



# San Benito County Office of Education

Krystal Lomanto, County Superintendent of Schools

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## *Employee Handbook for Certificated and Classified Staff*

***2024-2025***

# *Engage, Encourage, Empower... Educate!*

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## ***INTRODUCTION***

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### **Vision**

We envision an educational environment where all children are empowered, through skills and knowledge, to become responsible contributing members of a global community.

### **Mission**

To provide the educational leadership for all children to develop skills and the will necessary to succeed in the 21<sup>st</sup> century.



## COLLABORATIVE

The SBCOE works collaboratively with educators, families, students and the community to share ideas, information and research-based best practices for student success. SBCOE is committed to work towards the common goal of preparing all students in becoming contributing members of society.

## RESULTS ORIENTED

The SBCOE utilizes data and continuous improvement practices to support and measure progress for student achievement across the county.

## INNOVATIVE

SBCOE leads the way with innovative ideas, creative concepts and thoughtful communication around the latest trends and cutting-edge practices. We bring forward ideas, different perspectives, new points of view and technical support to assist with implementation and measurements of success.

## EXPERT

SBCOE leads with exceptional guidance and expertise across all educational domains to increase academic excellence and overall student well-being.

## ADVOCACY

SBCOE advocates for all students to ensure equity and success by engaging students, parents, local educational agencies, state and federal agencies, and community-based organizations.



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County Superintendent of Schools

SAN BENITO COUNTY OFFICE OF EDUCATION

# PILLARS & GOALS

## SUPPORT STUDENT LEARNING

Ensuring equitable academic outcomes across San Benito County school districts

- Foster growth for all students in San Benito County
- Provide technology assistance to increase equitable access for all students in San Benito County
- Create access to equitable learning opportunities for all students in San Benito County
- Provide innovative and responsive professional development opportunities for all staff in San Benito County



## BUILDING RELATIONSHIPS

Building trusting relationships with families, districts and the community

- Recruit, develop and maintain high quality staff focused on student success
- Empower parents, guardians and families as valued partners in their child's education
- Utilize a variety of communication tools to provide relevant information and build collaboration with staff, families and community members
- Model effective leadership to build trusting relationships



## CONTINUOUS IMPROVEMENT

Improving all facets of teaching and learning

- Utilize the continuous improvement process in a formal, transparent and reflective manner to improve student learning
- Use student data to inform and revise instructional practices to improve student outcomes
- Create a culture that promotes and explores opportunities for innovation and growth



## ORGANIZATIONAL SYSTEMS

Guiding SBCOE programs and districts across the county to provide equitable student access, efficient use of resources and evidence to make effective decisions

- Use data to evaluate systems implementation
- Create written processes and procedures to ensure consistency among all departments
- Model and promote an ethical, transparent and legally compliant organizational culture
- Promote practices that ensure fiscal solvency for the SBCOE and implement the statutory functions of AB 1200



## EFFECTIVE LEADERSHIP

Building the capacity of leaders in all areas of education to develop the knowledge, skills and character to ensure student success

- Provide leadership opportunities to collaborate and address common needs and educational issues
- Develop trusting relationships to provide appropriate, customized support that expands capacity
- Promote collaboration between administrators and community leaders to address educational issues



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County Superintendent of Schools

## **CORE STRATEGIES**

With a countywide jurisdiction, access to resources, longstanding relationships with all school districts, and the potential for high visibility, the San Benito County Office of Education sparks conversations and initiates appropriate educational change. As a liaison and resource, SBCOE is leading the charge for educational excellence and equity for all children, schools, and districts while seeking the visionary goal of encouraging a shift in the field of PK-12 education. The future of San Benito County's children is at stake.

San Benito County Office of Education will focus its activities on five comprehensive and intentional themes – systems to support learning; building relationships; continuous improvement; operations, policies and procedures; and effective educational leadership.

Using strategies that will move the organization towards its broad goal of transforming educational outcomes in San Benito County, the SBCOE will:

- Generate and sustain the investment of organizational resources to ensure the overall success of students, schools, and districts, as well as the ongoing effectiveness of the County Office itself.
- Seek to encourage, cultivate, and build collaborative partnerships with local, regional, and national organizations to develop and promote programs and policies which will ensure the educational success of students.
- Assume a leadership role as the voice and go-to resource for PK-12 education in the county.
- Take strategic action to develop and promote intentional advocacy positions on pivotal issues at local and regional levels that impact the effectiveness of schools and districts in the county.
- Embrace continuous learning in ways that shift the organization's culture to capture opportunities for the future.
- Foster wide-spread community engagement by promoting and supporting the broad dissemination of research and information related to education, while encouraging ongoing dialogue between and among students, families, schools and districts, community leaders, elected officials, policy makers, and the general public.

# **COUNTY SUPERINTENDENT OF SCHOOLS AND COUNTY BOARD OF EDUCATION**

The San Benito County Office of Education (SBCOE) is governed by the elected County Superintendent of Schools and a five-member elected Board of Education. The County Superintendent develops personnel and program policy and is the employer for all County Office of Education employees. The Board makes policy decisions related to county-operated programs in appropriate areas of budgeting, curriculum and planning, and manages the real property holdings of the County Office of Education. Another function of the County Board is to hear appeals related to student inter-district transfer requests, expulsion appeals, and authorization of charter schools.

## **County Superintendent of Schools**

**Krystal Lomanto**

## **San Benito County Board of Education**

**Rodney Bianchi, District 1**

**Drew McAlister, District 2**

**Joan Campbell-Garcia, District 3**

**Reb Monaco, District 4**

**Lee Ann Britt, District 5**



## **PURPOSE OF EMPLOYEE HANDBOOK**

This handbook is designed to familiarize employees with the practices of the San Benito County Office of Education (SBCOE) and provide a reference to the Superintendent and Board Policies, Administrative Regulations, and Standard Operating Procedures, regarding the employee-employer relationship at SBCOE. Additional information for employees can be found in the collective bargaining agreements.

**Classified** employees are covered under the Classified Employee Association (CSEA), Chapter #836 Agreement unless specifically exempted in the recognition clause.

**Certificated** employees are covered under the San Benito County Office of Education Teachers' Association (SBCOETA) Agreement unless specifically excluded under the recognition clause.

These important documents will be referred to as "Collective Bargaining Agreements" or "CBAs" in the remainder of this document.

This handbook is the property of SBCOE and is intended for personal use and reference by SBCOE employees. It explains some of our philosophies and beliefs, and describes, in general terms, some of our employment guidelines. We hope that it will serve as a useful reference document for employees throughout their employment at SBCOE. Employees should understand, however, that this handbook is not intended to be a contract (express or implied), nor is it intended to otherwise create any legally enforceable obligation on the part of SBCOE or its employees not otherwise found in California law.

SBCOE reserves full discretion to add to, modify, or delete provisions of this handbook, or the policies and procedures on which they may be based, at any time without advance notice except for the specific and express terms of any agreement, including the CBAs, and the Educational Employment Relations Act. SBCOE also reserves the right to interpret any of the provisions set forth in this handbook in any manner it deems appropriate except as limited above. For this reason, employees should check with the Human Resources Department to obtain current information regarding the status of specific policies, procedures, guidelines, or practices. The Superintendent has the sole authority to enter into any employment or contracts on behalf of the San Benito County Office of Education.

## **EMPLOYEE EXPECTATIONS**

The following values and beliefs are expected to be reflected in the behaviors of SBCOE employees.

### **Personal Character**

SBCOE holds a strong belief that one's personal character profoundly affects one's work behavior. SBCOE employees should be reliable, responsible, collaborative, open, self-reflective, confident, inquisitive, interested in learning, honest, humorous, trustworthy, authentic, enthusiastic, motivated, passionate, fair, ethical, respectful, empathic, sensitive, and culturally proficient.

SBCOE believes that empowering employees with information and decision-making responsibility will assist in achieving the mission of the organization. SBCOE employees should treat each other

respectfully, as equals, and should expect this treatment in return. Employees should maintain high standards of conduct and personal character as listed above. Employees should be committed to the organization. Each employee should be viewed as a life-long learner who is competent, committed to organizational goals, motivated, honest, self-directing, and collaborative. Each employee's contribution to the organization should be valued.

### **Communication**

Honest communication provides the foundation for organizational and personal growth and improvement. SBCOE employees are provided regular opportunities for oral and written communication between all levels of the organization. Emphasis should be placed on communicating information that is necessary for maintaining organizational progress and goal attainment. Gossip, gripes, and rumors are *discouraged*. Confidentiality and responsible disclosure of information is a responsibility of all employees. Questions and concerns should be taken to the source.

### **Continuous Improvement**

SBCOE believes that a commitment to continuous quality improvement in our service is the charge of all employees. SBCOE provides employees with the resources necessary to engage in continuous improvement including systematic data collection and evaluation, necessary professional development, personal support for change, opportunities for individual contributions along with recognition and celebrations of successes.

