



EMPLOYMENT POLICIES

For

ALL PERSONNEL

2023-2024

Pete Bland, Ed.D., Assistant Superintendent
HUMAN RESOURCES DEPARTMENT
SOUZA STUDENT SUPPORT CENTER
708 South Miller Street Santa Maria, CA 93454-6230
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Contents

Pesticide information

COVID Safety Training

Asbestos in the workplace

Exposure control plan for bloodborne pathogens

Universal Precautions

Child Abuse Policy

- Signed Statement

Dress Code

Drug-Free workplace

Use of Technology (Board Policy)

Use of Technology (Admin Regulation)

HIPAA Notice of Privacy Practices

Nondiscrimination in Employment

Complaints Concerning Discrimination in Employment

Sexual harassment

Tobacco Free Schools (Board Policy)

Tobacco Free Schools (Admin Regulation)

Workers' Compensation Information

Employee Acknowledgement Form- **PRINT, SIGN and RETURN to your Site Front Office**

ALL PERSONNEL

Pesticide Training Requirement

Course Title: **HSA Basic Pest Management in the School and Child Care Settings**- This Healthy Schools Act course meets the training requirement that went into effect on July 1, 2016, and is approved by the Department of Pesticide Regulation (DPR). The DPR approved this course as complying with Food and Agricultural Code, section 13186.5. The latest Healthy Schools Act training requirement began on July 1, 2016, requiring Integrated Pest Management (IPM) coordinators and anyone who may apply a pesticide at a school or child care center to take a Department of Pesticide Regulations (DPR)-approved training course annually before using a pesticide. This includes, but is not limited to disinfecting wipes, sanitizers, and weed-killers.

Basic Pest Management in the School and Child Care Settings is designed for child care providers and staff, school district staff, teachers, custodians, food service workers, and others and will take approximately one hour to complete. It covers the required topics of Integrated Pest Management (IPM), safe use of pesticides in relation to the unique nature of school sites and children's health, and the Healthy Schools Act requirements.

Furthermore, this course goes into detail on topics such as the definitions of pests and pesticides, the health hazards of pesticides, and safe use of pesticides (components of the label, first-aid measures, signal words, precautionary statements, storage & disposal, and directions for use). It also discusses items of note related to cleaning, disinfecting, and sanitizing.

ALL PERSONNEL

COVID-19 Training

Course Title: **COVID-19 Prevention**- Per Cal-OSHA, employers must train employees about how to limit the spread of COVID-19 including how to screen themselves for COVID-19 symptoms and when to stay home. Information from this course is taken from the Cal/OSHA COVID-19 Prevention Emergency Temporary Standards (ETS), the California Department of Public Health (CDPH), and the Centers for Disease Control (CDC)..

This module serves as an overview of the COVID-19 virus, including how it spreads, typical symptoms, and those who are a high-risk for severe illness. Healthy hygiene practices including hand washing/sanitizing, avoiding contact with one's eyes, nose, and mouth, and covering coughs and sneezes are critical in limiting transmission.

ALL PERSONNEL

PRESENCE OF ASBESTOS IN THE WORKPLACE

In 1986, Congress passed the Asbestos Hazard Emergency Response Act (AHERA). The law requires all schools, K-12, to be inspected by EPA accredited inspectors to identify any asbestos containing building materials. The law further requires the development of a management plan by an EPA accredited management planner based upon the findings of the inspection which outlines our intent in controlling the potential for exposure to asbestos fibers in our schools.

In the past, asbestos was used extensively in building materials because of its insulating and fire retarding capabilities. Virtually any building built before the late 1970's contains at least some asbestos in pipe insulation, structural fireproofing, etc. The primary concern arises when these materials begin to deteriorate or become damaged.

The initial inspection of our District was completed in approximately 1987. Re-inspections are completed annually. Some asbestos-containing materials were identified in our buildings. The materials are distributed in various locations that include floor tiles, pipe insulation and mechanical areas. Most of this material is not readily accessible to building occupants or students.

A management plan is on file with the state. It outlines in detail the methods we will use to maintain the materials in a safe manner. The District's self-insurance program, Self- Insured Schools of California (SISC), has employed staff who are EPA accredited inspectors, management planners, contractor supervisors, and project designers to ensure that all procedures are properly administered in our schools. The management plan also includes a schedule for the phased removal of these materials where applicable.

A copy of the District management plan is on file for your review at the Maintenance and Operations Office located at 321 North Thornburg Street, Santa Maria, California 93458. If you require additional information, you may contact the Coordinator of Maintenance and Operations at 361-8260. Copies of the individual campus management plans, including the inspection report, are on file at each school's administrative office.

ALL PERSONNEL**EXPOSURE CONTROL PLAN FOR BLOODBORNE PATHOGENS**

As part of its commitment to provide a safe and healthful work environment, the Governing Board recognizes the importance of developing an exposure control plan. The Superintendent or designee shall establish a written exposure control plan in accordance with state and federal standards for dealing with potentially infectious materials in the workplace to protect employees from possible infection due to contact with bloodborne pathogens, including but not limited to hepatitis B virus, hepatitis C virus and human immunodeficiency virus (HIV).

