the deployment of a member of the regular Armed Forces to a foreign country and, for members of the Reserve components of the Armed forces, duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. Deployment to a foreign country includes deployment to international waters. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment

2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status

3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider
6. Spend time (up to 15 calendar days of leave per instance) with a military member who is on short-term, temporary, rest and recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and Eden Area ROP agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the Eden Area ROP's rule regarding an employee's use of accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The Eden Area ROP shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, child, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. 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
2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Child of a covered servicemember means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child of any age for whom the covered servicemember stood in loco parentis, and who is of any age. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, other than the spouse, parent, son, or daughter or child, unless or as designated in writing by the covered servicemember. (29 USC 2611, 2612; 29 CFR 825.127)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:

a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating

b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to the servicemember's military service or that would do so but for treatment received by the veteran

d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other family care and medical leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the Eden Area ROP and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the Eden Area ROP's rule regarding an employee's use of accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. General Notice: Information explaining the provisions of the FEHA/PDL and FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on Eden Area ROP premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days' notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11050, 11091)

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

2. Eligibility Notice: When an employee requests leave, including PDL, or when the Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of his/her eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)

3. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)

a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

c. The employee's right to use paid leave, whether the Eden Area ROP will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

e. The employee's status as a "key employee" if applicable, potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial

ef. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

fg. The employee's potential liability for health insurance premiums paid by the Eden Area ROP during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of his/her receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

4. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave, he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

If the Eden Area ROP requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the Eden Area ROP requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of family care and medical leave in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

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

State References

2 CCR 11035-11051

2 CCR 11087-11097

Ed. Code 44965
Fam. Code 297-297.5
Fam. Code 300
Gov. Code 12926
Gov. Code 12940

Gov. Code 12945

Gov. Code 12945.1-12945.2
Gov. Code 12946

Unemployment Insurance Code 3300-3308

Description

Unlawful sex discrimination: pregnancy, childbirth and related medical conditions -
<https://simbli.eboardsolutions.com/SU/GplusgYNhBplus6hlimWMyAuhwJw==>

California Family Rights Act -
<https://simbli.eboardsolutions.com/SU/abM0slshHCKrMbGboplusCdDilag==>

Granting of leaves of absence for pregnancy and childbirth
Rights, protections, benefits under the law; registered domestic partners
Definition of marriage
Definitions
Unlawful discriminatory employment practices
Unlawful discrimination based on pregnancy, childbirth, or related medical conditions
California Family Rights Act
Fair employment and Housing Act: discrimination prohibited
Paid family leave

Federal References

1 USC 7

29 CFR 825.100-825.702
29 USC 2601-2654
42 USC 2000ff-2000ff-11

Description

Definition of marriage, spouse -
<https://simbli.eboardsolutions.com/SU/zna14bZkEoCQ5ILKxeKqGw==>

Family and Medical Leave Act of 1993
Family Care and Medical Leave Act
Genetic Information Nondiscrimination Act of 2008

Management Resources References

CA Dept of HR Publication
Court Decision
Court Decision
Court Decision
U.S. Department of Labor Publication
U.S. Department of Labor Publications

Website

Website

Website

Description

Questions and Answers - Military Family Leave - FMLA
Faust v. California Portland Cement Company, (2007) 150 Cal.App.4th 864
Tellis v. Alaska Airlines, (9th Cir., 2005) 414 F.3d 1045
United States v. Windsor, (2013) 699 F.3d 169
FMLA Frequently Asked Questions
Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act, Form WH-380-F
California Department of Human Resources -
<https://simbli.eboardsolutions.com/SU/6QfmjG7KW2Tx9Sc7PUq4NA==>
U.S. Department of Labor, FMLA -
<https://simbli.eboardsolutions.com/SU/gTctHyc7Ra9nNTUgNmxAhw==>
California Department of Fair Employment and Housing -
<https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==>

Cross References

0410

0470

Description

Nondiscrimination In District Programs And Activities -
<https://simbli.eboardsolutions.com/SU/e50nGqNuG7jQfN4N7E4ONA==>
COVID-19 Mitigation Plan -
<https://simbli.eboardsolutions.com/SU/lkd0OQYrdrn0CMAAnaMO7MAw==>

2121	Superintendent's Contract - https://simbli.eboardsolutions.com/SU/jVoYXjIX5Smq6jRw7fN3Yw==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/tA8NrnX4fwhdPnt5IFP14w==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/huJBjF9Mb5p0Jg2fOeadIA==
4032	Reasonable Accommodation - https://simbli.eboardsolutions.com/SU/eK452M5kQnYGhD40xSsBPA==
4033	Lactation Accommodation - https://simbli.eboardsolutions.com/SU/pMDebdpBYqwcfxR4MHP2Kg==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/Ai5mkBQW9g0dF3kIAslshfVEQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/N3Bs1UMslshANAV8zGjSOSvsA==
4112.4	Health Examinations - https://simbli.eboardsolutions.com/SU/8slshlwuXC09HcCycDxWi4o8g==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/fQAypGvWMEaBoqLbzUZIQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/R1SyYrIZ40DSa1c7mTns8w==
4112.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/DT1mPEVM7fvIFhAovuKMzQ==
4113.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/qF0jWXslshDrtTAhpLzWzyGQw==
4117.3	Personnel Reduction - https://simbli.eboardsolutions.com/SU/IDw3CuBnFDTcvfvFmdKz3Q==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3VpYXQ4qqoslshgppplusNU8Ha2g==
4154	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/plusAc3wfJrXvm28jplusQj2itiw==
4161	Leaves - https://simbli.eboardsolutions.com/SU/7plusW7uQZAz0yoM9vjFJplussMw==
4161	Leaves - https://simbli.eboardsolutions.com/SU/43LAg0J4Hc77RETcpxIRJQ==
4161.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/ewP9MaTI3ITpPD5D3GF4A==
4161.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/x6tU3Tpluskw7DAoCNqbZqvBg==
4212.4	Health Examinations - https://simbli.eboardsolutions.com/SU/UplusyEUuDolplusQdeSd0HGnnMg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Pd4UbqkJGPTTnAAfxxKDvw==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/4A0tslshXyXIjvP6B6ft5plusnng==
4212.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/xJYPhB9woocaRf4kK80kaQ==
4213.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/sA27msjGY8GrXazjn7xwGQ==
4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/CSLlbrhNraqTMIUivWKcAA==

4254	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/4tx5rJF6vUP0pluslai4Zpl1g==
4261	Leaves - https://simbli.eboardsolutions.com/SU/liG4YQsRuj6F8eIS9GG2kA==
4261	Leaves - https://simbli.eboardsolutions.com/SU/Z5o7gMjXslshycN2SHIZ9BFRA==
4261.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/slsh8oMjzcJGtcyVciXusC0bA==
4261.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/xuNpyFIDoeUBNGJiduslshLeA==
4312.4	Health Examinations - https://simbli.eboardsolutions.com/SU/jO5MpXplusetZS9M2VPi4Vjag==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Jf1oae2HJ0qdxsBFnE9myQ==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/10wlsSqx3Y703oUH6Lu9Bg==
4312.9-E PDF(1)	Employee Notifications - https://simbli.eboardsolutions.com/SU/oQEHAWSQe7UXxxW5WR3WXg==
4313.4	Temporary Modified/Light-Duty Assignment - https://simbli.eboardsolutions.com/SU/3FiczQKjslshF0xWHoNT6wyTQ==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/V58ClalxU5vLhV48nLfB3g==
4354	Health And Welfare Benefits - https://simbli.eboardsolutions.com/SU/3s41x2FYSKTCvpamMOTQsg==
4361	Leaves - https://simbli.eboardsolutions.com/SU/G3y2Jy4MfTgEffD9BUvfw==
4361	Leaves - https://simbli.eboardsolutions.com/SU/d737EvzScSbfuUUjvZslshvAA==
4361.1	Personal Illness/Injury Leave - https://simbli.eboardsolutions.com/SU/wul5V6hXWcizpM6hydtxDg==
4361.2	Personal Leaves - https://simbli.eboardsolutions.com/SU/6Euq6plus2q8QMELEkh2xDEPw==

Regulation 5113: Absences And Excuses

Status: DRAFT

Original Adopted Date: 06/05/2020

Excused Absences

Subject to any applicable limitation, condition, or other requirement specified in law, a high school student's absence shall be excused for any of the following reasons:

