



# ***Monterey County Office of Education***

*Dr. Nancy Kotowski  
County Superintendent of Schools*

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# ***Employee Handbook for Certificated and Classified Staff***

## ***2017-18***

***Leadership - Support - Service***

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# ***INTRODUCTION***

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## **MISSION**

The Monterey County Office of Education provides the leadership, support and service excellence needed to prepare the diverse students of Monterey County for success in each step of their educational journey.

## **VISION**

Every student's educational experience will prepare them for success as productive and contributing members of our global society.

## **CORE VALUES**

### **Accountability**

We are accountable in all we do, always operating in a transparent manner, building and upholding the public's trust.

### **Collaboration**

We promote a collaborative culture that empowers organizational synergies and strong partnerships.

### **Innovation**

We are committed to leadership that cultivates innovative ideas that result in effective systems and increased capacity.

### **Diversity**

We value diversity by respecting and embracing different perspectives, cultures, and experiences that promote equity.

### **Equity**

We foster a culture of equity to provide opportunities for everyone to perform at the highest levels of achievement.

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

The Monterey County Office of Education (MCOE) is the office of the elected County Superintendent of Schools. The County Superintendent develops personnel and program policy, and is the employer for all of the County Office of Education employees. The Board of Education makes policy decisions related to county-operated programs in appropriate areas of budgeting, court schools, 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. The County Board serves as the Co Committee for school district organization whose functions include territory transfers and the organization of school districts such as school district unification.

### **County Superintendent of Schools**

**Dr. Nancy Kotowski**

### **Monterey County Board Of Education**

**Harvey Kuffner, Trustee Area 1**

**John McPherson, Trustee Area 2**

**Judy Pennycook, Trustee Area 3**

**Janet Wohlgemuth, Trustee Area 4**

**Ronald J. Panziera, Trustee Area 5**

**Mary Claypool, Trustee Area 6**

**Sergio Alejo, Trustee Area 7**

## PURPOSE OF EMPLOYEE HANDBOOK

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

**Classified** employees are covered under the Classified School Employee Association (CSEA), Chapter #35 Agreement unless specifically exempted in the recognition clause.

**Certificated** employees are covered under the Monterey County Office of Education Teachers' Association (MCOETA) 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 MCOE, and is intended for personal use and reference by MCOE employees. It 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 MCOE. 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 obligations on the part of MCOE or its employees not otherwise found in California law.

MCOE 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 collective bargaining agreements, and the Educational Employment Relations Act. If any provision contained in this Handbook is inconsistent with to provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement shall control as to those employees covered by that CBA. MCOE 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 any particular policy, procedure, guideline, or practice. Similarly, to obtain information regarding specific employment policies or procedures, whether or not they are contained in this handbook, employees should contact the Chief Human Resources Officer or Senior Director of Human Resources. Similarly, suggestions or concerns regarding policies and practices should be brought to the attention of the Chief Human Resources Officer for consideration by Cabinet and/or the appropriate bargaining unit or committee. The Superintendent and her designee(s) have the sole authority to enter into any employment or contracts on behalf of the Monterey County Office of Education.

# **EMPLOYMENT**

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The policies and definitions listed in this handbook for employees at MCOE 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 all the rights of a permanent classified employee. (*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. Certificated classroom teachers having been employed by MCOE for two complete consecutive school years in a probationary position with a full credential shall be classified as a permanent employee, provided they served more than 75% of each school year. All other certificated non-management employees shall be classified at the time of initial employment and annually thereafter as either substitute, temporary or probationary based on the circumstances under which the employee has been hired. (*References: Education Code 44006 and 44929*)

## **PERFORMANCE EVALUATIONS**

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, review and communicate past performance, and discuss areas where growth has been realized and areas where improvement and growth may be necessary. Performance evaluations should be the result of on-going communication between the evaluator and evaluatee and foster a learning environment that encourages personal and professional excellence. All evaluations should be based on established job performance criteria for specific positions (job descriptions), following an established timeline and making use of designated evaluation forms. The evaluations process, timeline and forms can be found in the collective bargaining agreements for each group of employees.

## **DISCIPLINARY ACTION PROCEDURE**

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

The disciplinary action varies with each case depending on the seriousness and frequency of the wrongful action, situations, or inaction. In the course of an investigation, an employee may be placed on administrative leave with pay. This system sets out a general 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, ethnicity, religion, creed, gender, gender identity, sexual orientation, age, marital status, physical or mental disability, genetic information, or medical condition, or association to someone in any of these protected classes, or any other consideration made unlawful by federal, state or local laws.