### **Conflict Management**

Conflict is an opportunity to learn and is a natural occurrence in improving organizations. The expectation is that staff foster collaborative relationships that work toward constructive resolutions which helps organizations improve faster. Employees and/or Leaders should intervene to resolve conflicts among staff and invest time in each employee's success.

### **Work Hours and Punctuality**

All employees are to be punctual, and to adhere to work, lunch and break schedules in accordance with contracts and assignment. Unless otherwise appropriate, all staff are to be at assigned work site or station/classroom during assigned times. Meals should be taken only during lunch and rest period breaks as defined in the negotiated contracts, SBCOE policies, and regulations.

### **Away from Desk/WorkStation/Classroom**

All employees are to inform the receptionist/secretary/appropriate site personnel and to indicate approximate time of return when they will be away from their workstations. Employees are to follow the check in/check out procedures for their site. If appropriate, staff must clear their absence with their supervisor prior to departure. All absence procedures should be followed as outlined in the Absence Reporting Procedures Handout.

## **Socialization**

Personal and non-work-related discussions are to be kept to a minimum during work time. Gossip is an unacceptable and counter-productive activity. If a staff member has a concern or question, he or she should go to the appropriate source or supervisor.

## **Personal Attire**

Personal attire (dress) should reflect the professional image of the SBCOE, be appropriate for the assignment and activities of the day and present a positive role model to clients and students.

## **Safety Rules and Regulations**

All staff are expected to adhere to all SBCOE safety rules and regulations and promote adherence by other staff members and students. The Health and Safety section contains additional information.

Additional information regarding protocols during a pandemic are within the Health and Safety section.

## **Visitors**

All visitors are to follow the site-specific policies when visiting a site. Visitors (children, spouses, relatives, friends) are not to interact in a manner which will be disruptive to the workplace. A brief contact or visit may not be disruptive; however, extended visits and child-care are not to be part of the workplace activities. Visitors should not be assigned or included in working tasks.

During a pandemic, all visitors are to follow expectations and policy stated within the Health and Safety Section.

## **Telephone & Email Usage**

Personal use of the telephone/cellphone other than on own time is only allowed for a personal emergency **ONLY**.

All work-related phone calls are to be returned within 24 hours. Work emails should be checked at least twice daily and responded to within 24 hours.

## **Work Areas**

Work areas, classrooms, and vehicles should be maintained in an uncluttered, clean, and safe manner at all times. No smoking is permitted in SBCOE facilities, classrooms, or vehicles. In accordance with SBCOE policy, all worksites are to be maintained as drug free environments.

## **Conduct**

Employees should maintain a courteous, friendly, and positive attitude with co-workers, clients, and students at all times.

# **EMPLOYMENT**

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The policies and definitions listed in this handbook for employees at SBCOE are the same for all certificated and classified employees except as otherwise noted.

## **TYPES OF EMPLOYEES**

### **Classified Employees**

An employee in a position not requiring certification under the California Education Code, and performing duties designated as classified duties by the employer, is considered a classified employee. Classified employees, upon initial employment, shall serve a probationary period. During this probationary period, a classified employee serves at the pleasure of the Superintendent and may be dismissed at any time by the Superintendent or his/her designee. Upon successful completion of the probationary period, a classified employee shall gain permanent status in the position and shall be entitled to rights identified in the Education Code. *(Reference: Education Code 45105)*

### **Certificated Employees**

An employee in a position requiring certification under the California Education Code, and performing duties designated as certificated duties by the employer, is considered a certificated employee. All certificated non-management employees are classified as either substitute, temporary or probationary based on the circumstances under which the employee has been hired. Certificated managers do not gain permanent status and serve at the pleasure of the Superintendent. *(References: Education Code 44006)*

## **PERFORMANCE EVALUATIONS**

The basic purpose of the evaluation is to recognize past performance and to have you and your supervisor mutually establish goals and objectives for the future.

Performance evaluations provide formal opportunities for employees and supervisors to discuss performance regarding delivery of services provided by this office to its clients. The major purposes of the evaluation system are to establish annual goals, communicate excellence in performance, and discuss areas where growth has been realized and areas where improvement and growth may be necessary. Performance evaluations are the result of on-going communication between the evaluator and evaluatee and foster a learning environment that encourages personal and professional excellence. All evaluations are based on established job performance criteria for specific positions (job descriptions), following an established timeline and making use of designated evaluation forms.

## **DISCIPLINARY ACTION PROCEDURE**

Every employee is expected to meet the standards as established by their job description and SBCOE policies and procedures. Disciplinary action includes any action whereby an employee is subject to dismissal, suspension, disciplinary reassignment, or demotion. Employees are subject to the disciplinary provisions set forth in the Education Code.

Disciplinary action varies with each case depending on the seriousness and frequency of the wrongful action, situations, or inaction. During an investigation, an employee may be placed on administrative leave with pay. This system sets out a practice, not an expectation or contractual right. No employee shall be suspended, demoted, dismissed, or in any way discriminated against because of his or her real or perceived ancestry, race, color, religion, creed, gender, gender identity, sexual orientation, age, marital status, physical or mental disability, genetic information, or medical condition related to childbirth, or association to someone in any of these protected classes, or any other consideration made unlawful by federal, state or local laws.

## **PROGRESSIVE DISCIPLINE**

Progressive discipline is the process of identifying, communicating about, and attempting to correct employee performance and/or behavior that does not meet expected standards. The purpose of progressive discipline is to:

1. Support employee improvement.
2. Identify the issue(s) early to give a reasonable opportunity to effect change.
3. Foster improvement through specific suggestions and directives.
4. Show the seriousness of the concern and a good faith effort made by management to address issue(s).
5. Identify and access additional levels of intervention and/or discipline when necessary.

## **RESIGNATION PROCEDURES**

Any employee who voluntarily resigns from a position shall provide a written resignation to SBCOE Human Resources Department. Resignation dates are subject to approval by SBCOE. The resignation letter shall be processed through the Director of Human Resources and forwarded to the County Superintendent for acceptance. Rights of retirement benefits and continuation of insurance coverage may be discussed with the Human Resources and Business Departments. The employee shall be required to turn in all SBCOE possessions such as: cell phones, mobile devices, and keys to any premise or vehicle, identification badges, computer equipment, and other school or office property. All work products created as part of an employee's position is proprietary to SBCOE. Classified employees shall be paid for all time worked, plus accrued vacation, and compensatory time and overtime.

Certificated employees shall be paid for all time worked; vacation, overtime and compensatory time do not apply to certificated employees.

Final pay for all employees shall be reduced by the amount of any unaccrued sick leave that may have been used. Final payments are made within 30 days of the employee's last workday in accordance with Education Code (EC45165 [c]).

## **NON-REEMPLOYMENT**

### **Non-reelection**

Certificated employees: non-reelection of certificated employees occurs within the probationary period. The Director of Human Resources shall notify a probationary certificated employee of the decision not to renew his or her contract no later than March 15<sup>th</sup>, excluding first year certificated

staff. First year probationary staff shall be notified of the decision not to renew his or her contract prior to the end of the school year. ***(References: Education Code 44932 and 44933)***

### **Release During Probationary Period**

Classified employees may be dismissed at any time during their probationary period. This does not apply to certificated employees. ***(Reference: Education Code 45301)***

### **Layoffs**

Layoffs are due to lack of work or lack of funds. If a reduction in force becomes necessary, reductions will be determined in accordance with the program needs of SBCOE. ***(References: Education Code 45117 and 44949)***

## **EXIT INTERVIEW**

An exit interview is a meeting with a separating employee that is conducted by the Director of Human Resources. Upon termination, the employee shall have an exit interview.

The Director of Human Resources schedules an exit interview with the departing employee during the last week of employment. Topics that may be discussed during the exit interview are as follows:

- a. Discuss the reasons for employment separation
- b. Verifies the status of work projects, reports, IEPs, etc.
- c. Initiates Exit Interview form and instructs employee on the checkout procedure, including the employee's responsibility to return items belonging to the County Office and to obtain a final personnel briefing

## ***EMPLOYMENT REQUIREMENTS***

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### **EQUAL EMPLOYMENT OPPORTUNITY (EEO) / AMERICANS WITH DISABILITIES ACT (ADA)**

SBCOE is an equal employment opportunity employer and maintains a policy of non-discrimination with all employees and applicants for employment. The procurement and employment in every department within SBCOE will be on a totally fair and impartial basis, and no factors of race, color, national origin, age, religion, political affiliation, gender, sex orientation, genetics, or any other basis protected by federal, state, or local law, ordinance or regulation are to be considered. No person shall be denied employment solely because of any impairment which is unrelated to the ability to engage in activities involved in the position(s) or program for which application has been made.

All decisions made with respect to recruiting, hiring and promoting for all job classifications will be made solely on the basis of individual qualifications related to the requirements of the position.

Likewise, the administration of all other personnel matters such as compensation, benefits, transfers, education, and social/recreation programs will be free from any illegal discriminatory practices.