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

The Superintendent or designee may exempt designated first-aid providers from pre exposure hepatitis B vaccination under the conditions specified by state regulations.

Any employee not identified as having occupational exposure in the District's exposure determination may petition to be included in the District's employee inservice and hepatitis B vaccination program. Any such petition should be submitted to the Superintendent or designee who shall evaluate the request and notify the petitioners of his/her decision. The Superintendent or designee may deny a request when there is no reasonable anticipation of contact with infectious material.

(cf. 4119.43 - Universal Precautions) (cf. 4157 - Employee Safety)

Legal Reference:

LABOR CODE

Authority of Cal/OSHA to adopt standards

144.7 Requirement to amend standards

CODE OF REGULATIONS, TITLE 8

3204 Access to employee exposure and medical records 5193 California bloodborne pathogens standards

CODE OF FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards

Management Resources: **CDE ADVISORIES**

Guidelines for informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

WEB SITES

OSHA: <http://www.osha.gov>

Cal/OSHA: http://www.dir.ca.gov/occupational_safety.html Centers for Disease Control and Prevention: <http://www.cdc.gov>

ALL PERSONNEL

UNIVERSAL PRECAUTIONS

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

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

Employees shall immediately report any exposure incident or first aid incident in accordance with the District's exposure control plan or other safety procedures (cf. 4119.42/4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens) (cf. 5141.22 – Infectious Diseases)

Legal Reference:

HEALTH AND SAFETY CODE

117600-118360 Handling and disposal of regulated waste

120875 Providing information to school districts on AIDS, AIDS-related conditions and Hepatitis B

120880 Information to employees of school district CODE OF

REGULATIONS, TITLE 8

5193 California bloodborne pathogens standard CODE OF

FEDERAL REGULATIONS, TITLE 29

1910.1030 OSHA bloodborne pathogens standards Management

Resources:

CDE ADVISORIES

1016.89 Guidelines for informing School Employees about Preventing the Spread of Infectious Diseases, including Hepatitis B and AIDS HIV Infections and Policies for Dealing with HIV-Infected Persons in School Settings

WEB SITES

Centers for Disease Control and Prevention: <http://www.cdc.gov>

ALL PERSONNEL**CHILD ABUSE POLICY**

Procedures for Reporting Suspected Child Abuse

The following procedure applies to all employees of the Santa Maria-Bonita School District. Each employee should understand that the law (Penal Code 11166(h)) states:

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

If any District employee has knowledge of or observes a child whom he/she knows or reasonably suspects has been the victim of child abuse, the employee must:

1. Immediately or as soon as practically possible make a report by telephone to the Santa Maria office of Child Protective Services; AND
2. Prepare and send to the Child Protective Services a written report using District provided forms regarding what the employee specifically knows or suspects within 36 hours of the time the employee first knew or suspected child abuse. If the employee is unsure whether to report a particular situation, or if the employee needs help in writing the report, the employee should contact his/her school nurse, principal, or immediate supervisor immediately.

If two (2) or more "child care custodians" jointly have knowledge of or reasonably suspect child abuse, only one written report must be submitted. The two (2) employees shall together agree as to which one will make the telephone call and file the written report, but if that person fails to do so, the other employee is still responsible to ensure that both the telephone call and the written report are accomplished.

When Child Abuse Occurs on School Property or While a Student is Under School Supervision:

In addition to the mandated reporting duties, when an employee knows or reasonably suspects an incident of child abuse has occurred at the school site, on school property, or while a student is under the supervision of a school employee, the employee shall contact the school principal or the employee's immediate supervisor immediately, or as soon as practically possible, and verbally report the incident. This provision is not required by law but is permitted and advisable to provide for the welfare of students subject to supervision by District employees. This report shall not become part of the child's permanent record. Notifying the principal or designee does not relieve the employee of their responsibility to report suspected child abuse to the local child protective agency.

The above reporting requirements do not apply to persons who are not District employees and who provide services to the District under a contract with the District and whose professional duties or licenses preclude them from making reports to the District. Such persons are not relieved, however, of their responsibilities to report child abuse to CPS.

The principal or immediate supervisor shall maintain the confidentiality of the reporter and shall not reveal the identity of the reporter to anyone who is not a District employee. Any violation of the confidentiality requirements of Penal Code Section 11167 is a misdemeanor punishable by imprisonment in a county jail not to exceed six months, by a fine of five hundred dollars (\$500), or both.

Prior to commencing employment, all District employees shall sign a statement that the employee knows of the legal requirement to report child abuse and is prepared to comply with the provisions of law.

Child Abuse Reporting Statement

It is the intent of the District to comply with the Child Abuse Reporting Laws. To adhere to these laws, the Governing Board adopts the following policy to set forth the duties and responsibilities of those who are required to report child abuse.