1. Personal illness, including absence for the benefit of the student's mental or behavioral health (Education Code 48205)

2. Quarantine under the direction of a county or city health officer (Education Code 48205)

(cf. 5112.2 - Exclusions from Attendance)

3. Medical, dental, optometrical, or chiropractic service or appointment (Education Code 48205)

4. Attendance at funeral services for a member of the student's immediate family (Education Code 48205)

Such absence shall be limited to one day if the service is conducted in California or three days if the service is conducted out of state. (Education Code 48205)

5. Jury duty in the manner provided by law (Education Code 48205)

6. Illness or medical appointment of a student to whom the student is the custodial parent (Education Code 48205)

(cf. 5146 - Married/Pregnant/Parenting Students)

7. Upon advance written request by the parent/guardian and the approval of the Superintendent or designee, justifiable personal reasons including, but not limited to: (Education Code 48205)

a. Appearance in court

b. Attendance at a funeral service

c. Observance of a religious holiday or ceremony

d. Attendance at religious retreats for no more than four hours per semester

e. Attendance at an employment conference

f. Attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization

8. Service as a member of a precinct board for an election pursuant to Elections Code 12302 (Education Code 48205)

(cf. 6142.3 - Civic Education)

9. To spend time with an immediate family member who is an active duty member of the uniformed services, as defined in Education Code 49701, and has been called to duty for deployment to a combat zone or a combat support position or is on leave from or has immediately returned from such deployment (Education Code 48205)

Such absence shall be granted for a period of time to be determined at the discretion of the Superintendent or designee. (Education Code 48205)

(cf. 6173.2 - Education of Children of Military Families)

10. Attendance at the student's a naturalization ceremony to become a United States citizen (Education Code 48205)

11. Participation in a cultural ceremony or event which relates to the habits, practices, beliefs, and traditions of a certain group of people (Education Code 48205)

12.11. Participation in religious exercises or to receive moral and religious instruction at the student's place of

worship or other suitable place away from school (Education Code 46014)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

Absence for student participation in religious exercises or instruction shall not be considered an absence for the purpose of computing average daily attendance if the student attends at least the minimum school day as specified in AR 6112 - School Day, and is not excused from school for this purpose on more than four days per school month. (Education Code 46014)

(cf. 6112 - School Day)

13.12. Work in the entertainment or allied industry (Education Code 48225.5)

~~Such absence shall be excused provided that the~~ Work for a student who holds a work permit authorizing such work in the entertainment or allied industries ~~and is absent~~ for a period of not more than five consecutive days. ~~For this purpose, student absence shall be excused for a maximum of~~ and up to five absences per school year. (Education Code 48225.5)

14.13. Participation with a nonprofit performing arts organization in a performance for a public school audience (Education Code 48225.5)

A student may be excused for up to five such absences per school year provided that the student's parent/guardian provides a written explanation of such absence to the school. (Education Code 48225.5)

15. 14. Other reasons authorized at the discretion of the Superintendent or designee based on the student's specific circumstances (Education Code 48205, 48260)

For the purpose of the absences described above, immediate family means the student's parent/guardian, brother or sister, grandparent, or any other relative living in the student's household. (Education Code 48205)

Method of Verification

~~High school s~~ Student absence to care for a child for whom the student is the custodial parent shall not require a physician's note. (Education Code 48205)

For other absences, the student shall, upon returning to school following the absence, present a satisfactory explanation, ~~either in person or by written note~~, verifying the reason for the absence. Absences shall be verified by the student's parent/guardian, other person having charge or control of the student, or the student if age 18 or older. (Education Code 46012; 5 CCR 306)

When an absence is planned, the Superintendent or designee shall be notified prior to the date of the absence when possible.

The following methods may be used to verify high school student absences:

1. Written note, fax, email, or voice mail from parent/guardian or parent representative.
2. Conversation, in person or by telephone, between the verifying employee and the student's parent/guardian or parent representative. The employee shall subsequently record the following:
 - a. Name of student
 - b. Name of parent/guardian or parent representative
 - c. Name of verifying employee
 - d. Date(s) of absence
 - e. Reason for absence

(cf. 5113.11 - Attendance Supervision)

3. Visit to the student's home by the verifying employee, or any other reasonable method which establishes the fact that the student was absent for the reasons stated. The employee shall document the verification and include the information specified in ~~item~~ #2 above.

4. Physician's verification.

a. When excusing students for confidential medical services or verifying such appointments, Eden Area ROP staff shall not ask the purpose of such appointments but may request a note from the medical office to confirm the time of the appointment.

b. If a student shows a pattern of chronic absenteeism due to illness, Eden Area ROP staff may require physician verification of any further student absences.

(cf. 5113.1 - Chronic Absence and Truancy)

Parental Notifications

At the beginning of each school year, the Superintendent or designee shall:

1. Notify parents/guardians of the right to excuse a student from school in order to participate in religious exercises or to receive moral and religious instruction at their places of worship, or at other suitable places away from school property designated by a religious group, church, or denomination (Education Code 46014, 48980)

2. Notify students in grades 9-12 and the parents/guardians of all students enrolled in the Eden Area ROP that school authorities may excuse any student from school to obtain confidential medical services without the consent of the student's parent/guardian (Education Code 46010.1)

3. Notify parents/guardians that a student shall not have a grade reduced or lose academic credit for any excused absence if missed assignments and tests that can reasonably be provided are satisfactorily completed within a reasonable period of time. Such notice shall include the full text of Education Code 48205. (Education Code 48980)

(cf. 5121 - Grades/Evaluation of Student Achievement)

(cf. 5145.6 - Parental Notifications)

(cf. 6154 - Homework/Makeup Work)

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

State References

Description

5 CCR 306	Explanation of absence
5 CCR 420-421	Record of verification of absence due to illness and other causes
Ed. Code 1740	Employment of personnel to supervise attendance (county superintendent)
Ed. Code 37201	School month
Ed. Code 37223	Weekend classes
Ed. Code 41601	Reports of average daily attendance
Ed. Code 42238-42250.1	Apportionments
Ed. Code 46000	Records (attendance)
Ed. Code 46010-46015	Absences
Ed. Code 46110-46120	Attendance in kindergarten and elementary schools
Ed. Code 46140-46148	Attendance in junior high and high schools
Ed. Code 48200-48208	Children ages 6-18 (compulsory full-time attendance)
Ed. Code 48210-48216	Exclusions from attendance
Ed. Code 48225.5	Work permit; excused absence; entertainment or allied industries; participation in not-for-profit performing arts organization
Ed. Code 48240-48246	Supervisors of attendance

Ed. Code 48260-48273	Truants
Ed. Code 48292	Filing complaint against parent
Ed. Code 48320-48324	School attendance review boards
Ed. Code 48340-48341	Improvement of student attendance
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49067	Unexcused absences as cause of failing grade
Ed. Code 49701	Provisions of the interstate compact on educational opportunities for military children
Elec. Code 12302	Student participation on precinct boards
Fam. Code 6920-6930	Consent by minor for medical treatment
W&I Code 11253.5	Compulsory school attendance
W&I Code 601-601.5	Habitually truant minors

Management Resources References

Attorney General Opinion
Attorney General Opinion
Court Decision
CSBA Publication
Website

Description

66 Ops.Cal.Atty.Gen. 244 (1983)
87 Ops.Cal.Atty.Gen. 168 (2004)
American Academy of Pediatrics et al v. Lungren et al (1997) 16 Cal.4th 307
Improving Student Achievement by Addressing Chronic Absence, Policy Brief, December 2010
CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