## **RESIGNATION PROCEDURES**

Any employee who voluntarily resigns from a position shall provide a written resignation to MCOE by letter of resignation or by completing the Resignation/Separation Notice. Resignation dates are subject to approval by MCOE. The form shall be processed through the department head and forwarded to the Human Resources Department. Rights to retirement benefits, continuation of insurance coverage, and unemployment insurance benefits may be discussed with the Human Resources and Payroll Departments. The employee shall be required to turn in all MCOE property such as: cell phones, mobile devices, and keys to any premise or vehicle, identification badges, computer equipment, and other school or office property.

Classified employees shall be paid for all time worked, plus accrued vacation, approved compensatory time and approved overtime.

Certificated employees shall be paid for time worked. Certificated employees do not earn vacation, overtime or compensatory time off.

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 employee's last workday in accordance with Education Code. (*Reference: Education Code 45165 [c]*)

## **NON-REEMPLOYMENT**

### ***Non-reelection/Release: Certificated Employees***

Probationary certificated employees: Non-reelection of probationary certificated employees occurs within the two-year probationary period. The supervisor shall notify a probationary certificated employee of the decision not to renew his or her contract no later than March 15th

second full consecutive year. This paragraph does not apply to classified staff. **(References: Education Code sections 44932 and 44933)**

Substitute and temporary certificated employees may be released upon written notice. For substitute certificated employees, written or verbal notice of release may be given at any time for any reason or without any reason. For temporary certificated employees, written notice of release may be given at any time prior to the temporary employee serving 75% of the days schools are operated by MCOE. After a temporary employee has served at least 75% of the days schools are operated by MCOE, written notice may be given but shall not be effective until the end of the school year. **(References: Education Code sections 44917, 44918, and 44954)**

#### ***Release During Probationary Period: Classified Employees***

Classified employees may be released at any time during their probationary period. This paragraph does not apply to certificated employees.

#### ***Layoffs***

Layoffs of certificated employees may be due to a reduction or elimination of a program or a decline in average daily attendance. The procedures used are dictated by the Education Code and the MCOETA collective bargaining agreement. **(References: Education Code sections 44955 and following)**

Layoffs of classified employees may be 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 MCOE and the procedures specified in the CSEA collective bargaining agreement. The Superintendent will make the final determination which programs or positions may be reduced or eliminated based upon the recommendations of division heads.

## **EXIT INTERVIEW**

An exit interview is a meeting with a separating employee that is normally conducted by Human Resources staff. The exit interview provides MCOE with the opportunity to obtain frank, honest feedback from the employee who is separating. Human Resources may schedule an exit interview with the departing employee during the last week of employment. The Chief Human Resources Officer or designee conducting the exit interview:

- a. Discuss the reasons for employment separation
- b. Notes employee's opinion about aspects of the County Office and the job
- c. Verifies the status of work projects, reports, IEPs, etc.

## **EMPLOYMENT REQUIREMENTS**

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

MCOE 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 MCOE will be on a fair and impartial basis, and no factors of race, ethnicity, color, national origin, age, religion, political affiliation, gender, sexual 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, MCOE 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, the Coordinator of Nondiscrimination in Employment (the Chief Human Resources Officer at 831.784.4195) or the County Superintendent 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 MCOE policy and regulations. ***(References: Superintendent Policy 4030; Administrative Regulation 4030)***

### **REASONABLE ACCOMMODATION**

MCOE will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless the employee is unable to perform the essential duties of the position. 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 applicant or 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 Chief Human Resources Officer or Senior Director of Human Resources.

## **REQUIRED ANNUAL TRAINING OF CHILD ABUSE MANDATED REPORTERS**

On September 29, 2014, Governor Jerry Brown signed AB 1432 (Chapter 797, Statutes of 2014). This law went into effect on January 1, 2015, and requires California school districts to annually train mandated reporters on their child abuse reporting obligations under the law.

Mandated reporters include, but are not limited to, teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, counselors of a child abuse prevention program, and any employee of MCOE whose duties bring the employee in contact with children on a regular basis. [Penal Code 11165.7]

### **TRAINING AND TRACKING REQUIREMENTS**

AB 1432 imposed the mandated reporter training obligation on all school districts, county offices of education (COEs), state special schools and diagnostic centers operated by the California Department of Education (CDE), and charter schools and their school personnel in California. Those agencies are required to do all of the following:

- (1) Annually train employees and persons working on their behalf who are mandated reporters under the Child Abuse and Neglect Reporting Act (CANRA) on their abuse and neglect reporting requirements.
- (2) Train new employees and persons working on their behalf who are mandated reporters within six (6) weeks of each person's employment.
- (3) Develop a process for all persons required to receive training under the law to provide proof of completing this training within the first six (6) weeks of each school year or within six (6) weeks of that person's employment.

