

CHAPTER 80

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CHAPTER 80

MISCELLANEOUS PROVISIONS

80.100 CLASSIFIED COMPLAINT PROCEDURE

This procedure is to be used for all complaints for non-represented classified employees and for complaints regarding areas outside the negotiated agreement for represented classified employees.

80.100.1 COMPLAINT PROCEDURE FOR CLASSIFIED PERSONNEL-- STEPS IN THE ADJUSTMENT PROCEDURE

- A. All complaints shall first be brought by the employee personally to his immediate supervisor with request for consideration and correction. The immediate supervisor will inform the employee within three to five working days of his decision.
- B. An employee with an uncorrected complaint may then approach the next higher level supervisor for consideration and correction. This second step of the Complaint Procedure may be done verbally or in writing. This supervisor shall investigate the complaint and inform the employee and the employee's immediate supervisor within five working days of his decision. At this point in the procedure, the grieved employee may be accompanied by a representative of his own choosing. However, if this is done, the employee must submit his complaint in writing.
- C. An employee with an uncorrected complaint may then submit a written statement of his complaint to the Division Head. The Division Head shall investigate the complaint and inform the employee and the employee's immediate supervisor(s) within five working days of his decision. The grieved employee may be accompanied by his representative if the Division Head requests a meeting to discuss the complaint.
- D. If the employee, after completing the steps outlined above, has not had his complaint problem solved, he shall present his complaint in writing to the Director of Classified Personnel.

80.100 CLASSIFIED COMPLAINT PROCEDURE (Continued)

80.100.1 COMPLAINT PROCEDURE FOR CLASSIFIED PERSONNEL--
STEPS IN THE ADJUSTMENT PROCEDURE (Cont.)

The Director of Classified Personnel shall arrange a meeting with the employee and the supervisor(s) involved. The employee may have his representative or counsel present at this meeting. (Counsel is not to exceed two persons, and may include organizational and/or legal counsel.) The Director of Classified Personnel shall preside at this meeting and both sides of the problem shall be presented. Upon the conclusion of the meeting, the Director of Classified Personnel shall, within five working days, mail his decision to the employee with copies distributed to the supervisor(s) involved and a report will be made to the Personnel Commission at its next regularly scheduled meeting.

- E. An employee with an uncorrected complaint at this point may present to the Director of Classified Personnel, in writing, five working days prior to the next Personnel Commission meeting, a request to be placed on the agenda for a hearing of his case. He may be accompanied by council at this meeting. Failure to meet the five day notice will result in placement on the agenda one meeting later. Failure to appear for the hearing as scheduled shall invalidate the case.

(References: Ed. Code 45260 and 45261)

80.200 EMPLOYER-EMPLOYEE RELATIONS

80.200.1 GENERAL PROVISIONS

The Board of Education, agents, and the Personnel Commission, its officers and agents, are governed, as are employees and employee organizations, by the provisions of Chapter 10.7, commencing with Section 3540 of Division 4 of Title I of the Government Code.

(References: Govt. code 3540 through 3549.3)

CLASSIFIED COMPLAINT PROCEDURE80.200.2 UNLAWFUL TO ENGAGE IN WORK STOPPAGE OR OTHER
LAWFUL CONCERTED LABOR ACTIVITIES

- A. Government Code 3549 provides: "The enactment of this chapter shall not be construed as making the provisions of Section 923 of the Labor Code applicable to public school employees and shall not be construed as prohibiting a public school employer from making the final decision with regard to all matters specified in Section 3543.2". This section means that public school employees may not engage in work stoppage, nor may they engage in other related types of activities in order to attempt to resolve grievances or differences, real or fancied.
- B. Any employee or groups of employees, either by their own initiative or through an employee organization, leaving their duty as a result of a work stoppage or other concerted labor activities may be considered as having abandoned their positions and, if dismissed, shall not be eligible for reinstatement or subsequent employment with the District. The Board may bring charges against any employee or employees for abandonment of position under this rule.
- C. Any classified employee who absents himself from duty, for any reason, during the period of an unlawful work stoppage, sitdown, slowdown, or other concerted activities shall be required to provide proper evidence that his absence was lawful and in no way an effort on the employee's part to further the work stoppage or concerted activity.
- D. Any rule prescribed in this Act which permits personal or illness absences without evidence of necessity is suspended and void during any attempted work stoppage or other concerted labor activity against the District

(References: Govt. Code 3549, Ed. Code 45260 and 45261)

80.200.3 SEX DISCRIMINATION APPEAL PROCEDURE - CLASSIFIED PERSONNEL

The Bassett Unified School District advocates and maintains a policy of non-discrimination on the basis of sex in its classified employment programs, as provided in the provisions of Title IX of the 1972 Education Amendments.