0450
0450
0470
3516
3516
4119.41
4219.41
4319.41
5000
5020
5020
5112.5

Description

Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==>
Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==>
COVID-19 Mitigation Plan -
<https://simbli.eboardsolutions.com/SU/lkd0OQYrdrn0CMAAnaMO7MAw==>
Emergencies And Disaster Preparedness Plan -
<https://simbli.eboardsolutions.com/SU/SbffmW8NstdDplusPi4GP8R8w==>
Emergencies And Disaster Preparedness Plan -
<https://simbli.eboardsolutions.com/SU/KxcKTYygqMDwjJm9DVL8MA==>
Employees With Infectious Disease -
<https://simbli.eboardsolutions.com/SU/PvFT8K5PSplus0tb6PTidzaBw==>
Employees With Infectious Disease -
<https://simbli.eboardsolutions.com/SU/VU0nUGgPdKZslshraslsh3B4h87g==>
Employees With Infectious Disease -
<https://simbli.eboardsolutions.com/SU/QUiyaTmoumjZgB5aR9hglQ==>
Concepts And Roles -
<https://simbli.eboardsolutions.com/SU/XL3LZxmsPxxUBSMHGt2eig==>
Parent Rights And Responsibilities -
<https://simbli.eboardsolutions.com/SU/ZHUsishmK3JPNnIMABElc3h6Q==>
Parent Rights And Responsibilities -
<https://simbli.eboardsolutions.com/SU/MTPLQkGLMGE194lmkZnJXQ==>
Open/Closed Campus -
<https://simbli.eboardsolutions.com/SU/nxKUBo9eEZ6oEeQW67K9A==>

5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/KbUEoIjNKiQ98MgNJ6xBEQ==
5113.1	Chronic Absence And Truancy - https://simbli.eboardsolutions.com/SU/ZY58nuoqDXjh1J4aDDpjQQ==
5113.11	Attendance Supervision - https://simbli.eboardsolutions.com/SU/xRDTc40y4ece9CBZCgAZKw==
5121	Grades/Evaluation Of Student Achievement - https://simbli.eboardsolutions.com/SU/hSplusyCylcOr9txuFKeq3o9g==
5131	Conduct - https://simbli.eboardsolutions.com/SU/Oc4gCr2h2q4YLamzlkV07Q==
5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/CCCFp0aHFRhp0T0Kof6xmw==
5141.21	Administering Medication And Monitoring Health Conditions - https://simbli.eboardsolutions.com/SU/l1WF3whkH1Gz44k31AMslshjA==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/QbJVAQdmFtsJCaENTJl98g==
5141.22	Infectious Diseases - https://simbli.eboardsolutions.com/SU/xPPv1Cal1UnoZR0xeUtuGw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYSlw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/fsBunrwmpsHHnBCn2muQplusw==
5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/euTjsH5FkRHgS9FlabDM2g==
5145.6-E PDF(1)	Parental Notifications - https://simbli.eboardsolutions.com/SU/9Bi94wY0NY3clOldNMLfKw==
6111	School Calendar - https://simbli.eboardsolutions.com/SU/HhDo4cNavW4slshgaQTT4H6Q==
6112	School Day - https://simbli.eboardsolutions.com/SU/Frt7PpkAhxpluscoaSxpfRxAA==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/6z05MnoFkdc7gpzgDslsh2Ybw==
6141.2	Recognition Of Religious Beliefs And Customs - https://simbli.eboardsolutions.com/SU/KUXLptrESajf2Nuplusf8v4LQ==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/EbLCvCOt44XBu1Vz7xwzdA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==
6154	Homework/Makeup Work - https://simbli.eboardsolutions.com/SU/pFrhfqBslshhI5MTExiXDoOw==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==
6177	Summer Learning Programs - https://simbli.eboardsolutions.com/SU/oc3wFaQ5LHaVE9Uqdwg7lg==

Exhibit 5145.6

Parental Notifications

Cautionary Notice: Government Code 17581.5 releases districts from the obligation to perform specified mandated activities when the Budget Act does not provide reimbursement during that fiscal year. The Budget Act of 2021 (AB 128, Ch. 21, Statutes of 2021) 2020 (SB 74, Ch. 6, Statutes of 2020) extends the suspension of these requirements through the 2021-22 2020-21 fiscal year. As a result, certain provisions of the following Exhibit related to scoliosis screening and bus safety instruction may be suspended.

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually			
Beginning of each school year	Education Code 222.5	BP 5146	Rights and options for pregnant and parenting students
Beginning of each school year	Education Code 234.7	BP 0410	Right to a free public education regardless of immigration status or religious beliefs
Beginning of each school year	Education Code 17611.5, 17612, 48980.3	AR 3514.2	Use of pesticide product, active ingredients, Internet address to access information, and, if Eden Area ROP has no web site and uses certain pesticides, integrated pest management plan
Beginning of each school year	Education Code 35291, 48980	AR 5144 AR 5144.1	Eden Area ROP and site discipline rules
Beginning of each school year	Education Code 44050	BP 4119.21 BP 4219.21 BP 4319.21	Code of conduct addressing employee interactions with students
Beginning of each school year	Education Code 46010.1	AR 5113	Absence for confidential medical services
Beginning of each school year	Education Code 48980	BP 6111	Schedule of minimum days and student-free staff development days
Beginning of each school year	Education Code 48980, 231.5; 5 CCR 4917; 34	AR 5145.7	Copy of sexual harassment policy as related to student\$;] 5

When to Notify	CFR 106.8 32255.6 Education or Other Legal Code	Board Policy/ Administrative Regulation #	contact information for Title IX coordinator Subject
I. Annually (continued)			
Beginning of each school year	Education Code 48980, 35160.5, 46600-46611, 48204, 48301	BP 5111.1 AR 5116.1 AR 5117	All statutory attendance options, available local attendance options, form for changing attendance, appeals process
Beginning of each school year, if Board allows such absence	Education Code 48980, 46014	AR 5113	Absence for religious exercises or purposes
Beginning of each school year	Education Code 48980, 48205	AR 5113 BP 6154	Excused absences; grade/credit cannot be reduced due to excused absence if work or test has been completed; full text of Education Code 48205
Beginning of each school year	Education Code 48980, 49423, 49480	AR 5141.21	Administration of prescribed medication
Beginning of each school year	Education Code 49013; 5 CCR 4622	AR 1312.3 BP 0460 BP 3260	Uniform complaint procedures, available appeals, civil law Remedies, coordinator, complaints about student fees and local control and accountability plan
Beginning of each school year	Education Code 49063	AR 5125 AR 5125.3	Challenge, review, and expunging of records
Beginning of each school year	Education Code 49063, 49069; 20 USC 1232g; 34 CFR 99.7	AR 5125	Student records: inspect and review, access, types, location, persons responsible, location of log, access criteria, cost of copies, amendment requests, criteria for defining school officials and to determine legitimate educational interest, categories defined as directory information,

			disclosures, right to file complaint with U.S. Department of Education, course prospectus availability
Beginning of each school year	Education Code 49063, 49073; 20 USC 1232g; 34 CFR 99.37	AR 5125.1	Release of directory information
When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
I. Annually (continued)			
Beginning of each school year	Education Code 51513; 20 USC 1232h	AR 5022 BP 6162.8	Notice of privacy policy and dates of activities re: survey, health examination, or collection of personal information for marketing; process to opt out of such activities; inspection rights and procedures
Beginning of each school year, if Eden Area ROP receives Title I funds	20 USC 6312; 34 CFR 200.48	BP 4112.2 AR 4222	Right to request information re: professional qualifications of child's teacher and paraprofessional
Beginning of each school year	34 CFR 104.8, 106.9	BP 0410 BP 6178	Nondiscrimination
Beginning of each school year to parent, teacher, and employee organizations or, in their absence, individuals	40 CFR 763.84, 763.93	AR 3514	Availability of asbestos management plan; any inspections, response actions or post-response actions planned or in progress
When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
II. At Specific Times During the Student's Academic Career			
Beginning of each	Education Code	AR 6146.1	How each graduation

school year in grades 9-12, if district allows career technical education (CTE) course to satisfy graduation requirement	48980, 51225.3		requirement does or does not satisfy college entrance a-g course criteria; district CTE courses that satisfy a-g criteria
Upon a student's enrollment	Education Code 49063	AR 5125 AR 5125.3	Specified rights related to student records

When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
III. When Special Circumstances Occur			
In the event of a breach of security of Eden Area ROP records, to affected persons	Civil Code 1798.29	BP 3580	Types of records affected, date of breach, description of incident, contact information for credit reporting agencies
Upon receipt of a complaint alleging discrimination	Education Code 262.3	AR 1312.3	Civil law remedies available to complainants
At least 72 hours before use of pesticide product not included in annual list	Education Code 17612	AR 3514.2	Intended use of pesticide product
If school has lost its WASC accreditation status	Education Code 35178.4	BP 6190	Loss of status, potential consequences
When student excluded due to quarantine, contagious or infectious disease, danger to safety or health	Education Code 48213	AR 5112.2	Student has been excluded from school
When student is removed from class and teacher requires parental attendance at school	Education Code 48900.1	AR 5144.4	Parental attendance required; timeline for attendance
When student is released to peace officer	Education Code 48906	BP 5145.11	Release of student to peace officer for the purpose of removing

			minor from school, unless taken into custody as victim of suspected child abuse
At time of suspension	Education Code 48911	BP 5144.1 AR 5144.1	Notice of suspension
When original period of suspension is extended	Education Code 48911	AR 5144.1	Extension of suspension
One month before the scheduled minimum day	Education Code 48980	BP 6111	When minimum days are scheduled after beginning of the school year
When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject

III. When Special Circumstances Occur (continued)

When parents/guardians request guidelines for filing complaint of child abuse at a school site	Education Code 48987	AR 5141.4	Guidelines for filing complaint of child abuse at a school site with local child protective agencies
When student in danger of failing a course	Education Code 49067	AR 5121	Student in danger of failing a course
When parent/guardian's challenge of student record is denied and parent/guardian appeals	Education Code 49070	AR 5125.3	If board sustains allegations, the correction or destruction of record; if denied, right to submit written objection
When Eden Area ROP is considering program to gather safety-related information from students' social media activity	Education Code 49073.6	BP 5125	Opportunity for input on proposed program
When Eden Area ROP adopts program to gather information from students' social media activity, and annually thereafter	Education Code 49073.6	AR 5125	Information is being gathered, access to records, process for removal or corrections, destruction of records
Within 24 hours of release of information to a judge or probation	Education Code 49076	AR 5125	Release of student record to a judge or probation officer for conducting truancy

officer			mediation program or for presenting evidence at a truancy petition
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Before release of information pursuant to court order or subpoena	Education Code 49077	AR 5125	Release of information pursuant to court order or subpoena
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When testing by community water system finds presence of lead exceeding specified level	Health and Safety Code 116277	AR 3514	Elevated lead level at school
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When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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III. When Special Circumstances Occur (continued)

At least 14 days prior to sex offender coming on campus as volunteer	Penal Code 626.81	AR 1240 BP 1250	Dates and times permission granted; obtaining information from law enforcement
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When hearing is requested by person asked to leave school premises	Penal Code 627.5	AR 3515.2	Notice of hearing
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When responding to complaint re: discrimination, special education, or noncompliance with law	5 CCR 4631	AR 1312.3	Findings, disposition of complaint, any corrective actions, appeal rights and procedures
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When student complains of sexual harassment	34 CFR 106.44, 106.45	AR 5145.7	Right to file formal complaint, availability of supportive measures, notice of process, reason for dismissal of complaint if applicable
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When to Notify	Education or Other Legal Code	Board Policy/ Administrative Regulation #	Subject
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IV. Special Education Notices

N/A

When to Notify	Education or Other Legal Code	Board Policy/ Administrative	Subject
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Regulation

V. Classroom Notices

In all district schools and offices, including staff lounges and student government meeting rooms	Education Code 234.1	AR 1312.3	Uniform complaint procedures board policy and administrative regulation
In each classroom in each school	Education Code 35186	AR 1312.4 E 1312.4	Complaints subject to Williams uniform complaint procedures

Date Adopted:
~~February 3, 2022~~

Bylaw 9322: Agenda/Meeting Materials

Status: DRAFT

Original Adopted Date: 06/05/2020

Agenda Content

Governing Board meeting agendas shall reflect the Eden Area Regional Occupational Program's (Eden Area ROP) vision and goals and the Governing Board's focus on student learning and well-being.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

Each agenda shall state the meeting time and place location and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9321- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Governing Board on any agenda item before or during the Governing Board's consideration of the item. However, the agenda need not provide an opportunity for public comment when the agenda item has previously been considered at an open meeting by of a committee comprised exclusively of Governing Board members, provided that members of the public were afforded an opportunity to comment on the item before or during the committee's consideration of the item, at that meeting and that the item has not been substantially changed since the committee considered it. (Government Code 54954.3)

The agenda for a regular Governing Board meeting shall also provide members of the public an opportunity to provide comment on matters which are not on the agenda but which are within the subject matter jurisdiction of the Governing Board. (Education Code 35145.5; Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

Each agenda for a regular meeting shall list the address designated by the Superintendent or designee for public inspection of documents related to an open session item that have been distributed to the Governing Board less than 72 hours before the meeting. (Government Code 54957.5)

The agenda shall include information regarding how, when, and to whom a request for should be made if an individual requires disability-related accommodations or modifications, including auxiliary aids and services, may be made by an individual who requires accommodations or modifications in order to participate in the Governing Board meeting. (Government Code 54954.2)

Each agenda shall include a statement regarding the option for students and parents/guardians to request that directory information or personal information of the student or parent/guardian, as defined in Education Code 49061 and/or 49073.2, be excluded from the minutes. The agenda shall also state that the request must be made in writing to the secretary or clerk of the Board.

Agenda Preparation

The Governing Board president and the Superintendent, as secretary to the Governing Board, shall work together to develop the agenda for each regular and special meeting.

(cf. 9121 - President)

(cf. 9122 - Secretary)

Any Governing Board member or member of the public may request that a matter within the jurisdiction of the Governing Board be placed on the agenda of a regular meeting. The request shall be submitted in writing to the Superintendent or designee with supporting documents and information, if any, at least one week before the scheduled meeting date. Items submitted less than a week before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Governing Board president and Superintendent shall decide whether a request from a member of the public is

within the subject matter jurisdiction of the **Governing** Board. Items not within the subject matter jurisdiction of the **Governing** Board may not be placed on the agenda. In addition, before placing the item on the agenda, the **Governing** Board president and Superintendent shall determine if the item is merely a request for information, ~~or whether the issue is covered by an existing policy or administrative regulation~~, and if so, respond accordingly.

In order to promote efficient meetings, the **Governing** Board may bundle a number of items and act upon them together by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature and items for which **Governing** Board discussion is not anticipated and for which the Superintendent recommends approval. When any **Governing** Board member requests the removal of an item from the consent agenda, the item shall be removed and given individual consideration for action as a regular agenda item.

The agenda shall provide an opportunity for members of the public to comment on any consent agenda item ~~unless such item that has not been previously considered at an open meeting of a committee comprised exclusively of Board members.~~ (Government Code 54954.3)

All public communications with the **Governing** Board are subject to requirements of relevant **Governing** Board policies and administrative regulations.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.2 - Complaints Concerning Instructional Materials)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 3320 - Claims and Actions Against the District)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Agenda Dissemination to **Governing Board Members**

At least 72 hours before each regular meeting, each **Governing** Board member shall be provided a copy of the agenda and agenda packet, including the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, and others; and other available **supporting** documents pertinent to the meeting.

When special meetings are called, **Governing** Board members shall receive, at least 24 hours prior to the meeting, notice of the business to be transacted. (Government Code 54956)

Governing Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to ask questions and/or request additional information on agenda items. Responses to agenda item requests from individual board members will be provided to all board members. However, a majority of **Governing** Board members shall not, outside of a noticed meeting, directly or through intermediaries or electronic means discuss, deliberate, or take action on any matter within the subject matter jurisdiction of the **Governing** Board.