### **TRAINING CONTENTS**

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. MCOE uses the Keenan SafeSchools Training method and has notified the CDE of such. 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.

In an effort to support existing laws and support county personnel in reporting child abuse, MCOE 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, whether physical, sexual, or neglect:

1. You are legally obligated to report it. Call the Monterey County Department of Social Services (AKA Child Protective Services [CPS]). (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.
3. If a student tells you that he or she is being sexually abused, believe the student and report it 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 Human Services Agency 24- hour hotline: (800) 606-6618 or (831)755-4661. 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 in the event that 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. All employees should keep any reports made to CPS confidential, discussing the matter only with other employees who "need to know."

IF YOU ARE ACCUSED OF MOLESTING OR ABUSING A CHILD:

1. If a verbal allegation is made by a parent, tell them that in view of their serious concerns, you will contact your administrator who will arrange a joint meeting time. Do not debate

the issue with the parent. If parents or guardians insist on calling the supervisor directly, that is their right. However, you may wish to call first to alert the administrator to the situation.

2. If a report has been filed with CPS or the police, there will be an investigation and you will be questioned. If a CPS worker questions you, it is recommended that you speak with an administrator present who can confirm what you say, and the context in which you made the statement. It is your right not to talk to a CPS worker without first consulting your union representative or personal attorney at your own expense.

#### 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. "High Fives," handshakes, etc. are welcome contact for most students. Unrealistic fears of child abuse charges should not turn us into cold people, afraid to reward children with our touch.
3. 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.

### **FREEDOM FROM TUBERCULOSIS**

During new employee orientation, employees will be required to provide verification of freedom from Tuberculosis either via the screening or the actual test. This verification is required upon employment and every four years thereafter. If you had a TB test taken for employment in another district which has not expired, it will be accepted to meet this requirement. If you had a TB x-ray or intradermal skin test within the past 60 days, for another reason that can be verified in writing by the doctor or agency who administered the test, it will be accepted.

### **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 and the Federal Bureau of Investigation for screening to assure that no employee has been convicted of a controlled substance, sex crime or other crime that would preclude employment by MCOE. 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.

## **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 MCOE activity should contact the Human Resources Department. 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. (*References: Superintendent Policy 4119.11, 4219.11 and 4319.11*)

## **VERIFICATION OF SOCIAL SECURITY CARD**

MCOE requires a copy of your social security card be on file with the Human Resources Department before any payroll checks will be processed. Per federal regulations, MCOE 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. By using the exact information printed on your social security card, earnings reported to state and federal agencies will be posted accurately to insure proper credit to you.

# SALARY AND BENEFITS

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## DISTRIBUTION OF PAY CHECKS

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

1. Direct deposit to a financial institution, provided employee has filed the appropriate forms with the Payroll Department. This option will electronically post the employee's pay check 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 with all of the 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, acceptable to the Business Office, 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 pay check. 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 pay check 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.

## PAYDAY AND DEDUCTIONS

Employees are paid monthly, on the last business day of each month. Payroll check stubs will show a statement of earnings, deductions, and contributions. The following deductions are required:

1. Federal and State Income Tax
2. Retirement Contributions\*
3. Employee portion of Medicare contribution

If you feel there has been an error in any pay check you receive, or if you have questions concerning the amount of your check, contact the Payroll Department immediately at (831) 755-0317 (A-L) or (831) 784-4212 (M-Z).

#### 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.

### **SALARY OVERPAYMENT**

On occasion, employees may be erroneously or improperly paid more than is owed to them. MCOE will pursue recovery in full, regardless of how the overpayment occurred. Employees are strongly encouraged to contact the Payroll Department in Business Services immediately if they believe they have received an overpayment. If the Payroll Department becomes aware of salary overpayments, they must report it to the employee affected. The Payroll Department is responsible for working with the employee to correct the overpayment. The employee must repay all amounts paid in excess, regardless of how the overpayment occurred. Most often, repayment is achieved through payroll deduction, with the amount and schedule of repayments mutually agreed upon between the employee and the Payroll Department and must be approved by the Senior Executive Director of Finance. If the employee ends employment with MCOE with a repayment still outstanding, the repayment balance will be deducted from their final paycheck.