Accordingly, the District hereby adopts the following procedure to provide a prompt and orderly review of complaints alleging sex discrimination in any of its employment conditions or practices on or after July 21, 1976. However, no complaint alleging sex discrimination shall be subject to this appeal procedure unless the discrimination alleged in the complaint is the result of a currently existing practice or condition.

For purposes of administering this policy and its procedures, a complaint is defined as an allegation by a classified employee alleging discriminatory, unfair, arbitrary or capricious treatment arising from the relationship between the employee and the school district or any organization under the control or direction of the school district which would be violative of Title IX Regulations.

Inquiries relative to compliance with Title IX should be directed to the Title IX Coordinator at 904 North Willow Avenue, La Puente; 918-3131, Ext. 138. However, all resultant records will be retained by the Personnel Director.

A classified employee with a complaint as defined above shall process it as follows:

1. The complaint shall be submitted to the employee's immediate supervisor in writing on prescribed district complaint forms (which can be secured at each work location or from the Title IX Coordinator). The supervisor shall immediately conduct an investigation of the circumstances and conditions causing the complaint and make a determination in writing to the complaint within ten (10) days of receipt of the complaint. A copy of the complaint and response shall be submitted to the Title IX Coordinator.

80.200.3 SEX DISCRIMINATION APPEAL PROCEDURE - CLASSIFIED PERSONNEL (Cont.)

2. An appeal of an uncorrected complaint (from step 1 above) by the employee shall be submitted in writing to the Title IX Coordinator within ten (10) days of receipt of the supervisors' response.

The Title IX Coordinator will evaluate the complaint, confer with the complainant, make recommendations to the supervisor or others as necessary in attempting to reach satisfactory resolution of the problem within ten (10) working days of receipt of the written appeal. Should this procedure prove unsuccessful, the Title IX Coordinator will within five (5) days forward the complaint and written recommendations to the Personnel Director for consideration and/or correction.

3. Upon receipt of a copy of the complaint and the Title IX Coordinators' recommendations, the Personnel Director will hold a hearing of all parties to the complaint, including the Title IX Coordinator, supervisor and/or department head, complainant and counsel (if any), and any other person whose testimony is pertinent to the complaint.

Following the conclusion of the hearing, the Personnel Director shall notify the Superintendent and all parties to the complaint of his/her decision in writing within five (5) days.

4. A complainant with an uncorrected complaint may, within seven (7) days of receipt of the decision by the Personnel Director, request a hearing before the Bassett Unified School District Personnel Commission.

The Personnel Commission will, upon receipt of an appeal request, set a date for hearing, hear all evidence and render a decision. Its decision will be transmitted to all concerned and shall be final.

(References: Ed. Code 45260 and 45261)

80.300

POLITICAL ACTIVITY FREEDOM

Every classified employee may, during off-duty hours, participate in political activities not specifically prohibited by the Education Code.

(References: Ed. Code 45260 and 45261)

80.300.2 **CAUSE FOR DISCIPLINARY ACTION**

Any employee may be disciplined for improper political activity. Improper political activity includes:

- A. The use of any District property, equipment, or facility for any political purpose unless the use thereof is authorized, by law, for such purposes and the employee has obtained prior required approval.
- B. The use of any District property, equipment, or facility for any political purpose or the performance of any political act during regular hours of duty.
- C. Engaging in active campaigning on behalf of any candidate, including himself, for public office, whether by speaking, soliciting funds or support, distributing handbills, or otherwise, during his assigned hours of employment.
- D. Attempting to gain any advancement or privilege under the Act or these rules through political activity.