(cf. 9012 - Board Member Electronic Communications)

Agenda Dissemination to Members of the Public

Any agenda and related materials distributed to the **Governing** Board shall be made available to the public upon request without delay. Only those documents which are disclosable public records under the Public Records Act (**PRA**) and which relate to an agenda item scheduled for the open session portion of a regular meeting shall be made available to the public. (Government Code 54957.5)

At least 72 hours prior to a regular meeting, the agenda shall be posted at one or more locations freely accessible to members of the public. (Government Code 54954.2)

In addition, the Superintendent or designee shall post the agenda on the homepage of the Eden Area ROP website. The posted agenda shall be accessible through a prominent direct link to the current agenda or to the Eden Area ROP's agenda management platform in accordance with Government Code 54954.2. When the Eden Area ROP utilizes an integrated agenda management platform, the link to that platform shall take the user directly to the website with the Eden Area ROP's agendas, and the current agenda shall be the first available. (Government Code

54954.2)

(cf. 1113 - District and School Web Sites)

(cf. 1340 - Access to District Records)

If a document which relates to an open session agenda item of a regular **Governing** Board meeting is distributed to the **Governing** Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at a designated location at the same time the document is distributed to all or a majority of the **Governing** Board. (Government Code 54957.5)

The Superintendent or designee shall mail a copy of the agenda or a copy of all the documents constituting the agenda packet to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the **Governing** Board, whichever occurs first. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee, as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Any document prepared by the Eden Area ROP or **Governing** Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any document prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the **Public Records Act** **PRA**. (Government Code 54957.5)

Upon request, the Superintendent or designee shall make the agenda, agenda packet, and/or any writings distributed at the meeting available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

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

State References

	Description
Ed. Code 35144	Special meeting
Ed. Code 35145	Public meetings
Ed. Code 35145.5	Agenda; public participation; regulations
Ed. Code 49061	Student records; definitions
Ed. Code 49073.2	Privacy of student and parent/guardian personal information
Gov. Code 53635.7	Separate item of business for borrowing of \$100,000 or more
Gov. Code 54954.1	Request for copy of agenda or agenda packet by member of public
Gov. Code 54954.2	Agenda posting requirements, board actions
Gov. Code 54954.3	Opportunity for public to address legislative body
Gov. Code 54954.5	Closed session item descriptions
Gov. Code 54956.5	Emergency meetings
Gov. Code 54957.5	Public records
Gov. Code 54960.2	Challenging board actions; cease and desist
Gov. Code 6250-6270	California Public Records Act
Gov. Code 95000-95004	California Early Intervention Services Act

Federal References

	Description
28 CFR 35.160	Effective communications for individuals with disabilities

28 CFR 36.303	Nondiscrimination on the basis of disability, public accommodations, auxiliary aids and services
42 USC 12101-12213	Equal opportunity for individuals with disabilities

Management Resources References

Attorney General Opinion
Attorney General Opinion
Attorney General Publication
Court Decision
Court Decision
CSBA Publication
CSBA Publication
Website
Website

Description

99 Ops. Cal. Atty. Gen. 11 (2016)
78 Ops.Cal.Atty.Gen. 327 (1995)
The Brown Act: Open Meetings for Legislative Bodies, rev. 2003
Caldwell v. Roseville Joint Union High School District, (2007) U.S. Dist. LEXIS 66318
Mooney v. Garcia, (2012) 207 Cal.App.4th 229
Call to Order: A Blueprint for Great Board Meetings, 2018
The Brown Act: School Boards and Open Meeting Laws, rev. 2019
California Attorney General's Office -
<https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==>
CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

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0200
0410
1112
1113
1113
1113-E PDF(1)
1312.1
1312.1
1312.3
1312.3
1312.3-E PDF(1)
1312.4
1312.4-E PDF(1)
1340

Description

Vision - <https://simbli.eboardsolutions.com/SU/GllqpXYMtEQaeUk8Y3SYaA==>
Goals For The School District -
<https://simbli.eboardsolutions.com/SU/Fh5hlpIAAKA0Hade3AztFQ==>
Nondiscrimination In District Programs And Activities -
<https://simbli.eboardsolutions.com/SU/e5OnGqNuG7jQfN4N7E4ONA==>
Media Relations -
<https://simbli.eboardsolutions.com/SU/MZnex5zDZ5qKnaolhltzVQ==>
District And School Web Sites -
<https://simbli.eboardsolutions.com/SU/6eqaGlrNiZiWJNVMpplusi2A==>
District And School Web Sites -
<https://simbli.eboardsolutions.com/SU/H2plusFDdQcslsh06TQUsCBPyRyw==>
District And School Web Sites -
<https://simbli.eboardsolutions.com/SU/XbuVoK6Tf26q2m9jOKKacA==>
Complaints Concerning District Employees -
<https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbjmYVcdcJw==>
Complaints Concerning District Employees -
<https://simbli.eboardsolutions.com/SU/UfrhTFRxuKf8z4GXGxqRg==>
Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/NCII01x8xFCdtQRnikVFQQ==>
Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/BA1WWI3efmslshPOPghyV4WnQ==>
Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==>
Williams Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/BYbcDFdbC6Dc9TjachakQ==>
Williams Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/VFSWz7BTK4slshMqMdJvAsMplusw==>
Access To District Records -
<https://simbli.eboardsolutions.com/SU/sJI0Q983QjwuOGlyZsiBqw==>

1340	Access To District Records - https://simbli.eboardsolutions.com/SU/T6tAoJLAtsIF1aZLtyezrA==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/o3J7uJ1sXa6HhkvLy1gMw==
2210	Administrative Discretion Regarding Board Policy - https://simbli.eboardsolutions.com/SU/4X6X4o26G4Amm1slshcSFv7Lg==
3100	Budget - https://simbli.eboardsolutions.com/SU/syXqwYE191LY8Zr1CmGdUQ==
3100	Budget - https://simbli.eboardsolutions.com/SU/XLktfuwIU9hrvqU1VXOLAA==
3312	Contracts - https://simbli.eboardsolutions.com/SU/BsUoTGuo9tq9FUEplusgoPI9Q==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/Q7VGDQOk15wZTvNwk0Debw==
3320	Claims And Actions Against The District - https://simbli.eboardsolutions.com/SU/EeABYSdzQDyR2ggLrMoiYQ==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/kq504DQNLmLY1hC1ky5vjQ==
3460	Financial Reports And Accountability - https://simbli.eboardsolutions.com/SU/XHCr7YiYWOiw9RhiRrIDQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYSlw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/fsBunrwmpsHHnBCn2muQplusw==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/ZIFkrhoPwYZcOtBW3P3Vtw==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/cQplusV1BtOQq9adCb0ypR4gw==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/XyqDxILkc6SplusgeVAMYfMWQ==
9121	President - https://simbli.eboardsolutions.com/SU/bpEDzOYTkrPeaHM7vt7pTw==
9122	Secretary - https://simbli.eboardsolutions.com/SU/HCX25cfXYAbzxvbiHkLkOA==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/lplusspjGanwlwaeN2Z1XBiMA==
9310	Board Policies - https://simbli.eboardsolutions.com/SU/z9mBQu3aHHrczd41tLDfLA==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/eplusCsLshSHGeOfxjLy5RtT9plusEw==
9321	Closed Session - https://simbli.eboardsolutions.com/SU/MyQpluss80rgctiYYBVNvOKslshg==
9321-E PDF(1)	Closed Session - https://simbli.eboardsolutions.com/SU/RwgA7Wt3wpjixYEyasLshplusvhQ==
9323	Meeting Conduct - https://simbli.eboardsolutions.com/SU/RnyuzpluslOeslshGGiBB7hDfSlg==
9323.2	Actions By The Board - https://simbli.eboardsolutions.com/SU/L4m83QLoulZ6tbjz3FYlyw==
9323.2-E PDF(1)	Actions By The Board - https://simbli.eboardsolutions.com/SU/R4x9ycd3ZUANyc6KmSk7sg==

9324

Minutes And Recordings -

<https://simbli.eboardsolutions.com/SU/XXHBrtslshTR9SyM46gITg?PA==>

ACTION ITEMS



DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 13-21/22: Day of the Teacher

CURRENT SITUATION:

Day of the Teacher is observed on May 11, 2022 by schools in the State of California. Attached Resolution 13-21/22 officially recognizes the contributions of the instructional staff of the Eden Area ROP to the students of our school and the community.

Quality education depends on a quality teaching staff. The Eden Area ROP is extremely fortunate in their teaching staff and their ability to educate, mentor and develop a relationship with their students.

RECOMMENDATION

It is recommended that the Governing Board approve the adoption of Resolution 13-21/22: Day of the Teacher.

EdenAreaROP RESOLUTION NO. 13-21/22

Day of the Teacher: May 11, 2021

WHEREAS, providing quality education to our young people continues to be our greatest challenge in education, as well as our most vital responsibility; and

WHEREAS, we rely on our teachers to ensure proper instruction in a wide variety of subjects, and

WHEREAS, the Eden Area Regional Occupational Program (Eden Area ROP) Governing Board recognizes the unique and highly specialized skills that are required to meet the needs of the students served by Eden Area ROP instructional programs, and are proud of the success that these programs have experienced in the past and in the present; and

WHEREAS, the members of the Eden Area ROP Governing Board wish to express their appreciation and respect for the teachers who are part of the Eden Area ROP instructional programs for the outstanding and meaningful contributions they are making to our students; and

WHEREAS, May 11, 2022 has been established as the Day of the Teacher by the State of California;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Eden Area ROP Governing Board do hereby declare their support for the celebration of the Day of the Teacher, May 11, 2022

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 5th day of May 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Linda Granger
ROP Governing Board Clerk, Eden Area ROP
Alameda County, State of California



DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 14-21/22: Classified Employees' Week

CURRENT SITUATION

Annually in the state of California, the third full week in May is designated as Classified Employees' Week. This year Classified Employees' Week will be May 15-21. School districts throughout California recognize the contributions made to the education of our students by these valuable employees.