Furthermore, SBCOE recognizes the Americans with Disabilities Act (ADA) and acknowledges that reasonable accommodations for the employment of qualified persons with a physical disability or medical condition are necessary and consistent with the philosophy and intent of ADA.

Any employee or job applicant who feels that he/she has been or is being unlawfully discriminated against or harassed should immediately contact his/her supervisor, Director of Human Resources at (831) 637-5393 Ext. 106 or the Deputy Superintendent at (831) 637-5393, Ext. 134, in order to obtain procedures for reporting a complaint. Any supervisor who receives a discrimination/harassment complaint shall immediately notify the Coordinator of Nondiscrimination in Employment, who shall ensure that the complaint is appropriately investigated in accordance with SBCOE policy and regulations. ***(References: Superintendent Policy 4030; Administrative Regulation 4030 Nondiscrimination of Employment)***

## **REASONABLE ACCOMMODATION**

SBCOE will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an employee unless undue hardship would result. In order to determine whether an employee or applicant is a qualified individual with a disability, the employee or applicant is required to participate in the interactive process, which includes responding to requests for information. An employee that fails to respond to requests for information or participate in the interactive process may waive his/her right to a reasonable accommodation. A request for a reasonable accommodation should be made to the Director of Human Resources.

## **REQUIRED ANNUAL TRAINING**

Training is assigned annually based on an employee's position through Keenan Safe Schools Online Training. Onsite training may be provided as needed for specific job responsibilities.

## **MANDATED REPORTERS**

Local Education Agencies (LEAs) are obligated to have staff complete mandated reporter training. Per AB 1432 and *Education Code* Section 44691, county offices of education (COEs), school districts, charter schools, state special schools, and California Department of Education (CDE) diagnostic centers must provide annual training to their employees in child abuse detection and mandated reporting obligations under the Child Abuse and Neglect Reporting Act.

This training will assist staff in recognizing child abuse or neglect and remind staff members to report **any** suspicion of abuse **immediately** to local law enforcement and Child Protective Services as required by law. The mandatory obligation to report abuse and neglect is required and must be followed by all school personnel.

## TRAINING CONTENT

The law requires agencies to use an online training module developed jointly by the CDE and the California Department of Social Services or another method used in its place. Those agencies that use another method must report the method to the CDE. The law requires that the training instruct school personnel in the detection of child abuse and neglect and the proper action that school personnel should take in suspected cases of child abuse and neglect. It also requires that the training include information that the failure to report an incident of known or reasonably suspected child abuse or neglect, as required by Section 11166 of the California Penal Code, is a misdemeanor punishable by up to six (6) months confinement in a county jail, a fine of one thousand dollars (\$1,000), or both.

## CHILD ABUSE REPORTING

Child abuse is more than bruises or broken bones. While physical abuse often leaves visible scars, not all child abuse is as obvious, but can do just as much harm. It is important that individuals working with and around children be able to know what constitutes child abuse or child neglect and know how to identify potential signs. Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a [written report](#) thereof within 36 hours of receiving the information concerning the incident. (PC Section 11166(a).)

In an effort to support existing laws and support county personnel in reporting child abuse, SBCOE has established the following procedures which offer direction and, clarity to the reporting process.

***If you have a reasonable suspicion that a student is a victim of abuse, you are legally obligated to report it whether physical, sexual, or neglect:***

1. Call the San Benito County Department of Social Services immediately or as soon as practically possible by telephone (Child Protective Services [CPS]) at 831-636-4190. (Note: Reasonable suspicion means that it is objectively reasonable for a person with your training and experience to entertain such a suspicion based on the facts, i.e., knowledge or observation, available to you.) To assist in determining whether an incident is reportable, you can ask yourself the question, "Do I suspect, based on my training and experience, that the injury was not accidental or not self-inflicted?" If the answer is "yes", the incident is reportable. Try to be clear, include the name of the person making the report, the name of the student, the present location of the student, the nature and extent of the injury, and any other information, including information that led you to suspect child abuse.
2. Complete the [Suspected Child Abuse Report Form](#) on file at your site and forward it to the appropriate agency within 36 hours. If necessary, pictures of the abuse area shall be taken. Mail the completed report to San Benito County H&HAS-CPS Division, 1111San Felipe Road, Ste. 205, Hollister, CA 95023 or fax to 831-637-2910.
3. If a student tells you that he or she is being sexually abused, it must be reported directly to CPS. It is extremely rare for a child not being abused to make up a scenario. To report abuse or neglect, call the Health & Human Services Agency 24-hour hotline: 831-636-4190. For emergency help, dial 911.



4. Employees who work directly with students are considered mandated reporters and are immune from prosecution and cannot be sued for reporting a suspicion of child abuse, even if it later appears not to have taken place. You can be found guilty of a misdemeanor and confined in the County Jail for failure to report suspected abuse.
5. When discussing a child abuse matter, remember that they are the victims of a crime and not to blame for it. Also, do not belittle the student's parents.
6. Supervisors should not prohibit their employees from completing a CPS report if the employees suspect abuse.
7. Employees suspecting abuse must complete the CPS report directly and cannot rely on simply reporting the abuse to their supervisor and expecting the supervisor to make a CPS report.
8. All employees should keep any reports made to CPS confidential, discussing the matter only with other employees who "need to know."

#### TO MINIMIZE THE LIKELIHOOD THAT YOU WILL BE CHARGED WITH ABUSE

1. Whenever possible, conduct dressing and toileting activities in the presence of another adult.
2. When working individually with a child, do so in an area that is open to other areas. If it is necessary to work in a quiet and private place, keep a log of when and where you went and what activities the student was engaged in for that period.

## SEXUAL HARASSMENT

Sexual harassment is any unwanted, unwelcome, or unsolicited sexual conduct imposed on a person who regards it as offensive or undesirable. If the employee or student states that s/he finds the behavior offensive, the actions are unwelcome. When a person finds the conduct is unwelcome, it becomes illegal. Often victims will seek to avoid confrontation or may fear reprisals and consequently do not clearly state their objection. Therefore, all employees must learn to be sensitive to how their actions may be perceived by others, no matter what they personally may believe or intend.

Employees who believe they are being sexually harassed or observe inappropriate behavior in the work area or at any SBCOE activity should contact:

Antonio Vela, Director of Human Resources  
460 5<sup>th</sup> St  
Hollister, CA 95023  
831-637-5393, x106  
[avela@sbcoe.org](mailto:avela@sbcoe.org)

It is an employee's right to file a complaint under the Complaint Procedure and the duty of a management employee to report and investigate, as directed, allegations and incidents of sexual harassment. (*Superintendent Policy 4119.11, 4219.11, and 4319.11 Sexual Harassment*)

## TITLE IX

According to Title IX law, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Title IX specifically prohibits sex discrimination and sexual harassment, which are defined as:

- Quid pro quo harassment-An employee who conditions the receipt of an aid, benefit, or service of the SBCOE on an individual's participation in unwelcome sexual conduct.
- Hostile environment harassment- sexual harassment, defined as unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectionably offensive that it effectively denies a person equal access to the school's education program or activity.
- Sexual assault-rape, fondling, incest statutory rape, Dating/domestic violence, & stalking

***When sexual harassment or allegations of sexual harassment come to the attend of ANY EMPLOYEE, all employees MUST report to the Title IX Coordinator, Antonio Vela, Director of Human Resources.***

Antonio Vela, Director of Human Resources  
 460 5<sup>th</sup> St  
 Hollister, CA 95023  
 831-637-5393, x106  
[avela@sbcoe.org](mailto:avela@sbcoe.org)

No employee can promise confidentiality to a party or witness and/or make the decision not to report unless they hold confidential status (ex., licensed mental health counselor). Failure to report may be cause for disciplinary action.

## **TUBERCULOSIS REQUIREMENTS**

In accordance with the provisions of Section 49406 of the California Education Code, a person shall not be initially employed by the school district, or employed under contract, in a certificated or classified position unless the person has submitted to a Tuberculosis Risk Assessment within the past 60 days and if tuberculosis risk factors are identified, has been examined to determine that he/she is free of infectious tuberculosis by a physician, physician assistant or nurse practitioner. If no risk factors are identified an examination is not required. The Certificate of Completion must also be completed by the physician, physician assistant or nurse practitioner and provided to the County Office of Education. A person that is subject to these requirements may submit to an examination that complies with CA Education Code 49406 subparagraph (B) instead of submitting to a tuberculosis risk assessment. The examination required by this subdivision shall consist of either an approved intradermal tuberculin test or any other test for tuberculosis infection that is recommended by the federal Centers for Disease Control and Prevention (CDC) and licensed by the federal Food and Drug Administration (FDA). If the test is positive, the test shall be followed by an x-ray of the lungs in accordance with subdivision (f) of Section 12015 of the Health and Safety Code.

## **EMPLOYMENT ELIGIBILITY VERIFICATION DOCUMENT**

Verification of the right to work in the U.S. is required by the Federal Government. During new employment orientation, the employee must show evidence of identity and employment eligibility when completing the I-9 Document (e.g., driver's license or identification issued by a state, school identification card with a photo, passport, etc.).