All employees will be informed of their responsibilities to report suspected child abuse. Any employee who has knowledge of or observes a child in his/her employment whom he/she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to Child Protective Services immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within thirty-six (36) hours of receiving the information concerning the incident.

The procedures for reporting suspected child abuse are found in Administrative Regulation 4112.9.

“Child abuse” as defined in the Child Abuse Reporting Laws, includes the following:

1. A physical injury inflicted by other than accidental means on a child by another person.
2. Sexual abuse of a child.
3. Willful cruelty or unjustifiable punishment of a child.
4. Willfully inflicting upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition.
5. Negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed non organic failure to thrive as well as the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.

Penal Code 11172 states that no child care custodian shall be civilly or criminally liable for any child abuse report.

Legal Reference:

PENAL CODE

11165 - 11165.5 Definitions relating to child abuse

11166 - 11170 Reporting known or suspected cases of child abuse

11172 Exemption from civil and criminal liability resulting from required reporting of known or suspected child abuse; failure to report is a misdemeanor.

ALL PERSONNEL

DRESS AND GROOMING

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

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school Districts

GOVERNMENT CODE

3543.2 Scope of representation

12949 Dress standards, consistency with gender identity COURT

DECISIONS

San Mateo City School District v. PERB (1983) 33 Cal. 3d 850

Domico v. Rapides Parish School Board (5th Cir. 1982) 675 F.2d 100

East Hartford Education Assn. V. Board of Education (2d Cir. 1977) 562 F.2d 856

Finot V. Pasadena Board of Education (1967) 250 Cal.App.2d 189 PUBLIC

EMPLOYMENT RELATIONS BOARD DECISIONS

Santa Ana Unified School District (1998) 22 PERC P29, 136

Inglewood Unified School District (1985) 10 PERC P17, 000

Management Resources:

WEB SITES

Public Employment Relations Board: <http://www.perb.ca.gov>

ALL PERSONNEL

MAINTENANCE OF DRUG FREE WORKPLACE

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at a school District workplace to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, drug or controlled substance as defined in the Controlled Substances Act and Code of Federal Regulations.

"School District workplace" is defined as any place where school District work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under District jurisdiction; or during any period of time when an employee is supervising students on behalf of the District or otherwise engaged in District business.

As a condition of your continued employment with the District, you will comply with the District's policy on Drug and Alcohol-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

Pursuant to California Education Code 44836 and 45123, the Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited.

Pursuant to Education Code 45123, the District may employ for classified service a person who has been convicted of a controlled substance offense only if it determines, from evidence presented, that the person has been rehabilitated for at least five years. The Board shall determine the type and manner of presentation of the evidence, and the Board's determination as to whether or not the person has been rehabilitated is final.

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted of a controlled substance offense as defined in Education Code 44011, the commission shall forthwith suspend the credential. Pursuant to Education Code 44065, the District may not employ non-certificated persons in positions requiring a certificate. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)

Pursuant to Education Code 44940 and 45304, the District must immediately place on compulsory leave of absence any employee charged with involvement in the sale, use or exchange to minors of certain controlled substances.

Pursuant to Education Code 44940 and 45304, the District may immediately place on compulsory leave of absence any employee charged with certain controlled substance offenses.

The following drug and alcohol counseling, rehabilitation, and/or employee assistance programs are available locally:

RESOURCES FOR DRUG/ALCOHOL

INFORMATION, REFERRAL AND/OR COUNSELING

ALCOHOLICS ANONYMOUS	Santa Maria	925-9076
	Lompoc	736-9116
CENTRAL COAST HEADWAY	Santa Maria	922-8570
COCAINE HOTLINE - ASAP		(800) 367-2727
HelpLine 24 HOURS		928-5818
NARCOTICS ANONYMOUS CENTRAL COAST AREA	San Luis Obispo	549-7730
NORTH COUNTY COTTAGE CARE CLINIC	Santa Maria	922-5764
SANTA BARBARA COUNCIL ON ALCOHOLISM & DRUG ABUSE	Santa Maria	928-0993
CARE SOLACE	Santa Maria	Caresolace.org
SAMSHSA National Hotline		1-800-662-4357

ALL PERSONNEL

EMPLOYEE USE OF TECHNOLOGY

The Santa Maria-Bonita School District recognizes that "technology is an integral component of the teaching, learning and administrative process" and can enhance employee performance by improving access to and the exchange of information, offering effective tools to assist in providing a quality instructional program, and facilitating district operations. The Governing Board expects all employees to learn to use available electronic resources that will assist them in their jobs. As needed, staff shall receive training in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use the District's electronic resources only for purposes related to their employment. Such use is a privilege, which may be revoked at any time.

Employees should be aware that computer files and communications over electronics networks, including e-mail and voice mail, are not private. The transmission of confidential information about students, employees, or District affairs must be done under strict guidelines to assure confidentiality.