RECOMMENDATION

It is recommended that the Governing Board approve the adoption of Resolution 14-21/22: Classified Employees' Week.

EdenAreaROP RESOLUTION NO. 14-21/22

Classified Employees' Week: May 15-21, 2022

WHEREAS, classified school employees contribute to the establishment and promotion of a positive learning environment; and

WHEREAS, classified school employees provide valuable services to the schools and students of the Eden Area Regional Occupational Program (Eden Area ROP); and

WHEREAS, classified school employees play a vital role in providing for the welfare and safety of the students of the Eden Area ROP; and

WHEREAS, classified school employees employed by the Eden Area ROP strive for excellence in all areas relative to the educational community; and

WHEREAS, May 15-21, 2022 has been established as Classified School Employees' Week by the State of California;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Eden Area ROP Governing Board do hereby thank and commend the classified staff of the Eden Area ROP for the outstanding and meaningful contributions they make to all Eden Area ROP students and declare the week of May 15-21, 2022 as Classified Employees' Week at the Eden Area ROP.

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 5th day of May 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Linda Granger
ROP Governing Board Clerk, Eden Area ROP
Alameda County, State of California

DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 15-21/22: Temporary Borrowing Between Funds

BACKGROUND

Per Education Code 42603, it states that "Amounts apportioned to school districts pursuant to this article shall supplement, and not supplant, apportionments received pursuant to any other provision of law." It provides the Governing Board with the authority to borrow between funds temporarily to address cash flow shortages.

CURRENT SITUATION

Education Code 42603 permits the Governing Board authority to delegate duties to an officer of the District. This action item authorizes the Superintendent of Eden Area ROP to borrow between funds temporarily to address cash flow shortages and to permit the payment of obligations and expenditures that the District will incur for Fiscal Year 2022-2023.

The limitations associated with this type of borrowing allows that no more that 75% of money held in any fund during the current fiscal year may be transferred. Additionally, funds shall be repaid in the same fiscal year (i.e., by June 30) if the transfer is completed prior to the last 120 days of the fiscal year. If funds are transferred within the last 120 days of the fiscal year, repayment of the funds shall be made prior to June 30 in the subsequent year.

RECOMMENDATION

It is recommended that the Governing Board approve the adoption of Resolution 15-21/22: Temporary Borrowing Between Funds.

EdenAreaROP

RESOLUTION NO. 15-21/22

Temporary Borrowing Between Funds

WHEREAS, the Governing Board of the Eden Area Regional Occupational Program (Eden Area ROP) has determined that there may be insufficient cash to meet current obligations; and

WHEREAS, Education Code Section 42603 permits the Governing Board of any school district to direct that monies held in any fund or account may be temporarily transferred to another fund or account of the district for payment of obligations. The transfer shall be accounted for as temporary borrowing between funds and shall not be available for appropriation or be considered income to the borrowing fund.

NOW, THEREFORE, BE IT RESOLVED that in accordance with Education Code Section 42603, monies may be transferred between funds of the district and repaid in accordance with Education Code Section 42603.

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 5th day of May 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Linda Granger
ROP Governing Board Clerk, Eden Area ROP
Alameda County, State of California

DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 16-21/22: Year End Budget Transfers of Funds

BACKGROUND

Per Education Code 42600, it states that "Transfers may be made from the designated fund balance or the unappropriated fund balance to any expenditure classification or between expenditure classifications at any time by written resolution of the board of education of any school district governed by a board of education... A resolution providing for the transfers specified in this section shall be approved by a majority vote of the members of the governing board." Education Code 42601 continues on by stating that "At the close of any school year a school district may, with the approval of the governing board, identify and request the county superintendent of schools to make the transfers between the designated fund balance or the unappropriated fund balance and any expenditure classification or classifications, or balance any expenditure classifications of the budget of the district for that school year as necessary to permit the payment of obligations of the district incurred during that school year." Furthermore, Education Code 42602 states that "the governing board of any school district may, by a majority vote of its membership, and with the approval of the county superintendent of schools, budget and use any unbudgeted income provided during the fiscal year from any source." Education Code 42610 concludes by saying that "the governing board of the school district shall, by formal action of the board, pass a resolution setting forth the need according to major classification of school district expenditures to be met from any portion of the general reserve derived from assured income in excess of the total amount anticipated in the budget."

CURRENT SITUATION

Education Codes cited above permits the Governing Board authority to delegate duties to an officer of the District. Therefore, this action item authorizes the Superintendent of Eden Area ROP to make budget transfers as may be needed between classifications or between undistributed reserves and the various revenue/expenditure classifications in order to permit the payment of obligations of the District incurred in Fiscal Year 2022-2023.

RECOMMENDATION

It is recommended that the Governing Board approve the adoption of Resolution 16-21/22: Year End Budget Transfers of Funds.

EdenAreaROP

RESOLUTION NO. 16-21/22

Year End Budget Transfers of Funds

WHEREAS, the Governing Board on June 10, 2021, adopted its budget for the fiscal year 2021-2022; and

WHEREAS, revenues will be received which were unanticipated at the time of Budget adoption or will be received in amounts greater or less than the amount anticipated and budgeted; and

WHEREAS, expenditures in certain classifications will be required in excess of amounts budgeted; and

WHEREAS, amounts budgeted in certain other classifications will not be required for expenditure in those classifications; and

WHEREAS, Education Code Section 42602 provides the Governing Board with the authority to budget and use any unbudgeted income provided during the year from any source; and

WHEREAS, Education Code Sections 42600, 42601, 42602, and 42610 provide the Governing Board with the authority to transfer budgets between major expenditure classifications or from undistributed reserves; and

WHEREAS, Education Code Section 5161 permits the Governing Board authority to delegate duties to an officer of the District.

NOW, THEREFORE, BE IT RESOLVED that the Superintendent of Eden Area Regional Occupational Program (Eden Area ROP) is hereby authorized and directed to make such budget transfers as may be needed between classifications or between the undistributed reserves and the various revenue/expenditure classifications to permit the payment of obligations of the District incurred in the fiscal year 2021-2022 under the provisions of Education Code Sections 35161, 42600, 42601, 42602, and 42610.

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 5th day of May 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Linda Granger
ROP Governing Board Clerk, Eden Area ROP
Alameda County, State of California

DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 17-21/22: Authority to Sign Contracts for Fiscal Year 2022-2023

BACKGROUND

The Governing Board can delegate to the Superintendent and/or designee(s) the authority to sign contracts on behalf of Eden Area ROP.

CURRENT SITUATION

By adopting Resolution 17-21/22, the Governing Board authorizes the named positions to sign contracts on behalf of the Governing Board for Fiscal Year 2022-2023. Driven by Public Contract Code 20118, all contracts signed by the individuals listed in Resolution 17-21/22 are ultimately ratified by the Board either by way of personnel appointments, approval of warrants, or other methods, in relation to purchasing, by limiting the authority to sign to correspond with bidding limitation.

This resolution is for Fiscal Year 2022-2023 and will be brought back to the Board each fiscal year for review.

RECOMMENDATION

It is recommended that the Governing Board approve the adoption of Resolution 12-20/21: Authority to Sign Contracts for Fiscal Year 2022-2023.

EdenAreaROP

RESOLUTION NO. 17-21/22

Authority to Sign Contracts for the 2022-2023 Fiscal Year

WHEREAS, the Governing Board hereby delegates to the Administrators listed below the power to enter into contracts on behalf of the Eden Area Regional Occupational Program (Eden Area ROP) for current fiscal year, pursuant to Public Contract Code 20118.

WHEREAS, such power is limited to the subject matters and monetary limits set forth in Public Contract Code 20111 and 20112.

WHEREAS, such delegated power shall be exercised in accordance with the provisions of Public Contract Codes 20111, 20112, and 20118.