## **FINGERPRINTS**

All employees, volunteers, contractors, etc. shall be electronically fingerprinted in conformance with Education Code Section 45125 and as a condition of employment. Fingerprints are forwarded to the Department of Justice for screening to assure that no employee has been convicted of a controlled substance, sex crime or other crime that would preclude employment by SBCOE. Employees may not report to their assignments for duty prior to acceptance of their fingerprint clearance by the Human Resources Department.

## **OATH OR AFFIRMATION OF ALLEGIANCE**

As required in Section 3 of Article XX of the Constitution of California, every state employee except legally employed noncitizens must sign an oath or affirmation before he or she enters upon the duties of his or her state employment. Noncitizens are required to possess a Declaration of Permission to Work. If an alien employee becomes a naturalized citizen, an oath must then be obtained and filed.

## **VERIFICATION OF SOCIAL SECURITY CARD**

SBCOE requires a copy of your social security card be on file with the Human Resources Department before any payroll check is processed. Per federal regulations, SBCOE must pay you exactly as your name is listed on your social security card. This regulation is in place to protect both the employee and employer and help ensure earnings reported to state and federal agencies are posted accurately to ensure proper credit to the employee.

## ***SALARY AND BENEFITS***

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### **DISTRIBUTION OF PAY CHECKS**

Pay day is the last business day of each month except for December. The following options are available for delivery of pay checks:

1. Direct deposit to a financial institution, provided the employee has filed the appropriate forms with the Payroll Department. This option will electronically post the employee's paycheck to a checking or savings account of the employee's choice each pay day; the employee will receive a pay stub that looks like a regular check stub including tax and deduction information. One-month processing time is required before the first direct deposit can be made.
2. Warrant payable to the employee and distributed by one of the options below selected by the employee:
  - a. A specific employee may be authorized to receive pay checks for staff at various locations and distribute those checks to employees at that location. (This option is only available if there is a volunteer from your site that will come into the Payroll Department on pay day and pick up the checks.)

- b. Employees may designate, **in writing**, a member of their immediate family to whom, with proper identification, the location may release a paycheck. This person will be required to sign for the check.
- c. U.S. Mail may be utilized to forward pay checks to the employee's home. **We cannot assume responsibility for delays that may occur when mail is lost or delayed. A minimum of 7 days is required to report a paycheck was lost in the mail.**

Your choice may be changed at any time. The Payroll Department must be notified at least 10 calendar days prior to pay day for direct deposit, and at least 7 calendar days before pay day for any other option. Cancellation or change of any of the above options must be made to the Payroll Department in writing.

If you feel there has been an error in any paycheck, or if you have questions concerning the amount of your check, contact the SBCOE Payroll Department immediately at 831-637-5393 x117.

## **PAYDAY AND DEDUCTIONS**

Payroll check stubs will show a statement of earnings, deductions, contributions, sick leave and vacation (if applicable). The following deductions are required:

1. Federal and State Income Tax
2. Retirement Contributions\*
3. Employee portion of Medicare contribution
4. Employee portion of Social Security (**classified** employees only)

All other deductions are voluntary and require written authorization. If you choose, deductions will be made for such things as: Employee portion of health, dental and vision premiums, union dues, Section 125, Tax Sheltered Annuities and some charitable contributions.

\*Retirement contributions are deducted before state and federal taxes are calculated. Retirement contributions will be taxable when received at the time of retirement or withdrawal from the retirement system. Early withdrawal prior to retirement age may result in tax penalties.

## **WORKDAYS/WORK CALENDARS**

Each classification has a designated number of contract days, hours, and work year as designated. Employees working less than the number of days or hours listed on the salary schedule and/or the job description will receive a prorated salary and service credit. Employees are provided with a work calendar reflecting their workdays at the beginning of each year.

## **OVERTIME APPROVAL**

All **classified** employees are advised that all overtime must be authorized in writing, using the SBCOE OT/FT/ET form by the supervisor and the Superintendent prior to being worked. Employees working overtime without proper authorization are subject to disciplinary action. Supervisors who knowingly allow employees to work unauthorized overtime are subject to disciplinary action. A copy of the appropriate form shall be attached to the time sheet when submitted to the Payroll Department. Overtime compensation may not be waived.

It shall be the mutual responsibility of the employee and supervisor to ensure the appropriate form is properly completed prior to the overtime being worked. Overtime may not be accumulated “off the record” for future comp time or overtime claims.

Executive and administrative employees are exempt from overtime pay and compensatory time off requirements. Each classified position will be reviewed individually for determination of exempt status, in accordance with Fair Labor Standards Act Regulations.

**Certificated employees are not entitled to overtime. Any additional minutes worked beyond the contractual workday** will be paid by voucher at the extra projects pay of \$55.00 per hour and require authorization by the supervisor and the superintendent in advance. Employees working **additional minutes beyond the contractual workday** without proper authorization are subject to disciplinary action. Supervisors who knowingly allow employees to work unauthorized **additional minutes beyond the contractual workday** are subject to disciplinary action.

## **HOLIDAYS**

San Benito County Office of Education facilities observe the following holidays:

New Year’s Eve (12-Month Classified ***ONLY***)  
New Year’s Day  
Martin Luther King Day  
Lincoln’s Birthday  
Washington’s Birthday  
Memorial Day  
Juneteenth  
Independence Day  
Labor Day  
Veteran’s Day  
Thanksgiving Day  
Admission Day (Day after Thanksgiving)  
Christmas Eve  
Christmas Day

**Certificated** employees are not paid for holidays.

**Classified** employees may be paid for holidays, depending on their contract days. More information about holidays can be found in the collective bargaining agreements as applicable. Employees hired prior to July 1, 2022, additional holidays (paid days off) granted by the Superintendent shall include a “floating” holiday to be taken upon a date that is selected by the employee with the approval of his/her program administrator. The date shall be established no later than 30 days before the end of the employee’s work year. A “floating” holiday not scheduled 30 days before the end of the employee’s work calendar will be forfeited. Employees hired on or after July 1, 2022 shall not be granted this additional holiday. (***Collective Bargaining Agreement between SBCOE County Superintendent and CSEA Chapter 836, Article X***)

## **HEALTH, DENTAL AND VISION INSURANCE**

Health, dental and vision insurance are available for the employee and all eligible dependents. SBCOE pays a portion of the cost of benefits based on the negotiated cap. An Accidental Death & Dismemberment (AD&D) insurance policy, at an additional cost, is also available as an option for Full-time employees enrolling in a health insurance plan. All employees who work 30 hours or more per week are required to enroll in health insurance coverage. Employees must work a minimum of 0.5 FTE (full time equivalent) to qualify for health benefits per negotiated collective bargaining agreement. Eligible part-time employees may decline coverage by filling out a Declination of Coverage form and returning it to the Human Resources Department.

The open enrollment period for changing insurance plans occurs each year during the months of mid-May through mid-June for an effective date of October 1. Other qualifying events may allow for plan changes at other times other than open enrollment. It is the employee's responsibility to request a change form from the Human Resources Department to report changes in eligible dependents. All changes must be reported within 30 days of a qualifying event in order to be eligible for a change of coverage or during the open enrollment period. For more information on qualifying events, please see a Human Resources Analyst at (831) 637-5393, Ext. 120.

## **CONTINUATION OF BENEFITS/ CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)**

COBRA is temporary group health benefits the employee and his/her family can enroll in after losing coverage through their district.

COBRA continuation of coverage is a continuation of health, dental and vision coverage when coverage would otherwise terminate because of a life event known as a "qualifying event." The employee is responsible for all plan premiums and fees associated with COBRA health benefits. The employee will be notified of continuation options at the time of separation or reduction in hours. Employees who choose the option to continue health, dental and/or vision benefit coverage under COBRA will be responsible for making premium payments directly to SISC (Self-Insured Schools of California). For additional information contact the Human Resources Analyst at (831) 637-5393, Ext. 120.

## **RETIREMENT COVERAGE**

### **PERS**

Membership in the Public Employees' Retirement System (PERS) is mandatory for **classified** employees working four or more hours per day on a regular basis or working 1040 hours or more in a fiscal year (July 1 to June 30), unless they were previous members of the State Teachers' Retirement System (STRS). Retirement contributions are made through payroll deductions. These deductions are sheltered from taxation until an employee retires or withdraws the funds. In order to qualify for Classic or PEPRRA retiree benefits, an individual must have attained age 50 and have five years of service. Upon separation, employees may request a refund of the contributions; leave the contributions on deposit until retirement age is attained; or roll over funds to a personal IRA.

Employees may contact CalPERS directly for more detailed information regarding retirement benefits or refer to the following webpage, <https://www.calpers.ca.gov/page/retirees>.