To ensure proper use, the Superintendent or designee may monitor the District's technological resources, including email and voicemail systems, at any time without advance notice or consent. If passwords are used, they must be known to the Superintendent or designee so that he/she may have system access when the employee is absent.

The Superintendent or designee shall establish administrative regulations which outline employee obligations and responsibility relating to the use of technology. Employees who fail to abide by these regulations may be subject to disciplinary action with just cause, revocation of their user account, and legal action as appropriate.

The Superintendent or designee may establish guidelines and limits on the use of technological resources. He/she shall ensure that all employees using these resources receive copies of related policies, regulations and guidelines. Employees shall be asked to acknowledge in writing that they have read and understand these policies, regulations and guidelines.

In the event that the use of electronic resources affects the working conditions of one or more employees, the Superintendent or designee shall notify the employees' exclusive representative.

Use of Cellular Phone or Mobile Communications Device

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

Note: Vehicle Code 23125 prohibits a school bus driver from using a cell phone while driving, except for work-related or emergency purposes. In addition, Vehicle Code 23123, as amended by SB 1613 (Ch. 290, Statutes of 2006), prohibits any person, beginning July 1, 2008, from using a cell phone while driving unless using the phone in hands-free mode. BP 4040(b)

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

(cf. 3513.1 - Cellular Phone Reimbursement) (cf. 3542 - School Bus Drivers)

(cf. 4156.3/4256.3/4356.3 - Employee Property Reimbursement) UNITED STATES CODE, TITLE 47

Legal Reference:

EDUCATION CODE

51870-51874 The Morgan-Farr-Quackenbush Education Technology Act of 1992 GOVERNMENT CODE

3543.1 Rights of employee organizations PENAL CODE

502 Computer Crimes, Remedies

632 Eavesdropping on or recording confidential communications VEHICLE CODE

23123 Wireless telephones in vehicles 23125 Wireless telephones in school buses UNITED STATES CODE TITLE 20

6751-6777 Enhancing Education through Technology Act, Title II, Part D, especially 6777 Internet Safety

6801-6979 Technology for Education Act of 1994

7001 Internet safety policy and technology protection measures, Title III funds CODE OF FEDERAL REGULATIONS, TITLE 47

54.520 Internet safety policy and technology protection measures, E-rate discounts

Management Resources:

CDE PUBLICATIONS

K-12 Network Technology Planning Guide: Building for the Future, 1994 CDE PROGRAM ADVISORY

1223.94 Acceptable use of Electronic Information Resources WEB SITES

CDE: <http://www.cde.ca.gov> CSBA:

<http://www.csba.org>

Federal Communications Commission: <http://www.fcc.gov>

U.S. Department of Education: <http://www.ed.gov> American Library

Association: <http://www.ala.org>

ALL PERSONNEL

EMPLOYEE USE OF TECHNOLOGY

The Superintendent or designee shall oversee the maintenance of the District's technological resources and establish guidelines and limits on their use. He/she shall ensure that all employees using these resources receive training in their proper use as well as copies of related District policies and regulations.

Electronic Information System (Wide Area Network), On-Line Services, User Obligations and Responsibilities

Employees are authorized to use the District's on-line services only in accordance with user obligations and responsibilities specified below:

1. The employee, in whose name an on-line service account is issued, is, to the extent within the employee's control, responsible for its proper use at all times. Users shall keep personal account numbers, home addresses and telephone numbers private. They shall use the system only under their own account number.
2. Employees shall use the system only for purposes related to their employment with the District. Commercial, political and/or personal use, except for brief personal use incidental to otherwise authorized use, of the District's system is strictly prohibited. The District reserves the right to monitor any on-line communications for improper use.
3. Users shall not use the system to encourage the use of drugs, alcohol or tobacco, nor shall they promote unethical practices or any activity prohibited by law or District policy.
4. Sending or, to the extent controllable, receiving any information in violation of any class rule, school policy, state or federal law or regulation, or the user contract is prohibited. Users shall not transmit or, to the extent controllable, receive material that contains objectionable language or is abusive, threatening, obscene, disruptive or sexually explicit, or that could be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religion or political beliefs.
5. Copyrighted material may not be placed on the system without the author's permission. Users may download copyrighted material for their own use only. Illegal conduct may be reported to law enforcement authorities.

6. Vandalism will result in the cancellation of user privileges. Vandalism includes uploading, downloading or creating computer viruses and/or any malicious attempt to harm or destroy District equipment, computer operating systems, or the data of any other user.

7. Users shall not read other users' mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to read, delete, copy, modify or forge other users' mail.

8. Users are expected to keep messages brief and to use appropriate language.

9. Users shall report any known, or what could be reasonably known, security problem or misuse of the network to the Superintendent or designee.

10. Employees shall not develop any classroom or work-related web sites, blogs, forums, or similar online communications representing the District or using District equipment or resources without permission of the Superintendent or designee. Such sites shall be subject to rules and guidelines established for District online publishing activities including, but not limited to, copyright laws, privacy rights, and prohibitions against obscene, libelous, and slanderous content. Because of the unfiltered nature of blogs, any such site shall include a disclaimer that the District is not responsible for the content of the messages. The District retains the right to delete material on any such online communications.