NOW, THEREFORE, BE IT RESOLVED, the officers to whom such power to enter into contracts is delegated are: Superintendent, Director of Adult Programs, Director of Educational Services, Principal, Fiscal Services Administrator and Human Resources Administrator.

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 5th day of May 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Linda Granger
ROP Governing Board Clerk, Eden Area ROP
Alameda County, State of California

DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
PREPARED BY: Anthony Oum, Fiscal Services Administrator
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 18-21/22: Delegation of Powers to Agents for Fiscal Year 2022-2023

BACKGROUND

Per Education Code 17604, it states that “Wherever in this code the power to contract is invested in the governing board of the school district ... may by a majority of the board be delegated to its superintendent, or to any persons that he or she may designate, or if there be no district superintendent then to any other officer or employee of the district that the board may designate. The delegation of power may be limited as to time, money or subject matter or may be a blanket authorization in advance of its exercise, all as the governing board may direct. However, no contract made pursuant to the delegation and authorization shall be valid or constitute an enforceable obligation against the district unless and until the same shall have been approved or ratified by the governing board...” Education Code 17605 further states that the “governing board by majority vote may adopt a rule, delegating to any officer or employee of the district as the board may designate, the authority to purchase supplies, materials, apparatus, equipment, and services. No rule shall authorize any officer or employee to make any purchases involving an expenditure by the district in excess of the amount specified by Section 20111 of the Public Contract Code.”

CURRENT SITUATION

By adopting Resolution 18-21/22, per Education Codes 17604 and 17605, the Governing Board delegates authority to the Superintendent and/or designee(s) and to proceed with all the necessary steps as to calling for bids and awarding those bids prior to the Governing Board approval, with those actions being brought back to the Governing Board for ratification at the appropriate meeting. Such power to contract will conform in all instances with the legal requirement of Public Contract Code 20111, 20112, 20114 and 20118.4.

By proceeding in this fashion, we have found that we are able to cut between 3-8 weeks from the normal time period for making commitments for various items within budget.

This resolution is for Fiscal Year 2022-2023 and will be brought back to the Governing Board each fiscal year for review.

RECOMMENDATION

It is recommended that the Governing Board approve the adoption of Resolution 18-21/22: Delegation of Powers to Agents for Fiscal Year 2022-2023.

EdenAreaROP

RESOLUTION NO. 18-21/22

Delegation of Powers to Agents for the 2022-2023 Fiscal Year

WHEREAS, the Governing Board desires to streamline the procurement of goods, and services for the Eden Area Regional Occupational Program (Eden Area ROP); and

WHEREAS, delays in contracting and purchasing may cause increase cost and decreased services to the district, and

WHEREAS, Education Codes 17604 and 17605 allows the Governing Board of a school district may delegate the authority to enter into contracts, purchase of supplies, materials, apparatus, equipment and services with a blanket authorization.

NOW, THEREFORE, BE IT RESOLVED that the Eden Area ROP Governing Board hereby delegates the authority contained in Education Codes 17604 and 17605 to the Superintendent and/or designee(s); and

NOW, THEREFORE, BE IT FURTHER RESOLVED that this delegation is for contracts, change orders, purchase of supplies, materials, apparatus, equipment and services for current fiscal year, if they are in the approved budget, and must be ratified by the Governing Board within sixty (60) days of incurring the expenses; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that all contracts and purchases will conform in all instances with the legal requirements of Public Code 20111, 20112, 20114 and 20118.4, equipment and services for 2022-2023 fiscal year.

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 5th day of May 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Linda Granger
ROP Governing Board Clerk, Eden Area ROP
Alameda County, State of California

DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: Request the Governing Board to approve the Adoption of Resolution 19 21/22: Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom Dated March 4, 2020, and Authorizing Remote Teleconference Meetings for the Period May 9, 2022 through June 8, 2022

BACKGROUND

On September 16, 2021, AB 361 became law, allowing legislative bodies to meet virtually during a proclaimed state of emergency if any of the following apply:

1. State or local officials have imposed or recommended measures to promote social distancing,
2. The purpose of the meeting is to determine, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or
3. The legislative body has already determined that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

CURRENT SITUATION

Public Schools in California are currently operating under mandates to maximize distancing as well as implement other safety measures to minimize the spread of COVID-19. Hosting an in-person meeting at this time would present imminent risks to the health and safety of attendees. Approving Resolution 19 21/22 would enable the Eden Area ROP to hold virtual Governing Board meetings.

RECOMMENDATION

It is recommended that the Governing Board approve the Adoption of Resolution 19 21/22: Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom Dated March 4, 2020, and Authorizing Remote Teleconference Meetings for the Period May 9, 2022 through June 8, 2022.

EdenAreaROP

RESOLUTION NO. 19-21/22

Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency by Governor Newsom Dated March 4, 2020, and Authorizing Remote Teleconference Meetings for the Period May 9, 2022 through June 8, 2022

WHEREAS, the Eden Area Regional Occupational Program (Eden Area ROP) is committed to preserving and nurturing public access and participation in meetings of the Governing Board; and

WHEREAS, all meetings of the Eden Area ROP's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), as amended by Assembly Bill 361, Chapter 165 of the Statutes of 2021, makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Eden Area ROP's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing or that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the county, specifically, a State of Emergency has been proclaimed by the Governor on March 4, 2020, based on an outbreak of respiratory illness due to COVID-19; and

WHEREAS, the World Health Organization, the United States Centers for Disease Control and Prevention, the State of California including the California Department of Public Health, and the Alameda County Public Health Department have recognized that the country, state, and county face a life-threatening pandemic caused by the COVID-19 virus;

WHEREAS, with the continuing presence of COVID-19, opening a physical meeting location to the public to hold in-person Governing Board meetings would present an imminent risk to the health and safety of attendees given that members of the public are not required to be vaccinated to attend Board meetings, and with limited staff members, it is impractical to check and enforce the mask mandate and other indoor COVID-19 health and safety protocols for members of the public; and

WHEREAS, the Governing Board does hereby find that the Governor's March 4, 2020, State of Emergency proclamation due to the continuing presence of COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the county that are likely to be beyond the control of services, personnel, equipment, and facilities of the Eden Area ROP, and desires to proclaim a local emergency and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Governing Board does hereby find that the legislative bodies of the Eden Area ROP, including any subsidiary bodies and committees created by action of the Board, shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, to ensure the public has access to the Governing Board meetings on Zoom, the Eden Area ROP has posted and will continue to post the Zoom login information on its website and meeting agendas, and the public has and will continue to have the opportunity to provide live public comments during the Zoom meeting.

NOW, THEREFORE, The Governing Board of the Eden Area ROP hereby resolve as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation of Local Emergency. The Board hereby proclaims that a local emergency now exists throughout the county, and opening a physical meeting location to the public to hold in-person Governing Board meetings would present an imminent risk to the health and safety of attendees due to the continuing presence of COVID-19.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of a State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The Superintendent and legislative bodies of the Eden Area ROP are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect May 9, 2022, and shall be effective until the earlier of (i) June 8, 2022, or such time the Governing Board adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the Eden Area ROP may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Governing Board of the Eden Area ROP on this 5th day of May 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Linda Granger
ROP Governing Board Clerk, Eden Area ROP
Alameda County, State of California

DATE: May 5, 2022
TO: ROP Governing Board
FROM: Linda Granger, Superintendent
SUBJECT: Request the Governing Board to approve the Second Addendum to the Superintendent's Employment Agreement

BACKGROUND

During the June 5, 2020 Governing Board meeting, the Governing Board approved Linda Granger's 2020-2023 Superintendent's Employment Agreement. On June 4, 2021 the Governing Board approved an addendum renewing the Superintendent's Employment Agreement through June 30, 2024.

CURRENT SITUATION

The recommended second addendum to the employment agreement focuses on succession efforts for the remainder of the contract. The superintendent will be serving as the Chief Operating Officer supporting the administrative team until her retirement in 2024. Language in the employment agreement has been updated to reflect this change. Additionally, compensation has been adjusted to reflect the change in responsibilities for the duration of the agreement.

Fiscal Impact:

Salary for the COO will be \$180,302 annually. Grant funds will be utilized to cover the cost of this position.

RECOMMENDATION

It is recommended that the Governing Board approve the second addendum to the Superintendent's Employment Agreement.