## **STRS**

Membership in the State Teachers' Retirement System (STRS) is mandatory for all **certificated** employees working at least 50% of a full-time position, unless they were previous members of the Public Employees' Retirement System (PERS). Retirement contributions are made through payroll deductions. These deductions are sheltered from taxation until an individual retires or withdraws the funds. Upon separation, employees may request a refund of the contributions plus interest; leave the contributions on deposit until retirement age is attained; or roll over funds to a personal IRA. The employee's contribution to STRS may be withdrawn upon resignation or termination from employment provided the employee does not plan to continue teaching or managing in another California school district. Employees may contact CalSTRS directly for more detailed information regarding retirement benefits or refer to the following webpage: <https://my.calstrs.com/MyCalSTRSWebUI/Root/Pages/Login.aspx>.

## **SECTION 125 FLEXIBLE BENEFIT PLAN**

This plan allows for the use of "pre-tax" dollars to pay for the employee portion of certain benefits. Additionally, employees with dependent care or who contribute to health and dental insurance coverage may set aside more pre-tax dollars to pay for these. Contact the Business Analyst at (831) 637-5393, Ext. 118 for more information.

## **403(b) PLAN**

SBCOE contracts with a third-party administrator for the management of sheltered opportunities. Any employee wishing to contribute to a 403(b) plan must contact the Business Analyst at (831) 637-5393, Ext. 118. A brochure explaining the benefits of the plan is available upon request from the Business Analyst at (831) 637-5393, Ext. 118. Any questions regarding coverage or payment of benefits should be directed to the claims administrator as indicated in the brochure.

## **DISABILITY PLAN**

Employees do not receive state disability through SBCOE; however, they may voluntarily elect to enroll in a disability plan. Additional information is available through the HR Department. Employees may voluntarily elect to enroll in a 3<sup>rd</sup> party disability plan of their choice. SBCOE currently partners with American Fidelity (*partnership subject to change*).

## **UNEMPLOYMENT INSURANCE**

State Unemployment Insurance benefits are provided to all employees as required by state law. Upon separation of employment, employees are eligible to apply for benefits through any State Employment Development Department. Eligibility for benefits is determined by circumstances related to each individual situation. Only the Employment Development Department can determine employee eligibility status.

## **WORKERS' COMPENSATION INSURANCE BENEFITS**

In accordance with state law, SBCOE provides insurance coverage for employees in case of work-related injury or illness. Any employee who is injured must notify their supervisor immediately and complete the appropriate paperwork. See sections on Leaves of Absence and Health and Safety for more information on what to do in cases of work-related illness and injury. *(References: Superintendent Policy 4157.1, 4257.1, and 4357.1 Work-Related Injuries)*

## **LEAVES OF ABSENCE**

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### **REPORTING ABSENCES**

Regular and prompt attendance is an important part of employment at SBCOE. It is the employee's responsibility to report and document any absences as per the SBCOE Absence Reporting Procedures. Employees who do not follow SBCOE Absence Reporting procedures may be subject to disciplinary action.

### **SICK LEAVE**

Sick leave is authorized for all employees. See collective bargaining agreements for more information on sick leave. Employees working less than full time will receive a pro-rated sick leave accrual.

Sick leave shall be cumulative from year to year and may be used for an employee's own illness or injury, or that of an immediate family member, as per the respective collective bargaining agreements. There is no limitation as to sick leave accrual. Subject to Education Code, accrued sick leave may be transferred to or from another school district or community college within California. Appropriate written verification from the previous employing agency is required. Upon resignation or retirement, accumulated sick leave will be reported to the applicable retirement system for retirement extensions of service credit, but will not be reimbursed to an employee upon separation. *(References: Labor Code 233; Education Code 44979 and 45202)*

### **PERSONAL NECESSITY LEAVE**

Personal necessity days are deducted from an employee's sick leave balance and are not carried over to the next fiscal year. Personal necessity is defined in the Education Code as: Circumstances of an emergency or serious nature, which the employee cannot reasonably be expected to disregard, and require the attention of the employee during assigned hours of work.

**Certificated** employees may use a maximum of seven (7) days of accumulated sick leave in any school year for personal necessity leave.

**Classified** employees may use a maximum of eight (8) days of accumulated sick leave for personal necessity.



Whenever possible, employees must request this leave in advance to allow for adequate planning for coverage of duties. For more information on Personal Necessity Leave please see the collective bargaining agreements. *(Reference: Education Code 45207)*

## **EXTENDED SICK LEAVE (DIFFERENTIAL PAY)**

An employee who exhausts all available paid leave and is still unable to return to work due to illness or injury, shall be eligible for extended sick leave. In order to be eligible for extended sick leave, the employee must provide certification from a health care provider stating the need to remain off work, and the length of time expected. Leave provided under extended sick leave will run concurrently with all other applicable leaves.

## **BEREAVEMENT LEAVE**

Employees shall be entitled to a maximum of five (5) days leave of absence without loss of salary for the death of any member of his/her immediate family as outlined in the collective bargaining agreement.

## **JURY DUTY LEAVE**

If a summons for jury duty is received, it must be presented to the employee's supervisor and Human Resources immediately, in order to grant the leave and for duties to be reassigned in advance of the absence. SBCOE will grant such leaves of absence without loss of salary provided the employee endorses the fee received, exclusive of mileage, meals and lodging allowance, to SBCOE.

## **MILITARY LEAVE**

Military leave of absence shall be granted and compensated in accordance with the Education Code and the Military and Veteran's Code. An official document or order stating the date the employee must report for duty shall be submitted prior to granting leave of absence under this rule. Employees will receive full pay for the first 30 days of military leave. *(References: Education Code 45059; Military and Veteran's Code Section 389 and 395)*

## **INDUSTRIAL ACCIDENT LEAVE (WORKERS' COMPENSATION)**

SBCOE provides industrial accident leave to all employees who sustain a work-related injury or illness during the course of employment. Industrial leave is not deducted from accrued sick leave. Such leave shall not be accumulated from year to year. Employees who are unable to return to work after 60 workdays may be eligible for additional leave, such as sick or extended sick leave. *(References: Superintendent Policy 4157.1 Work-Related Injuries and Superintendent Policy 4161 Leaves)*

Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under state and federal law (Family Medical Leave Act and California Family Rights Act) will be placed on FMLA/CFRA during the time they are disabled and not released to return to work. The leave under these laws runs concurrently with industrial accident leave, and eligible employees will be on FMLA/CFRA for a maximum of 12 weeks within a 12- month period.

A doctor's release to return to regular duties must be presented to the Director of Human Resources prior to returning to work from an industrial injury or illness leave. An Interactive Process meeting will be conducted, with the supervisor, employee and Human Resources, to determine if reasonable accommodations or modifications can be provided by SBCOE. Whenever possible, SBCOE will modify work assignments for a limited period to assist employees who are temporarily restricted from performing their regularly assigned duties due to a work-related injury or illness. Employees may be placed on a modified duty assignment if the treating physician provides a statement indicating the specific work restrictions, and the duration of the restrictions. Clarification regarding temporary restrictions may be requested of the treating physician. An employee may choose to accept or refuse the modified duty temporary assignment. However, an employee who refuses the modified duty assignment may not be eligible for any income benefits provided through the workers' compensation administrator, or industrial accident and injury leave.

Refer to Industrial Accidents/Illness under the Health and Safety section for additional information for reporting workplace injury/illness and procedures.

## **UNPAID LEAVE**

Under limited circumstances, SBCOE may grant a general unpaid leave of absence to employees.

If an employee is granted a general leave, SBCOE will not continue to pay premiums for health insurance coverage during the leave. However, the employee may elect to self-pay the premiums as allowed under the provisions of COBRA. (*Superintendent Policy 4161, 4261, 4361 Leaves*)

## **FAMILY AND MEDICAL LEAVE ACT (FMLA)**

State and federal family and medical leave laws provide up to 12 workweeks of unpaid family/medical leave within a 12-month period, under the following conditions:

- The employee has more than 12 months of service
- The employee has worked at least 1,250 hours during the previous 12-month period before the need for leave; and
- The employee is employed at a worksite where there are 50 or more employees within a 75-mile radius.

Leave may be taken for one or more of the following reasons:

- The birth of the employee's child, or placement of a child with the employee for adoption or foster care
- To care for the employee's spouse, child, or parent who has a serious health condition
- For a serious health condition that makes the employee unable to perform his or her job
- Reasons related to a family member's service in the military, including:
  - Qualifying exigency leave-leave for certain reasons related to a family member's foreign deployment, and
  - Military caregiver leave-leave when a family member is a current servicemember or recent veteran with a serious injury or illness

Any leave taken for the birth, adoption, or foster care placement of a child must be concluded within one year of the birth or placement of the child with the employee.

The 12-month period is measured forward from the date an employee's first leave began. All leave usage that qualifies under the terms of the FMLA leave shall be counted towards the available 12 workweeks within a 12-month period, including intermittent and reduced workload leaves. No carryover of unused leave from one 12-month period to the next 12-month period is permitted.