HIPAA Notice of Privacy Practices

HIPAA Health Insurance Portability & Accountability Act

Attached you'll find a Notice of Privacy Practices. The HIPAA regulations require that SMBSD provide employees with this information, which will advise you of SMBSD's privacy practices with regard to your protected health information. Protected health information (PHI) is defined as information about you, which is maintained by SMBSD to carry out certain health care operations such as eligibility, enrollment, payment of premiums and payment of claims on your behalf.

Any protected health information received by the SMBSD Benefits staff is, and shall continue to be, handled in a confidential manner.

SMBSD may only use or disclose your Protected Health Information, as defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), for the purpose of making or obtaining payment for your care, conducting its health care operations, or as otherwise allowed by HIPAA. Protected Health Information ("PHI") is considered to be individually identifiable health information that is transmitted or maintained by SMBSD in any form. SMBSD will only use or disclose PHI in a manner that complies with HIPAA. All responses to requests for PHI will be limited to the minimum amount of information needed to accomplish the purpose of the request or disclosure. An individual may authorize use, request restrictions, inspect his or her records, and amend and request an accounting of disclosures of his/her PHI. The [NOTICE OF HIPAA PRIVACY PRACTICES](#) describes in more detail how an individual's PHI may be used and disclosed.

The [HIPAA Contact Person](#) will receive all requests, inquiries, questions and complaints with regard to the use and disclosure of PHI and any questions under this Policy, the Procedures, or the Notice of HIPAA Privacy Practices. If an individual believes that it would be inappropriate to contact the Contact Person, the individual should immediately contact the Assistant Superintendent of Human Resources. The Privacy Officer will assist in the interpretation of all laws and regulations related to this Policy, the procedures and practices, and will guide the Contact Person and SMBSD in their implementation.

Violations of this Policy or any other policies or procedures intended to secure and protect PHI from unauthorized access, use, alteration, deletion and transmission may result in disciplinary action up to and including termination.

a. You have the right to ask that we limit how we use and give out your PHI. You also have the right to request a limit on the PHI we give to someone who

is involved in your care. For example, you could ask that we not use or disclose information about a treatment you had. We will consider your request. However, we are not required to agree to the request. If we accept your request, we will put any limits in writing. We will honor these limits except in emergency

situations. You may not limit the ways we use and disclose PHI when we are required to make the use or disclosure.

You have the right to ask that we send your PHI to you at an address of your choice or to communicate with you in a certain way if you tell us that this is necessary to protect you from danger. You must tell us in writing what you want and that the reason is you could be put in danger if we do not meet your request. For example, you may ask us to send PHI to your work address instead of your home address. You may ask that we send your PHI by email rather than regular mail.

You have the right to look at or get copies of your PHI that we have. You must make that request in writing. You can get a form to request copies or look at your PHI by calling the SMBSD Benefits Clerk. If we do not have your PHI, we will tell you how you may be able to get it. We will respond to you within 30 days after we receive your written request. In certain situations, we may deny your request . If we do, we will tell you, in writing, the reasons we are denying your request. We will also explain your right to have our denial reviewed.

If you ask for a copy of your PHI, we will charge you a reasonable fee based on the cost of copying and postage. We can send you all your PHI, or if you request, we may send you a summary or general explanation of your PHI if you agree to the cost of preparing and sending it.

You have the right to get a list of instances in which we have given out your PHI. The list will not include: a) disclosures we made so you could get treatment;

b) disclosures we made so we could receive payment for your treatment; c) disclosures we made in order to operate the Plan; d) disclosures made directly to you or to people you designated; e) disclosures made for national security purposes f) disclosures made to corrections or law enforcement personnel ; g) disclosures we made before we sent you this Notice; or h) disclosures we made when we had your written permission .

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board prohibits unlawful discrimination against and/or harassment of District employees and job applicants on the basis of actual or perceived race, color, sex, national origin, ancestry, religious creed, age (40 and over), marital status, pregnancy, physical or mental disability (including AIDS), medical condition (cancer related), veteran status, gender, sex or sexual orientation, at any District site and/or activity. The Board also prohibits retaliation against any District employee or job applicant who complains, testifies or in any way participates in the District's complaint procedures instituted pursuant to this policy.

Any District employee who engages in unlawful discrimination or harassment shall be subject to disciplinary action up to and including dismissal.

Any District employee who observes or has knowledge of an incident of unlawful discrimination or harassment shall report the incident to the principal, District administrator or Superintendent as soon as practical after the incident. Failure of a District employee to report discrimination or harassment may result in disciplinary action.

Any District employee who permits unlawful discrimination or harassment may be subject to disciplinary action up to and including dismissal. A District employee shall be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident of discrimination and/or harassment, whether or not the victim complains.