### **WORK DAYS**

Each classification has a designated number of contract days, hours, and work year. 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.

### **OVERTIME APPROVAL**

All **classified** employees are advised that all overtime must be authorized in writing. The Overtime Request Authorization or Request to Earn Comp Time form, must be signed by the department head (or designee) prior to overtime being worked. Overtime work shall be compensated only if authorized in writing by the supervisor prior to the work being performed. However, if not possible to get prior approval in writing before working the required overtime, verbal approval will temporarily suffice. Verbal approval by the supervisor shall be confirmed in writing after the time is worked. The employer is responsible for compensation of the authorized overtime. A copy of the appropriate form shall be attached to the time sheet when submitted to the Payroll Department.

It shall be the mutual responsibility of the employee, supervisor and department head 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. 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.

Executive, administrative, management and professional employees are exempt from overtime pay and compensatory time off requirements.

**Certificated** employees are not entitled to overtime but may be entitled to extra pay for duties that are described in the collective bargaining agreement between MCOE and MCOETA.

## **COMPENSATORY (COMP) TIME OFF**

**Classified** employees may elect to take compensatory time off in lieu of cash compensation for overtime duties assigned on a non-voluntary basis.

Such election shall be submitted in writing, using the form, according to the collective bargaining agreement, to the immediate supervisor within the pay period earned.

Compensatory time shall be taken at a time mutually acceptable to the supervisor and employee within the twelve (12) months after the date on which it was earned. If the compensatory time has not been taken within twelve (12) months of the date on which it was earned, MCOE shall pay the employee for all such time at the appropriate overtime rate based on the employee's rate of pay at the time it was earned.

Employees assigned to classrooms shall take their compensatory time off when students are not present except that such time off may be taken in one-half (1/2) day increments when students are present, if the arrangements are agreed to by the employee and the site supervisor and in a manner that is consistent with an applicable collective bargaining agreement. Notice of the intent to take such time off shall be submitted to the site/program supervisor five (5) working days prior to the intended day of compensatory time off.

Part time employees whose regular assignment is less than seven (7) hours a day; 35 hours a week may elect to take comp time off in lieu of cash for extra time worked up to eight (8) hours a day; 40 hours a week.

In accordance with the Fair Labor Standards Act (FLSA), employees may not accrue in excess of 240 hours compensatory time.

**Certificated** employees are not entitled to compensatory time off.

## **EMPLOYEE CALL BACK**

**Classified** employees who are called back to work after completing their regular work day or who are called into work at a time for which they are not regularly required to work will receive a minimum of two (2) hours pay at the appropriate rate under the CSEA collective bargaining agreement.

This does not apply to **certificated** employees.

## HOLIDAYS

Monterey County Office of Education facilities observe the following holidays:

New Year's Eve  
New Year's Day  
Martin Luther King Day  
Lincoln's Birthday  
Washington's Birthday  
Spring Break Holiday  
Memorial Day  
Independence Day  
Labor Day  
Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving Day  
Christmas Eve  
Christmas Day

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

**Classified** employees are paid for holidays. See the CSEA collective bargaining agreement for specific information regarding holidays.

## HEALTH, DENTAL AND VISION INSURANCE

Health, dental and vision insurance are available for the employee and all eligible dependents. A life insurance policy is also provided for all employees enrolling in a health insurance plan. All full-time employees are required to enroll in health insurance coverage. Employees must work a minimum 0.5 FTE (full time equivalent) to qualify for health benefits. Eligible part time employees may decline coverage by filling out a Declination of Coverage form and returning it to the Human Resources Department.

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. A qualifying event includes:

- a marriage
- a divorce
- the birth of a child
- the adoption of a child
- court ordered guardianship of a minor child
- the requirements of domestic partnership are met
- the effective date of a 25% increase in the employer/employee portion of contribution to the benefit package.
- the effective date of an increase in the number of hours worked by the employee

- the termination of employment of the person through whom the employee's dependent was previously covered
- a change in the employee's employment status or a change in the employment status of the individual through whom the employee's dependent was previously covered
- the involuntary termination of the other plan under which the employee's dependent was covered
- the cessation of an employer's contribution toward an employee's or dependent's coverage
- the death of a person through whom an employee's dependent was previously covered as a dependent
- acquiring coverage
- gaining Medicare
- death of subscriber or covered spouse

MCOE pays a portion of the cost of benefits based upon the provisions of the applicable collective bargaining agreement.