The employee's supervisors and the Director of Human Resources should be notified at least 30 calendar days before a leave is to begin, or as soon as is practical. Additional paperwork may be required before the leave is granted.

Under most circumstances, leave under the FMLA and the California Family Rights Act (CFRA) will run concurrently, and employees will be entitled to a total of twelve (12) workweeks of family and medical leave in the designated period. However, leave due to an employee's disability for pregnancy, childbirth or related medical condition is not counted in the twelve weeks under California law (CFRA). Please refer to the section on Pregnancy Disability Leave (PDL) for additional information. Once the employee is no longer disabled under PDL, she may then apply for leave under CFRA (up to twelve weeks), for purposes of bonding with the baby.

Leave provided by FMLA in excess of available accrued paid leave shall be unpaid. When required by law, any available paid accrued leave shall be used prior to unpaid leave. SBCOE will continue to pay its portion of the health insurance for the duration of the leave (up to twelve weeks under FMLA), or as long as the employee is on a paid leave.

Under most circumstances, upon return from FMLA leave, an employee will be reinstated to his or her original job, or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave.

If an employee fails to return from leave within the 12-week period, paid health insurance will cease unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave; or other circumstances beyond the employee's control. Except as provided above, if an employee fails to return after expiration for eligibility for FMLA leave, the employee shall reimburse the full cost of coverage for health, dental, and vision benefits during the entire period of unpaid FMLA leave. Any amounts due under this section may be deducted from any sums due the employee (e.g., unpaid wages).

For employees requesting FMLA, SBCOE will continue the health and welfare benefit contribution based on the contribution being made at the time of the leave. The employee is responsible for the employee monthly premium payments. Such payments shall be made to SBCOE.

## **PREGNANCY DISABILITY LEAVE (PDL)**

Pregnancy, childbirth, or related medical conditions will be treated like any other disability. The Human Resources department, upon notification of pregnancy by the employee, will provide PDL information.

If the need for PDL is foreseeable, employees must provide notification at least 30 calendar days before the PDL is to begin. If 30 calendar days advance notice is not possible, notice must be given as soon as practical. Upon request of an employee, and the recommendation of the employee's physician, the employee's work assignment may be changed if necessary to protect the health and safety of the employee and her child.

PDL usually begins when ordered by the employee's physician. Employees must provide SBCOE with a certification (as noted below) from a health care provider. While the duration of the leave will be determined by the advice of the employee's physician, employees disabled due to pregnancy may take up to four months. The four months of PDL includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care. The certification indicating disability should contain:

- The date on which the employee became disabled due to pregnancy.
- The probable duration of the period or periods of disability; and
- A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of the position without undue risk to herself, the successful completion of her pregnancy, or to other persons.

Sick leave accrual and other sick leave available (see Extended Sick Leave) may be used during the period of actual disability as certified by a health care provider. In order to be eligible for Extended Sick Leave, the employee first must have exhausted all available accrued sick leave. Employees may also utilize accrued vacation. If additional time off is desired beyond the period of disability, it shall be without pay, in accordance with leave provided under FMLA/CFRA.

If an employee takes PDL and is eligible under the federal or state family and medical leave laws, SBCOE will maintain group health insurance for a minimum of twelve weeks. Beyond the twelve weeks, SBCOE will continue to pay its portion of the health insurance as long as the employee is in paid status.

The maximum possible combined leave entitlement for both pregnancy disability leaves under FMLA and CFRA leave for reason of the birth of the child is four months and 12 work weeks. This assumes that the employee is disabled by pregnancy, childbirth or related medical conditions for four months and then requests, and is eligible for, a 12-week CFRA leave for reason of the birth of her child. *(References: Government Code section 12945, subdivision (b)[2])*

For employees requesting Pregnancy Disability Leave, SBCOE will continue the health and welfare benefit contribution based on the contribution being made at the time of the leave. The employee is responsible for the employee monthly premium payments. Such payments shall be made to SBCOE.

## **PARENTAL LEAVE**

An employee may take leave for the birth of a child, or placement of a child with the family for adoption or foster care, only within the first 12 months after birth or placement of the child. Employees do not have to be FMLA or CFRA eligible to use sick leave for parental leave. ***(Reference: Education Code 44977.5 (certificated), 45196.1 (classified))***

For employees requesting Parental Leave, SBCOE will continue the health and welfare benefit contribution based on the contribution being made at the time of the leave. The employee is responsible for the employee monthly premium payments. Such payments shall be made to SBCOE.

## **VACATION**

Every regular classified employee, permanent and probationary, shall earn vacation at the prescribed rate as part of their compensation. Vacation shall also be earned during any paid leave of absence. All employees serving less than 40 hours per week shall have their vacation pro-rated in proportion to the actual number of hours worked. Vacation may, with the approval of the supervisor, be taken at any time during the school year. All vacation requests must be considered in regard to the work requirements of the Superintendent.

Eligibility to take vacation will commence on the first day of the pay period following completion of six months of paid service in regular assignments. ***(Collective Bargaining Agreement between SBCOE County Superintendent and CSEA Chapter 836, Article XI)***

More information about vacation can be found in the collective bargaining agreement as applicable.

***Certificated employees do not earn vacation pay.***

## ***HEALTH AND SAFETY***

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### **WORKPLACE WELLNESS**

Employees should continue to follow the California Department of Public Health, CDC, and Cal/OSHA guidance. Employees help prevent the spread of contagious illnesses and promote workplace wellness through:

- Wellness Self-Checks
- Washing Hands Frequently
- Wiping Down Surfaces Areas and Equipment
- Wearing a Face Covering as Needed

***Employees who are ill and/or exhibiting symptoms of illness are instructed not to report to work, contact their supervisor and enter their absence into the Frontline Absence Management System.***

## **EMPLOYEE ASSISTANCE PROGRAM**

The Employee Assistance Program (EAP) is available 27/7, 365 days a year through SISC that provides one-on-one counseling, web-based tools and resources and supports on the go to help employees who are feeling stressed, worries or having a tough time. The program provides access to talk with licensed therapists using LiveHealth Online. Additional information can be accessed at <https://sisc.kern.org/hw/member-resources/eap-information/>.

## **TOBACCO-FREE SCHOOLS/SMOKING**

Tobacco use is prohibited in all facilities owned and/or operated by SBCOE, including indoors, outdoors and in all SBCOE vehicles, whether located on or off the premises. Included in the prohibition is tobacco use in privately owned vehicles located on property owned and/or operated by SBCOE. This policy applies to employees, students, and the general public. **(4209 Certificated/Board Policy 4617 Classified)**

## **DRUG AND ALCOHOL-FREE WORKPLACE**

SBCOE is fully committed to maintaining a drug and alcohol-free environment for its students and employees. The unlawful manufacture, distribution, dispersing, possession or use of a controlled substance or alcohol is prohibited in all SBCOE workplaces.

Employees who think they may have a drug/alcohol problem are required to seek assistance and get help immediately. You may refer to your Employee Assistance Plan provided by Self-Insured Schools of California (SISC). SBCOE will be supportive of those who seek help voluntarily, and equally firm in identifying and disciplining those who continue to be substance abusers and do not seek help. To this end, SBCOE will act to eliminate any substance abuse (illegal drugs, prescription drugs or any other substance which could impair an employee's safety and ability to effectively perform the functions of the assigned job), which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the reputation of SBCOE. All employees should be aware that SBCOE reserves the right to search all property owned or operated by SBCOE and all property located in or at any work location. Violations of the Drug Free Workplace Policy will result in discipline, up to and including termination.

Employees adhering to the policies of a drug free workplace will not:

- Perform job duties while impaired as a result of the use of illegal drugs or prescription drugs not prescribed by a doctor.
- Report to work or be subject to duty while impaired by or under the influence of illegal drugs or prescription drugs, with or without a prescription.
- Possess illegal drugs or prescription drugs obtained without a prescription during working hours or while subject to duty, on breaks, during meal periods or at any time while on SBCOE property.

- Directly or through a third party sell or provide drugs to any person, including any employee, while on duty or subject to being called to duty.

As a condition of being employed to work under any federal grant received by the San Benito County Office of Education, employees are required to abide by the terms of this policy. ***(Reference: Superintendent Policy 4020 Drug and Alcohol-Free Workplace)***

## **INDUSTRIAL ACCIDENTS/ ILLNESSES**

All employees are responsible for their own safety, as well as that of others in the workplace. To help us maintain a safe workplace, all employees must be safety-conscious at all times. Report work-related injuries or illnesses immediately to your supervisor. In compliance with California law, and to promote the concept of a safe workplace, SBCOE maintains an Injury and Illness Prevention Program (IIPP). ***(References: Administrative Regulation 4157 and 4257 Work-Related Injuries)***

SBCOE, in accordance with state law, provides insurance coverage for employees in cases of work-related illness or injury. It is imperative that the following guidelines be followed when an industrial injury or illness occurs:

1. Injuries on the job, regardless of how minor, should be reported to the supervisor immediately and cared for by first aid or, if necessary, by a doctor. It is the employee's responsibility to immediately report any accident/illness. Failure to report an injury/illness at the time it occurs may be grounds for disciplinary action.