The Superintendent or designee shall regularly publicize, within the District and in the community, the District's nondiscrimination policy and the availability of complaint procedures.

The Board designates the following position as Coordinator for Nondiscrimination in Employment:

Assistant Superintendent for Human Resources

708 South Miller Street Santa Maria, CA

93454 (805) 928-1783 ext. 8120

Other Remedies

An employee may, in addition to filing a discrimination complaint with the District, file a complaint with either the Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). The time limits for filing such complaints are as follows:

To file a valid complaint with EEOC, the employee must file his/her complaint within 300 days of the alleged discriminatory act(s). (42 USC 2000e-5)

To file a valid complaint with DFEH, the employee must file his/her complaint within one year of the alleged discriminatory act(s). (Government Code 12960)

Employees wishing to file complaints with the DFEH and EEOC should contact the nondiscrimination coordinator for more information.

Legal Reference: GOVERNMENT
CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act CODE OF
REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment UNITED
STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX UNITED STATES
CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973 UNITED
STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended 2000h-2-2000h-6 Title IX,

1972 Education Act Amendments 12101-12213 Americans With Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March 1999

OFFICE OF CIVIL RIGHTS

Notice of Non-Discrimination, January, 1999 WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

DFEH: <http://www.dfeh.ca.gov>

ALL PERSONNEL

COMPLAINTS CONCERNING DISCRIMINATION IN EMPLOYMENT

The Governing Board designates the following person as Coordinator for Nondiscrimination in Employment:

Assistant Superintendent for Human Resources
Santa Maria-Bonita School District
708 South Miller
Street Santa Maria,
CA 93454
(805) 928-1783

The following procedures shall be followed when an employee has a complaint alleging that a specific action, policy, procedure or practice discriminates against him/her on any basis specified in the District's nondiscrimination policies.

1. The complaint must be initiated within 6 months after a complainant knew, or should have known, of the alleged discrimination.
2. All parties involved in allegations of discrimination shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made. The complainant also shall be notified of his/her right to appeal the decision to the next level.
3. When a complaint is brought against the individual responsible for the complaint process at any level, the complainant may address the complaint directly to the next appropriate level.
4. Meetings related to a complaint shall be held at times the District determines as least likely to interfere with school schedules and operations.
5. For the protection of the complainant and the District, complaint proceedings shall be kept confidential insofar as appropriate.
6. All documents, communications and records dealing with the complaint shall be placed in a District complaint file.
7. No retaliation shall be taken in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in the complaint procedures. Such participation shall not in any way affect the status or work assignments of the complainant.
8. Time limits specified in these procedures may be revised only by written mutual agreement of all parties involved. If the District fails to respond within a specified or adjusted time limit, a complainant may proceed to the next level. If a complainant fails to take the complaint to the next step within the prescribed time, the complaint shall be considered settled at the preceding step.

Level I

The complainant shall first meet informally with the principal of the school where the alleged discriminatory act occurred. A complaint regarding discrimination away from a school site should be discussed informally with an administrator selected by the Superintendent. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the principal or other administrator shall prepare, within ten working days, a written summary of his/her meeting(s) with the complainant. This report shall be available if requested by the nondiscrimination coordinator.

Level II

If a complaint cannot be satisfactorily resolved at Level I, the complainant may submit a formal written complaint to the District nondiscrimination coordinator within ten days of his/her attempt to resolve the complaint informally. The written complaint shall include the following:

1. The complainant's signature or that of his/her representative.
2. The complainant's name, address and telephone number.
3. The name and address of the District staff member who committed the alleged violation.
4. A description of the allegedly discriminatory act(s) or omission(s).
5. The discriminatory basis alleged.
6. A specific description of the time, place, nature, participants in and witnesses to the alleged violation.
7. Other pertinent information which may assist in investigating and resolving the complaint.

The nondiscrimination coordinator shall assign a staff member to assist the complainant with this writing if such help is needed. The coordinator shall respond to the complainant in writing within ten working days.

The coordinator shall conduct any investigation necessary to respond to the complaint, including discussion with the complainant, person(s) involved, appropriate

staff members and students, and review of the Level I report and all other relevant documents. If a response from third parties is necessary, the coordinator may designate up to ten additional working days for investigation of the complaint.

Level III

If the complaint cannot be resolved at Level II, the complainant may present the complaint to the Superintendent or designee within ten days. The Superintendent or designee shall review the Level II investigation file, including the written complaint and all responses from District staff. The Superintendent or designee shall respond to the complainant in writing within ten working days.

If the Superintendent or designee finds it necessary to conduct further investigation, he/she may designate up to ten additional working days for such investigation and shall respond to the complainant in writing within ten days of completing the investigation.

Level IV

If the matter is not resolved at Level III, the complainant may file a written appeal to the Governing Board within ten working days after receiving the Level III response. The Superintendent or designee shall provide the Board with all information presented at previous levels.