**Classified** employees represented by CSEA who work less than four (4) hours per day or twenty (20) hours per week (part time) are eligible for reimbursement for medical premiums up to 50% of MCOE's current contribution towards CVT medical premium at the employee's eligibility level. The employee may purchase any of the CVT plans, through payroll deduction, and apply this 50% contribution.

**Certificated** employees represented by MCOETA who work less than 0.5 FTE are ineligible for Medical, Dental, and Vision insurance coverage.

The open enrollment period for changing insurance plans occurs each year during the months of mid-August through mid-September for an effective date of October 1. Other qualifying events may allow for plan changes at other times other than open enrollment. For more information on qualifying events, please see a Human Resources representative.

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

Dependents who become ineligible due to age or marital status may purchase continuation of health, dental, and vision benefits for a limited period of time, if the Internal Business Services Department is notified within 30 days of the date the dependent becomes ineligible. It is the employee's or dependent's responsibility to advise the Internal Business Services Department upon expiration of eligible status.

An employee who becomes ineligible for paid health, dental and vision insurance coverage, due to reduction in hours or separation of employment, may purchase continuation of health, dental, and vision benefits for the entire family for a limited period of time. The employee will be notified of continuation options at the time of separation or reduction in hours. Employees represented by a bargaining unit who choose the option to continue health, dental and vision benefit

coverage under COBRA will be responsible for making premium payments directly to CVT (California Valued Trust).

## **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 1000 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 be eligible for retirement benefits, an individual hired before 1/1/2013 must have attained age 50 or age 52 after 1/1/2013 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. Unused sick leave at the time of retirement may be added to service to extend service credit in accordance with the rules and regulations adopted by PERS. 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. In order to be eligible for retirement benefits, an individual must have attained age 55 and have five years of service. 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. Unused sick leave may be added to service to extend service credit at the time of retirement in accordance with the rules and regulations adopted by STRS. 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**

MCOE offers an IRS section 125 plan to its employees. 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. Employee must meet with carrier of plan to elect pre-tax benefits. Contact the Payroll Department for more information.

## **403(b) and 457 PLANS**

MCOE contracts with a third party administrator for the management of both of these tax-sheltered opportunities. Any employee wishing to contribute to a 403(b) or 457 plan would need to contact SchoolsFirst Federal Credit Union at (800) 462-8328 or (714) 258-4000. A brochure explaining benefits of the plan is provided to each employee during orientation. Any questions regarding coverage or payment of benefits should be directed to the claims administrator as indicated in the brochure.

## **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 an employee eligibility status.

## **WORKERS' COMPENSATION INSURANCE BENEFITS**

In accordance with state law, MCOE 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. The supervisor along with the employee must contact the Injury Hotline Company Nurse at 1-855-602-5266 immediately to report the incident. See sections on leaves and safety for more information on what to do in cases of work-related illness and injury. (*References: Board Policy 4257 and 4357*)

# **LEAVES OF ABSENCE**

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## **REPORTING ABSENCES**

Regular and prompt attendance is an important part of employment at MCOE. It is the employee's responsibility to report and document any absences as per the respective collective bargaining agreement.

## **SICK LEAVE**

Sick leave is authorized for all employees. See the applicable collective bargaining agreement for more information or Superintendent policies, for unrepresented employees, regarding sick leave. Employees working less than full time will receive a pro-rated sick leave accrual as provided in the collective bargaining agreements and Superintendent policies.

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, county office of education 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 paid out 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. Generally, 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. Employees are allowed seven (7) days annually, non-cumulative for personal necessity. Personal necessity leave shall be deducted from sick leave. Employees represented by CSEA or MCOETA should refer to their collective bargaining agreements for details.

**Classified** employees represented by CSEA may use three of these days as Personal Observance days which may be taken in two hour increments. This does not apply to certificated employees.

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.

### **Classified**

For classified employees, the salary deduction in any month shall not exceed that which was actually paid a substitute. For purposes of calculating the differential, the substitute pay shall not exceed Step One of the employee's pay grade. The combined amount of accrued paid leave and extended sick leave may not exceed five school months. **(Reference: Education Code 45196)**

### **Certificated**

For certificated employees, the salary deduction in any month shall not exceed that which was actually paid a substitute, or the amount that would have been paid to a substitute had one been employed. For purposes of calculating the differential, the substitute pay shall not exceed the long-term substitute rate. The amount of extended sick leave (not including accrued sick leave) shall not exceed 100 days. **(Reference: Education Code 44977)**