Minor injuries (scratches, cuts, puncture wounds and contusions) should immediately be treated with appropriate first aid procedures on site. Reasonable precautions to prevent further complications are the responsibility of every employee.

If an injury or illness requires medical attention, contact the Injury Hotline Company Nurse at 1-855-602-5266, and an employee will be instructed to seek treatment at one of SBCOE's designated medical facilities. Whenever possible, a manager will accompany the employee to the designated medical facility. Unless an employee has received approval prior to sustaining an industrial injury/illness to seek medical treatment from a designated health care provider, SBCOE has the right to designate the treating physician in all industrial injury and illness cases for the first 30 days of treatment. Employees should not seek medical treatment without authorization from a supervisor or the Human Resources Department. Proper procedure must be followed in order for SBCOE to accept responsibility for an injury and related medical bills. Treatment at a hospital emergency room is only authorized when an actual emergency exists.

2. After 30 days from the date of injury, employees have the right to be treated by a physician of their choice, within a reasonable geographic location. Employees may contact Human Resources if they wish to change medical facilities during the course of treatment. A change in physicians must be authorized by SBCOE's workers' compensation administrator prior to receipt of services provided by the newly designated physician.

3. Following treatment by a designated medical facility, employees should submit the Physician's Return To Work Evaluation form to the immediate supervisor. If modified work or time off is recommended, an interactive meeting will be held to discuss the restrictions with the immediate supervisor and the Human Resources Department.
4. Questions regarding injury, status during time off, medical bills, etc., may be taken to the Human Resources. If necessary, the Human Resources Department may refer employees to SBCOE's workers' compensation administrator.

(For additional information, see the *Industrial Injury or Illness Leave and/or Workers' Compensation Benefits* sections of this handbook and the collective bargaining agreement.)

## **INFECTIOUS DISEASES / BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN**

SBCOE has adopted a Bloodborne Pathogens Exposure Control Plan in accordance with the Occupational Safety and Health Administration (OSHA). The following summary outlines the SBCOE Exposure Control Plan. The Safety Coordinator serves as SBCOE's Exposure Control Officer. *(References: Superintendent Policy 4119.42, 4219.42 and 4319.42; OSHA Bloodborne Pathogens Standard 29 CFR 1910.1030)*

### **Exposure Determination**

Occupational exposure means reasonably anticipated skin, eye, mucous membrane, or potential contact with blood, saliva, semen, vaginal secretions or other potentially infectious body fluids that may result from the performance of employment related duties.

The tasks/procedures that are considered potential routes of exposure for teachers, para-educators, support staff, nurses and specialists, custodial/maintenance staff, include: specialized healthcare procedures; interaction which results in a student spitting at, biting or bleeding on an employee; cleanup of blood, saliva, semen or vomit; toileting or diaper-changing students; handling, repair or maintenance of equipment or tools that may be contaminated with blood, saliva or vomit; inspection of students for possession of weapons or drugs; rendering first aid.

Although administrative and clerical staff do not routinely perform tasks/procedures that are considered potential routes of exposure, they may occasionally perform any of the tasks/procedures listed above. Therefore, they are included in all aspects of the Exposure Control Plan.

### **Implementation Methodology**

Each department with employees who are involved in activities that present potential occupational exposure to blood borne pathogens, shall provide the following:

1. A spill clean-up procedure for cleaning equipment;
2. Handwashing facilities;
3. First Aid kits; and
4. Personal protection information and gear.



All surfaces contaminated by blood, saliva, semen, or vomit must be decontaminated as soon as possible. A solution of one part bleach to ten parts water shall be used.

### **Hepatitis B Vaccine**

All employees involved in activities that present potential occupational exposure to blood borne pathogens, are eligible for the Hepatitis B vaccine. The Human Resources Department, in cooperation with program managers, administers the Hepatitis B Vaccine Program. The vaccine shall be provided at no cost to the employees. The vaccine is a series of three injections administered over a six-month period. Contact the Human Resources Department for locations and dates when the vaccine will be administered.

Employees have the right to decline the vaccination. Those who do so shall sign a declination form upon hire. Employees who initially decline the Hepatitis B vaccine and later wish to have it may then have the vaccine provided at no cost. Employees are encouraged to discuss any questions/concerns about the Hepatitis B vaccine with their personal physician.

### **Post-Exposure Evaluation and Follow-Up**

All exposure incidents shall be reported to the employee's supervisor and the Human Resources Department immediately. Some examples of exposure incidents include: an employee bitten by a student; blood, saliva or vomit entering the eyes, nose, mouth or an open wound; cleanup of blood, saliva, semen or vomit without personal protective equipment; a search resulting in a needle stick or cut by a contaminated sharp object. Employees who experience an exposure incident will be offered post-exposure evaluation and follow-up in accordance with the OSHA Standard.

### **Training**

Training will be provided to all employees involved in activities which present potential occupational exposure to bloodborne pathogens. Employees will receive training upon hire, and then on an annual basis.

## **WORKPLACE VIOLENCE PREVENTION SB553**

SBCOE does not tolerate workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, bullying and/or coercion, which involve or affect SBCOE employees, or which occur on SBCOE property will not be tolerated.

Acts or threats of violence include conduct, which is sufficiently severe, offensive, or intimidating to alter the employment conditions or to create a hostile, abusive, or intimidating work environment for one or several SBCOE employees. Examples of workplace violence include, but are not limited to, the following:

- All threats or acts of violence, occurring on SBCOE premises, regardless of the relationship between the County Schools and the parties involved in the accident.
- All threats or acts of violence occurring off SBCOE premises involving someone who is acting in the capacity of a representative of SBCOE.
- All threats or acts of violence occurring off SBCOE property involving a SBCOE employee if the threats or acts affect the legitimate interests of SBCOE.

- Any acts or threats resulting in the conviction of an employee or of an individual performing services for SBCOE on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of SBCOE.

Specific examples of conduct, which may be considered threats or acts of violence, include, but are not limited to, the following:

- Hitting or shoving an individual.
- Threatening an individual or his/her family, friends, associates, or property with harm.
- The intentional destruction or threat of destruction of SBCOE property.
- Harassing or threatening phone calls or emails.
- Harassing surveillance or stalking.
- The suggestion or intimation that violence is appropriate.
- Unauthorized possession or inappropriate use of firearms or weapons.

SBCOE's prohibition against threats and acts of violence applies to all persons involved in SBCOE's operation, including but not limited to SBCOE personnel, contract, and temporary employees and anyone else on SBCOE property, or acting as a representative off of SBCOE property. Violations of this policy will lead to disciplinary action (up to and including termination) in accordance with the collective bargaining agreements and/or legal action as appropriate.

Every employee and every person on SBCOE property is encouraged to report incidents of threats or acts of physical violence of which he/she is aware. Reports should be made to the Human Resources Department, the reporting individual's immediate supervisor, or another management employee if the immediate supervisor is not available. Nothing in this policy alters any other reporting obligation established in policies or in state, federal, or other applicable law. *(References: Superintendent Policy 4158, 4258, 4358 Employee Security)*

### **School Site Safety and Emergency Procedures**

Site specific safety plans will be emailed to each employee in August.

### **Crisis Hotlines and Resources**

- [National Suicide Prevention Lifeline: 800-273-8255 \(TALK\)](https://www.suicideline.org/) The National Suicide Prevention Lifeline provides 24/7, free and confidential support for people in distress, prevention, and crisis resources for you or your loved ones, and best practices for professionals.
- The [National Human Trafficking Hotline](https://www.humantraffickinghotline.org/) is 888-373-7888.
- The U.S. Department of Health & Human Services Disaster Distress Helpline provides crisis counseling and support for anyone in the U.S. experiencing distress or other behavioral health concerns related to any natural or human-caused disaster, including public health emergencies. Call 1-800-985-5990 or text TalkWithUs at 66746. The helpline offers 24/7 emotional support, and if you have any medical concerns speak to a trusted healthcare provider.
- [National Institute of Mental Health](https://www.nimh.nih.gov/) is the lead federal agency for research on mental disorders. Its mission is to transform the understanding and treatment of mental illnesses through basic and clinical research, paving the way for prevention, recovery and cure.

# **SBCOE POLICIES AND PROCEDURES**

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## **CODE OF ETHICS**

The maintenance of high ethical and moral standards in public business is the basis of effective government.

Since public confidence is endangered when ethical standards falter, all officers and employees must act with unwavering integrity, absolute impartiality and devotion to the public interest.

Following are those principles which have not been mentioned previously and must be observed.