The Board shall grant the hearing request for the next regular Board meeting for which it can be placed on the agenda. Any complaint against a District employee shall be conducted in closed session as a personnel matter. The Board shall render its decision within ten working days.

The Board may appoint a hearing panel to review the complaint and previous decisions and make recommendations to the Board. The panel shall hear the appeal and render its decision within ten working days.

Other Remedies

Complainants may appeal the District's action to the California Department of Education. The Superintendent or designee shall ensure that complainants are informed that injunctions, restraining orders and other civil law remedies may also be available to them. This information shall be published with the District's nondiscrimination complaint procedures and included in any related notices. (Education Code 262.3)

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 1312.1 - Complaints Concerning School Personnel)

Legal Reference: EDUCATION

CODE

200-262.3 Prohibition of discrimination

GOVERNMENT CODE

12920-12921 Nondiscrimination

12940-12948 Discrimination prohibited; unlawful practices, generally TITLE VI, CIVIL

RIGHTS ACT OF 1964

TITLE VII, CIVIL RIGHTS ACT OF 1964

TITLE IX, EDUCATION AMENDMENTS OF 1972 SECTION 504,

REHABILITATION ACT OF 1973 AGE DISCRIMINATION ACT OF

1975 AMERICANS WITH DISABILITIES ACT

ALL PERSONNEL

SEXUAL HARASSMENT

Sexual harassment of or by any employee or agent of the District shall not be tolerated and may result in disciplinary action against the offender. Sexual harassment regulated by this policy pertains to verbal, visual, or physical behavior of a sexual nature within the work setting. For purposes of this policy, the "work setting" extends to non-work environments and non-work hours when sexual harassment during the work day continues after the work day concludes.

A. Definition of Sexual Harassment in the Work Setting

1. Any unwelcome conduct or communication of a sexual nature which has the purpose or effect of either:
 - a. unreasonably interfering with an individual's work performance; or
 - b. creating an intimidating, hostile or offensive working environment.
2. Any unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the work setting, when:
 - a. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment; or
 - b. submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual.
 - c. the conduct has the purpose or effect of unreasonably interfering with an individual's work or of creating an intimidating, hostile, or offensive working environment or of adversely affecting the employee's performance, evaluation, advancement, assigned duties, or any other condition of employment or career development.
 - d. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, programs or activities available at or through the educational institution.

B. Examples of Sexual Harassment

1. Specific unwelcome behavior which may result in sexual harassment as defined above may include only one severe incident, or result from a pattern of degrading sexual speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations, threats, or sexual demands. Unwelcome behavior which may result in sexual harassment may include, but is not limited to:
 - a. Unwelcome leering, sexual flirtations or propositions.
 - b. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.

- c. Graphic verbal comments about an individual's body, or overly personal conversation.
- d. Sexual jokes, stories, drawings, pictures or gestures.
- e. Spreading sexual rumors.
- f. Touching an individual's body or clothes in a sexual way.
- g. Cornering or blocking of normal movements.
- h. Displaying sexually suggestive objects in the educational or work environment.
- i. Any act of retaliation against an individual who reports a violation of the District's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

C. Investigative Procedure

1. Complainants will be given a copy of this policy and of the Complaint Investigative Procedure.
2. All parties, specifically including complainants and witnesses, will be promptly and fully informed of their rights pursuant to this policy, including the fact the complainant and witnesses will not be retaliated against in any aspect of their employment due to their participation in the filing of a complaint. The accused shall also be fully notified of such rights pursuant to this policy, at the earliest appropriate time.
3. All investigations of sexual harassment complaints will be handled promptly in a serious, sensitive and confidential manner.
4. Complainants will be protected from further harassment and from retaliation.
5. Appropriate action will be taken, if necessary, to resolve the complaint and to remedy any loss suffered by the complainant as a direct result of the harassment.

D. Notification

A copy of this policy shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building or other area of the school.
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired.
3. Appear in any school or District publication that sets forth the school's or District's comprehensive rules, regulations, procedures and standards of conduct.

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

1. The illegality of sexual harassment.
2. The definition of sexual harassment under applicable state and federal law.
3. A description of sexual harassment, with examples.
4. The District's complaint process available to the employee.

5. The legal remedies and complaint process available through the Fair Employment and Housing Department and Commission.
6. Directions on how to contact the Fair Employment and Housing Department and Commission.

E. Training

Every two years, the Superintendent or designee shall ensure that effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the District's training and education program for supervisor shall include information and practical guidance regarding the federal and state laws on the prohibition against and the prevention and correction of sexual harassment, and the remedies available to the victims of sexual harassment in employment. The training shall also include all of the content specified in 2 CCR and practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation.

(Government Code 12950.1; 2 CCR 7288.0)

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.

ALL PERSONNEL

TOBACCO FREE SCHOOLS

The Governing Board recognizes the health hazards associated with tobacco products, including the breathing of second hand smoke, and desires to provide a healthy environment for students and staff. Employees are encouraged to serve as models for good health practices that are consistent with the District's instructional program.