SECOND AMENDMENT TO EMPLOYMENT AGREEMENT WITH LINDA GRANGER

This is the Second Amendment to the existing Employment Agreement entered into between the Eden Area Regional Occupational Program ("ROP" or "Board") and Linda Granger (hereinafter "Ms. Granger") (collectively referred to as "the Parties") approved on June 5, 2020 ("Agreement") and the First Addendum (Addendum) dated June 4, 2021.

Section 19 Amendment of the Agreement states:

"This Agreement constitutes the full and complete understanding between the parties hereto, and in order to promote understanding and good decision-making, any changes or modifications to this Agreement shall be made only in writing and executed by all parties or their successors in interest to this."

The Parties agree to amend the terms of the Agreement and First Addendum as follows:

Commencing July 1, 2022, the Parties agree that Ms. Granger's title shall be "Chief Operating Officer." The Agreement and Addendum shall be interpreted to replace reference from "Superintendent" to "Chief Operating Officer," "COO" or "Ms. Granger."

1. Term of Agreement

The term of this Agreement is extended to June 30, 2024, unless terminated earlier pursuant to the provisions of this Agreement.

2. Renewal of Agreement

Section 2 is amended as follows:

The Board may elect not to renew this Agreement for any reason and shall provide COO with written notice of this fact no later than forty-five (45) days prior to the expiration of this Agreement. COO shall inform the Board of this notice requirement, in writing, no later than March 1st of the final year of this Agreement. COO agrees that failure to provide the Board with such written notice shall conclusively constitute a material breach of this Agreement. Notwithstanding any contrary term contained in this Agreement, the Board may, upon majority vote, immediately terminate this Agreement based on

COO's failure to provide the written notification and COO shall not be entitled to any further payment or benefits under this Agreement.

3. Duties and Responsibilities

Section 3 is revised as follows:

3.2 Chief Operating Officer: Ms. Granger will serve as the Chief Operating Officer of Eden Area ROP. She will be responsible for providing support and coaching to the administrative team in Educational Services and the new superintendent as well oversee the implementation of the Hayward Promise Neighborhood and Strong Workforce Grants currently awarded.

Paragraphs 3.3 Powers and Duties, 3.4 Implementation of Board Policy, 3.5 Goals and objectives, 3.6 Authority over Personnel Matters, 3.7 Organization of Administrative Supervisory Staff, and 3.8 Notification of Interviews are deleted.

5. Salary

Paragraph 5.1 is revised as follows:

5.1 Base Salary: The COO base salary will be \$180,302 annually, payable in twelve equal monthly installments in accordance with the District's normal payroll process.

The remaining terms in Section 5 Salary (5.2 to 5.4), are status quo.

8. Work Year

Section 8 is revised as follows:

The COO shall render 205 days of full and regular service to the District. Any days worked beyond the designated work year in the previous year will be carried over to the next fiscal year.

13. Reporting and Evaluation

Section 13 of the Agreement is deleted and replaced with the following term:

Commencing the 2022-23 school year, the Board and Chief Operating Officer shall establish mutually agreed upon annual goals and objectives. As Chief Operating Officer has expressed her intent to retire at the end of the 2023-24

school year, the Board and Superintendent will not conduct an annual evaluation.

15. Termination of Employment

Paragraph 15.4, Termination at Will (Without Cause) is revised as follows:

Terminate this Agreement at any time upon thirty (30) days prior written notice and upon the payment of a sum equal to compensation for the remaining term of the Agreement, or for eighteen (18) months from the date of notice of termination, whichever is less. Any such termination shall be in writing and shall specify the effective date of the termination and shall terminate all of the COO's employment rights and entitlements with the District. The COO shall execute a full release of claims against the District and its officers, agents, and employees as a condition of receipt of the severance payment; otherwise, no severance payment shall be required and termination shall be effective nonetheless.

The remaining terms in Section 15, Termination (15.1, 15.2, 15.3, 15.5 and 15.6) are status quo.



**GOVERNING BOARD OF THE
EDEN AREA REGIONAL OCCUPATIONAL PROGRAM**

Upon review of and a motion by Trustee XXXXXX and a second by Trustee XXXXX the Governing Board approved addendum to the Superintendent's employment agreement.

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Juan Campos, Governing Board President

Approval Date

ACCEPTANCE

I hereby accept this contract of employment and agree to comply with its conditions and to fulfill all of the duties of employment as Chief Operating Officer of the Eden Area Regional Occupational Program.

Linda Granger, Chief Operating Officer

Date of Acceptance

COMMUNICATION



April 27, 2022

Mr. Juan Campos, President
Governing Board
Eden Area ROP
26316 Hesperian Blvd.
Hayward, CA 94545

RE: 2021-22 Second Interim Budget Report

Dear President Campos,

Our students deserve every opportunity to thrive and achieve, and that essential charge requires Local Educational Agencies (LEAs) to be able to offer high-quality programs, facilities, technology and the ability to recruit and retain a diverse and qualified educator workforce. The work of achieving fiscal stability is absolutely critical to any agency's ability to attain these outcomes and must always be the frame through which important fiscal actions are viewed.

Our ACOE mission is to ensure that local school boards and school leaders have the critical information needed to make well-informed decisions that ultimately allow them to best serve their students and lead to their success in the classroom and beyond.

Pursuant to Education Code (EC) Section 42131(a)(1), at each interim reporting period, the governing board or council (Board) of a Local Education Agency (LEA) is required to certify whether the LEA is able to meet its financial obligations for the remainder of the fiscal year and the following two years based on the financial and budgetary reports required by EC Section 42130 and may also include additional financial information known to the Board.

The Eden Area Regional Occupation Program (EAROP or ROP) filed a POSITIVE certification of the ROP's 2021-22 Second Interim Budget Report based on standards and criteria for fiscal stability adopted by the State Board of Education pursuant to EC Section 33127. This Positive Certification is assigned to any LEA that will meet its financial obligations for the current and subsequent two fiscal years, including maintaining reserves equal or above the minimum required Reserve for Economic Uncertainties (REU).

Based on the Alameda County Office of Education's (ACOE) required review and analysis, the Second Interim Budget Report approved by EAROP's Board on March 3, 2022, accurately reflects the financial status of the ROP. ACOE, therefore, concurs with the ROP's POSITIVE certification with our comments outlined below.

Multi-Year Budget Projections, Deficit Spending, and Reserves

The Multi-year Budget Projection (MYP) submitted with the 2021-22 Second Interim Budget Report indicates deficit spending for the current year of \$319,879. Deficit spending in 2021-22 has increased by \$ 216,018 since the First Interim Budget Report. However, for the subsequent two (2) fiscal years the ROP has projected surpluses of \$442,421 and \$301,559, respectively. While EAROP is able to maintain the required REU of five percent (5%) in all three years, the MYP includes \$504,084 in ongoing reductions to certificated and classified salaries in the fiscal year 2022-23 and 2023-24 due to the elimination of grant programs.

ROP Revenue & Member Districts

Due to the changing economic climate and the uncertainty with the effects of the pandemic on its member districts, we suggest the ROP continue to remain conservative as it focuses on an effective multiyear strategy. EAROP has stayed informed with its participating districts' ability to disperse ROP funds. ACOE acknowledges the ROP's strong partnership and communication with their member districts as we look to the future ahead.

Conclusion

ACOE recognizes the pivotal role our educational leaders hold for our community and our children. These continue to be unprecedented times as our LEAs continue to respond swiftly to new scenarios to ensure the safety of our students and faculty. We appreciate the Board's continued efforts in upholding its fiduciary responsibilities while maintaining services for those most in need. ACOE looks forward to working with the ROP staff as we continue to move on the endemic road ahead.

We want to acknowledge and express our appreciation to the ROP staff, the Board, and the community for their continued diligence and hard work. If you have any questions or concerns regarding our review process, please feel free to reach out to my office at (510) 670-4140.

Sincerely,



L. K. Monroe
Alameda County Superintendent of Schools

cc: Governing Board, Eden Area ROP
Linda Granger, Superintendent, Eden Area ROP
Anthony Oum, Fiscal Services Administrator, Eden Area ROP
Dr. Candi Clark, Associate Superintendent of Business Services, ACOE
Shirene Moreira, Chief of District Business & Advisory Services, ACOE
Terah Studges-Owens, Director, District Advisory Services, ACOE