(References: Ed. Code 45260 and 45261)

80.300.3 **PERSONAL CANDIDACY**

Any employee may be a candidate for any political office for which he may file without suffering any loss of employment status in the district unless he violates the provisions of Rule 80.300.2.

(References: Ed. Code 45190, 45198, 45260 and 45261)

80.300 POLITICAL ACTIVITY (Continued)

80.300.4 LEAVE OF ABSENCE

An employee who files for a political office may request, and shall be granted, an unpaid leave of absence which shall commence not later than one month prior to the concerned election and continue until the election processes have been completed insofar as his candidacy is concerned. Such leave is required if the employee is a candidate for election to the Governing Board.

(References: Ed. Code 45190, 45198, 45260 and 45261)

80.300.5 ELECTION TO A POLITICAL OFFICE

An employee who is elected to a political office, the duties of which will clearly conflict with his normal duty hours and assignment with the District, may request, and shall be granted, an unpaid leave of absence which shall commence on the date he assumes the office and shall terminate not later than 30 days after his last day in the elected office. Re-election to the same office or election to a different office which provides reasonable continuity of elected public service shall cause extension of the approved leave.

An employee granted a leave under this rule may be used as a substitute employee during the period of the leave. He will be placed on an appropriate employment list(s) and notified that he may be offered limited-term employment.

(References: Ed. Code 45190, 45193, 453260 and 45261)

80.300.6 INTENT

It is the Commission's intent and purpose in enacting these rules to allow employees their lawful privilege of political freedom and activity, but to insure that political activities are not engaged in during normal duty hours and normal duty assignments. The district has a reasonable obligation to make certain that personnel are aware of their political rights and can exercise those rights but, at the same time, to insure that its employees do not wrongfully use their duty hours or district facilities for political purposes.

(References: Ed. Code 45260 and 45261)

EMPLOYEE CLEARANCES80.400.1 PHYSICAL EXAMINATIONS

Eligible applicants and regular classified employees of the Bassett Unified School District may be required to submit to a physical examination for the protection of the children and to help keep employees physically fit. It is recognized that optimum performance of duties can only be rendered by healthy employees.

A. Any classified employee whose duties are set forth on a regularly scheduled basis (regardless of the number of hours per day or week) may be required to have a physical examination.

1. An employee who is required to be examined shall be notified by the Personnel Office.
2. It is the responsibility of each classified employee, after notification, to schedule an appointment with the school district physician or with a physician designated by the district.
3. Cost of the physical examination shall be paid by the district if done at the time and place designated by the district.
4. Any classified employee desiring exemption from a required physical examination must submit the reasons therefor to the Personnel Office. Approval or disapproval of the exemption request shall be made by the Board of Education.
5. An employee who chooses a physician other than one designated by the district shall provide for the cost of such examination.

If the district fails to provide for or designate a physician for a required physical examination, the district shall provide for the cost of the examination provided by the physician selected by the employee.

6. The physical examination shall include such tests and information as is required by the Board of Education.

EMPLOYEE CLEARANCES (Continued)80.400.1 PHYSICAL EXAMINATIONS (Cont.)

7. The employee shall follow any reasonable treatment or recommendation arising from such physical examinations.
 8. If an examination reveals any defect or disease which, in the opinion of the physician, is detrimental to the health or welfare of the children or other employees or hampers his ability to perform his duties and responsibilities, the employee shall be placed on sick leave until further examination either confirms or repudiates the report. An eligible who has been offered employment shall be removed from the eligibility list and the offer of employment shall be rescinded. The cost of such additional examination(s) and for treatment shall be borne by the employee.
 9. If the report is confirmed by another physician, the employee shall remain on sick leave, be subject to dismissal, or be considered for disability retirement, if qualified.
 10. Should the findings of the second examination conflict with the earlier findings, the Personnel Director will confer with the two physicians in an effort to obtain a mutual determination.
 11. If a mutual determination by the two physicians is not possible, the Personnel Director (with the approval of the Commission) shall select a third physician to examine the employee. The cost of this examination will be borne by the Personnel Commission. The majority opinion shall prevail and appropriate action taken.
- B. Provisional, short-term and emergency employees shall not be required to submit to a physical examination.