1. Public employees have a special duty to uphold the public's trust. Employees should avoid any expense that creates the appearance of impropriety.
2. Misuse of public funds will result in disciplinary action and possible criminal sanctions.
3. There shall be no discrimination in any SBCOE activity because of race, religion, sex, age, national origin, physical handicap or political affiliation.
4. No officer or employee shall accept any fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in or create the appearance in: "Use of Public Office for private gain, preferential treatment of any person, impeding governmental efficiency or economy, any loss of complete independence or impartiality or any adverse effect on the confidence of the public in the integrity of SBCOE."
5. Persons in the public service shall not disclose confidential information acquired by or available to them in the course of their employment with SBCOE or use such information for speculation or personal gain.

## **ELECTRONIC MEDIA COMMUNICATION**

SBCOE provides computers, internet and e-mail access to teachers, students, staff and managers. All electronic communications, including all software, databases, hardware, and digital files, remain the sole property of SBCOE. To create a common expectation for the acceptable use of such communication devices, each user of such devices is expected to subscribe to and observe Superintendent Regulation 4040 Employee Use of Technology. This policy does not cover all required or expected behavior. Each user is expected to exercise sound judgment regarding appropriate conduct.

Employees are responsible for reviewing the Technology Acceptable Use Policy carefully before signing. A signature on this document is legally binding and indicates acceptance and understanding of the terms and conditions. A copy of the signed document will be placed in each employee's personnel file. Questions about access to electronic communications or issues relating to security should be addressed to Technology Information Services. (*Reference: Superintendent Regulation 4040 Employee Use of Technology*).

## **TRAVEL EXPENSES**

With prior approval, SBCOE will pay actual and necessary travel expenses incurred by employees in accordance with California Education Code and policies established by the County Board of Education. The travel expenses must be incurred for activities legally required and authorized to be performed by the County Superintendent and staff members. All travel must be approved by your supervisor in advance.

A Travel and Expense Reimbursement Claim form for travel expenses should be submitted, including the following information:

- Date, location, purpose, mileage and expenses
- Prior approval by the applicable supervisor and County Superintendent for the travel, conference, and accommodations for out of area travel
- Receipts or vouchers for the expenses

## **USE OF AUTOMOBILES (Private and County)**

All employees will be assigned a work location (home base). Employees will receive mileage reimbursement if traveling between sites during the day. Employees will be reimbursed for any mileage except for the regular daily round trip from his/her residence to the assigned home base. An employee's assigned home base is determined by the supervisor and should be based upon the office location of the position.

A Travel and Expense Reimbursement Claim form should be used when an employee uses his/her own vehicle. Information regarding minimum automobile insurance coverage for property loss, property damage and liability insurance must be provided through proof of insurance. Mileage will be reimbursed at the current IRS rate. Employees are required to have automobile insurance on their personal vehicle in accordance with the California Insurance Code.

## **CARE OF SBCOE PROPERTY**

Every job in the organization requires the use of supplies and some type of equipment. All employees are charged with the responsibility of maintaining this property in the best possible condition and making the most efficient use of supplies issued to them. Employees can help keep costs down by exercising reasonable care over the property for which they are responsible. Employees may not take home SBCOE equipment without permission.

## **COMMUNICATION PROTOCOLS**

San Benito County Office of Education employees are expected to represent the organization in a professional manner. Good judgment shall always be exercised to ensure that communications do not cause any harm or embarrassment to the individual, others or to the organization. All employees shall follow the protocols for email and telephone communications outlined in the San Benito County Office of Education Communications Policy.

## **CHANGE OF NAME OR ADDRESS**

Employees must report changes in name, address or phone number to the Human Resources Department as soon as possible. Name changes will be processed only if accompanied by a Social Security Card reflecting the same name. Contact the Human Resources Analyst at (831) 637-5393, Ext. 120 for the appropriate form and additional information.

## **COMPLAINTS CONCERNING EMPLOYEES**

SBCOE has adopted a formal policy in order to resolve complaints involving SBCOE employees. The County Superintendent expects that employees and supervisors will make every effort to resolve complaints and disagreements informally before resorting to formal complaint procedures. Contact the Director of Human Resources at (831) 637-5393, Ext. 106 to request a copy of the complaint procedure and form. *(Reference: Board Policy 1312.1 Complaints Concerning County Employees)*

## **UNIFORM COMPLAINTS**

A uniform complaint is a written statement alleging discrimination, harassment, or violation of a federal or state law. There are specific legal guidelines about what constitutes a uniform complaint, how such complaints are filed, timelines, resolution procedures, and appeals. Employees may submit uniform complaints in writing to the compliance officer for the County Office. Complaints must be submitted within six months of the alleged incident. All uniform complaints will be investigated as required by law and a written decision will be issued within 60 days. *(References: Board Policy 1312.3 or 1312.15 Uniform Complaint Procedures)*

Antonio Vela, Director of Human Resources  
460 5<sup>th</sup> St  
Hollister, CA 95023  
831-637-5393, x106  
[avela@sbcoe.org](mailto:avela@sbcoe.org)

## **CONVICTION OF NARCOTICS OR SEX OFFENSE**

Conviction of an offense related to sex, controlled substance or other serious or violent felony as defined in California Education Code will result in immediate termination of employment. *(References: California Education Code 44010 and 44011)*

## **EMERGENCIES**

Each program and associated site are part of a Comprehensive Safe Schools Plan in case of an earthquake or other major disaster. Employees are required to become familiar with the plan for their specific site and review the plan annually. The Plan consists of numerous components that cover emergency response and crisis response and preparedness. One of which is how to respond to medical emergencies. In the event of a medical emergency, employees are to immediately call 911, and administer appropriate first aid (if trained) or make the individual as comfortable as possible without being moved until first aid can be administered. The immediate supervisor or the Safety

Coordinator must be contacted as soon as possible. Additional information can be found in the Injury and Illness Prevention Plan.

Disaster service workers include public employees, registered volunteers, and persons pressed into service during an emergency by persons authorized to command such services. ***All SBCOE employees are declared by law to be disaster service workers and must be prepared to respond quickly and responsibly to emergencies, disasters and events that threaten to result in disaster.*** In the event of natural, manmade, or war-caused emergencies that result in conditions of disaster or extreme peril to life, property, and resources, all SBCOE employees are subject to disaster service activities as assigned to them by their supervisors.

## **EMPLOYMENT OF RELATIVES**

SBCOE will not employ someone in a position where he/she is directly or indirectly supervised by a relative or member of his/her household. Additionally, SBCOE will not employ relatives or members of the present household of a County Board of Education member or the County Superintendent of Schools. A relative is defined as a husband, wife, son or daughter (including in-laws), father or mother (including in-laws), brother or sister (including in-laws), grandchild or grandparent. ***(References: Superintendent Policy 4112.8, 4218.8 and 4312.8 Employment of Relatives)***

## **GIFTS TO EMPLOYEES**

No employee is to receive any commission, expense-paid trip, or anything of value from individuals or companies selling equipment, materials, or services used in the operation of the public schools. This includes the purchase and use of all materials, supplies or other items needed for the repair, maintenance, or operation of school facilities, office or cafeterias, for school transportation, or materials used to conduct classes, activities, and organizations. Employees engaged in any aspect of purchasing or contracting of goods or services shall not accept any incentives that might compromise objectivity when dealing with vendors.

## **PERSONNEL FILES**

The personnel file maintained in the Human Resources Department is the only official and legal permanent record that can be maintained on employees. A major purpose of the file is to protect employees against arbitrary and prejudicial personnel decisions. The personnel file is governed by the California Education Code, which requires a procedure whereby employees can correct or rebut incomplete or inaccurate information in the hands of their employers that might affect their employment status. Additionally, no information of a derogatory nature can be entered or filed unless and until the employee is given notice and an opportunity to review and respond. Documents may include anything relating to an employee's performance, whether it is a formal evaluation, observation, report, memorandum, commendation, written warning, or reprimand. ***(References: California Education Code 44031)***

Every employee has the right to inspect their personnel file upon request. All employee personnel files are confidential and are available only to the employee and to those who have authorized access.

## **POLITICAL ACTIVITIES**

SBCOE recognizes and encourages the right of all officers and employees to engage in political activities. Such activities, however, must be conducted on an employee's own time and off the premises of SBCOE. *(References: Superintendent Policy 4119.25, 4219.25 and 4319.25 Political Activities of Employees)*

## **PUBLIC RELATIONS**

Employees of the San Benito County Office of Education have an important public relations responsibility. Work, attitude and appearance are all subject to close inspection by the public. In many cases, total judgment of the efficiency and character and performance of the organization may be based on individual public encounters with a single SBCOE employee.

Employees may be approached for interviews or comments by the news media. Only specific staff designated by the County Superintendent may comment to news reporters on SBCOE policy or events relevant to SBCOE. All inquiries from the media are to be directed to the Superintendent's Office.

## **OUTSIDE EMPLOYMENT**

Full-time employees may not engage in outside employment if it impairs their efficiency with the SBCOE, or if the nature of the outside work would create a conflict of interest.

The supervisor or the Human Resources Department may deny your request to engage in such activity if a conflict is anticipated or job performance is adversely affected. Failure to notify your supervisor of outside employment may be cause for disciplinary action up to and including dismissal.