The Board prohibits the use of tobacco products at any time in District-owned or leased buildings, on District property and in District vehicles.

This prohibition applies to all employees, students and visitors at any instructional program, activity or athletic event.

The Board further prohibits the use of tobacco products at all times on District grounds. This prohibition applies to all employees, students and visitors at any activity or athletic event on property owned, leased, or rented by or from the District.

The Superintendent or designee shall inform students, parents/guardians, employees and the public about this policy and related procedures.

Signs prohibiting the use of tobacco shall be prominently displayed at all entrances to school property.

The Superintendent or designee shall maintain a list of clinics and other resources which may assist individuals who wish to stop using tobacco products.

Smoking or use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground.

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

HEALTH AND SAFETY CODE

39002 Control of air pollution from non vehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds LABOR CODE

Occupational safety and health: use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Non Smoking policy for children's services

7111-7117 Safe and Drug Free Schools and Communities Act PERB RULINGS

Eureka Teachers Assn V Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Management Resources:

WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Health Services: <http://www.dhs.ca.gov> Occupational Safety and

Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

Environmental Protection Agency: <http://www.epa.gov>

ALL PERSONNEL

TOBACCO FREE SCHOOLS

Notifications

Information about the District's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students and the community (Health and Safety Code 104420)

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (Health and Safety Code 104420)

Pursuant to Labor Code 6404.5, no employer shall knowingly or intentionally permit the smoking of tobacco products in an enclosed space at a place of employment. A District will not be considered to have knowingly or intentionally permitted smoking by a nonemployee if it has posted clear and prominent signs as specified above and has requested that a nonemployee who is smoking refrain from smoking in the enclosed workplace. "Reasonable steps" does not include the physical ejection of a nonemployee or any requirement for making a request to refrain from smoking under circumstances involving a risk of physical harm to the employee or employer.

The effects of the District's tobacco policy, including any disciplinary action taken against employees resulting from the enforcement of the policy, may be subjects of negotiation between the Board and employee organizations.

Any employee or student who violates the District's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

(cf. 4118 – Suspension/Disciplinary Action)
(cf. 4218 – Dismissal/Suspension/Disciplinary
Action) (cf:5144 – Discipline)
(cf:5144.1 – Suspension and Expulsion/Due Process)

Any other person who violates the District's policy on tobacco-free schools shall be informed of the District's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises.
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering District property for a specified period of time.

ALL PERSONNEL

WORKERS' COMPENSATION INFORMATION

The District provides workers' compensation benefits as required under the California Labor Code.

WHAT TO REPORT?

All injuries which require treatment beyond first aid or where time the employee is losing time from work as a result of the work injury.

WHEN TO REPORT?

Work injuries must be reported immediately. Failure to report within 30 days of the injury may result in the workers' compensation claim being denied.

HOW TO REPORT?

Injuries should be reported to both the site supervisor and the District Employee Benefits Clerk in the Human Resources Department (ext. 8124.)

WORKERS' COMPENSATION BENEFITS

If you have sustained a work related injury you may be entitled to the following benefits:

- Medical Treatment
- Temporary Disability Benefits
- Industrial Accident Leave under the California Education Code.
- Permanent Disability Benefits
- Supplemental Job Displacement Benefits
- Death Benefits

PREDESIGNATION OF PERSONAL PHYSICIAN

In the event you sustain a work related injury, you may be treated for the injury by your personal medical doctor (M.D.) or doctor of osteopathic medicine (D.O.) or medical group if you have predesignated the doctor and the doctor has agreed to treat you in the event of a work injury.

If you wish to predesignate a personal physician to treat you in the event of a work injury, please contact the Human Resources Department.

Employee Acknowledgement Form

I, the undersigned, acknowledge that I received a copy of the District's policies and/or information for the following:

- Pesticide Training:HSA Basic Pest Management in the School and Child Care Settings (*Get Safety Trained Certificate Required*)
- COVID-19 Prevention (*Get Safety Trained Certificate Required*)
- Asbestos in the Workplace
- Blood borne Pathogens/Universal Precautions (*Get Safety Trained Certificate Required*)
- Child Abuse/Mandated Reporter Training – My signature at the bottom of this page acknowledges that I have read and understand this statement. I have knowledge of the provisions of California Penal Code Section 11166 and will comply with its provisions. I acknowledge receipt of a copy of this statement. I understand that this statement is required by law to remain on file with my employer.
- Dress and Grooming
- Drug Free Workplace
- Employee Use of Technology
- HIPAA Notice of Privacy Practices
- Non Discrimination in Employment/Complaints concerning Discrimination in Employment
- Sexual Harassment(Non-Supervisors) (*Get Safety Trained Certificate Required*)
- Tobacco Free Workplace/Schools
- Worker's Compensation

Employee Name

Position

Employee Signature

Date

RETURN SIGNED FORM TO YOUR SCHOOL SITE FRONT OFFICE BY 9/15/2023