(References: Ed. Code 45122, 45260 and 45261)

80.400 EMPLOYEE CLEARANCES (Continued)

80.400.2 TUBERCULOSIS EXAMINATIONS

A. For Initial Employment with the District

1. As a condition of employment, every new employee shall submit a Tuberculosis (TB) screening report to the district. This initial report shall be at no expense to the district.
2. This report should be submitted to the Personnel Office prior to initial placement, but shall be submitted no later than 30 calendar days from the employee's first working day.
3. The validity of the reports shall be established by the date of examination in the tuberculin report. To be valid, the date of examination shall be within 60 days (Ed. Code Section 49406), immediately preceding the date of initial placement.

B. For Regular Employees of the District

1. Every employee shall receive an intradermal skin test with 5 Tuberculin Units (TU) of Purified Protein Derivative (PPD) every twenty-four months following the previous examination as a requirement for continued employment with the district.
2. An approved chest x-ray may be substituted for the intradermal test if:
 - a. The employee is a known positive reactor to the intradermal skin test.
 - b. The employee desires the x-ray; the cost of such x-ray to be borne by the employee.
3. If any tuberculin test shows positive results, the employee shall have a 14 x 17 inch x-ray within ten days.
4. Confirmation of an abnormal chest x-ray examination of the employee will constitute placement on sick leave.

80.400. EMPLOYEE CLEARANCE (Continued)

80.400.2 TUBERCULOSIS EXAMINATIONS (Cont.)

- a. The district may request further diagnosis by a district designated physician and/or referral to the local health department clinic.
 - b. A report of findings shall be presented to the Personnel Office no later than 30 working days after the referral.
 - c. If the employee neglects or refuses further follow-up care this shall constitute grounds for dismissal.
5. If an employee objects to submitting to intradermal tuberculin test or chest x-ray, he shall appear at a scheduled hearing of the governing board and state his case. The decision to grant or refuse the request for exemption by the governing board shall be final. Only exemptions based on religious beliefs shall be considered by the governing board.
 6. Each employee shall comply with these provisions by filing with the Personnel Office a report by a licensed physician or any recognized agency offering tuberculin tests.
 7. Cost of the Intradermal Skin Test or chest x-ray to be paid by the district if at the time and place designated by the district.

(References: Ed. Code 49406, 45260 and 45261)

80.400.3 CRIMINAL RECORDS CHECK

- A. Fingerprinting
Every new employee shall submit to a criminal records check in accordance with prescribed procedures, or shall forfeit eligibility for employment. The District will notify each such employee where and when to report for fingerprinting, which shall take place no later than the tenth day of employment.

80.400 EMPLOYEE CLEARANCES (Continued)

80.400.3 CRIMINAL RECORDS CHECK (Cont.)

B. Review of Criminal Records

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges information contained therein to an unauthorized person is subject to disciplinary action.
2. The criminal records report from the California Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation will be reviewed together with the person's application form. If there is a criminal record, the appointing authority shall decide whether or not the person should be employed or retained in employment.

If the record discloses no information beyond that supplied by the person on his application form, and he was accepted for examination and/or appointment, he shall be considered employable.

3. If an employee is to be dismissed because of information disclosed on the criminal records report or if the appointing authority desires that an eligible be removed from an eligibility list because of such information, the Personnel Commission shall be notified of the recommended action and the reasons therefor. The decision of the Commission shall be final.

(References: Ed. Code 44009, 44010, 44011, 45123, 45124, 45125, 45126, 45260 and 45261)

80.500

PENALTIES

80.500.1 VIOLATIONS

Any person who wilfully or through culpable negligence violates any of the provisions of Article 6 (commencing at Section 45317) is guilty of a misdemeanor. It is also unlawful for any person:

- A. Wilfully by himself or in cooperation with another person to defeat, deceive, or obstruct any person with respect to his right of examination, application, or employment under this article...or Commission rule.
- B. Wilfully and falsely to mark, grade, estimate, or report upon the examination or proper standing of any person examined or certified under this article...or Commission rule, or to aid in so doing, or make any false representation concerning the same or the person examined.
- C. Wilfully to furnish to any person any special or secret information regarding contents of an examination for the purpose of either improving or injuring the prospects or chances of any person examined, or to be examined under this article...or Commission rule.

(References: Ed. Code 45317)