## **BEREAVEMENT LEAVE**

Employees are entitled to four (4) days absence, or six (6) days, if out-of-state travel is required, with pay, (per occurrence) for the death of any member of an employee's immediate family. The employee may request to use personal necessity leave if additional time off is required. **(References: Education Code 44985 and 45194)**

## **JURY DUTY LEAVE**

If a summons for jury duty is received, it must be presented to the employee's supervisor immediately, in order to grant the leave and for duties to be reassigned in advance of the absence. MCOE will grant such leaves of absence with pay up to the amount of the difference between the employee's regular earnings and any amount he receives for jury or witness fees. Full pay will be granted for this leave provided the employee endorses the fee received, exclusive of mileage, meals and lodging allowance, to MCOE. Proof of attendance shall be supplied by the employee.

## **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 AND ILLNESS LEAVE (WORKERS' COMPENSATION)**

MCOE provides industrial accident and illness 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 work days may be eligible for additional leave, such as sick or extended sick leave. (*References: Administrative Regulation 4152 and 4252*)

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 Human Resources Department prior to returning to work from an industrial injury or illness leave. Whenever possible, MCOE 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.

## **CATASTROPHIC LEAVE**

A catastrophic leave program is available to allow **classified** employees to donate available accrued paid leave benefits to another employee, when that employee or a member of his/her immediate family suffers a catastrophic illness or injury, and the employee has exhausted all available paid leave benefits. For more information on catastrophic leave, please refer to your collective bargaining agreement and contact the Human Resources Department for specific rules and procedures.

Certificated employees do not participate in the Catastrophic Leave program.

## **UNPAID LEAVE**

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

If an employee is granted a general leave, MCOE 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. (*References: Administrative Regulation 4181 and 4281*)

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

MCOE will comply with Government Code Section 12945.2 and Federal and State laws when granting FMLA/CFRA and PDL leaves.

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

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 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. MCOE 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).

## **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 MCOE 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, MCOE will maintain group health insurance for a minimum of twelve weeks. Beyond the twelve weeks, MCOE 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 leave 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]**)

## **VACATION**

Only **classified** full-time employees accrue vacation and may carry over to the next fiscal year any unused vacation hours up to 240 hours, based on an 8 hour position. Vacations should be scheduled to provide adequate coverage of job responsibilities and staffing requirements, and must be approved in advance by the supervisor. Hours in excess of 240 hours will be paid out at the end of the fiscal year. See the CSEA collective bargaining agreement for vacation accrual rates. Upon separation, a permanent full-time **classified** employee will be paid his/her earned but unused vacation at the rate of pay applicable to his/her last regular assignment. Employees that work less than 12 months will have vacation pay pro-rated by the number of months that the employee works and included in their regular monthly payroll.

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

# HEALTH AND SAFETY

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## TOBACCO FREE ENVIRONMENT

Tobacco use is prohibited in all facilities owned and/or operated by MCOE, including indoors, outdoors and in all MCOE 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 MCOE. This policy applies to employees, students, and the general public.

**(Reference: Board Policy 3513.3)**

## DRUG AND ALCOHOL FREE WORKPLACE

MCOE 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 MCOE work places.

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 California's Valued Trust (CVT). MCOE 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, MCOE 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 MCOE. All employees should be aware that MCOE reserves the right to search all property owned or operated by MCOE 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 MCOE 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 Monterey County Office of Education, employees are required to abide by the terms of this policy.

**(Reference: Superintendent Policy 4020)**

## 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, MCOE maintains an Injury and Illness Prevention Program (IIPP). (*References: Administrative Regulation 4157 and 4257*)

MCOE, 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.

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 MCOE'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, MCOE 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 MCOE 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 MCOE'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 Human Resources Department. If modified work or time off is recommended, the restrictions should be discussed with the Human Resources Department.

4. Questions regarding injury, status during time off, medical bills, etc., may be taken to the Human Resources Department. If necessary, the Human Resources Department may refer employees to MCOE'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**

MCOE has adopted a Bloodborne Pathogens Exposure Control Plan in accordance with the Occupational Safety and Health Administration (OSHA). The following summary outlines the MCOE Exposure Control Plan. The Safety Coordinator serves as MCOE's Exposure Control Officer. (*References: Administrative Regulation 4119.42 and 4219.42; 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. Hand-washing 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. 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 appropriate manager and Division Head 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.

## **VIOLENCE-FREE WORKPLACE**

MCOE does not tolerate workplace violence. MCOE recognizes that workplace violence is a growing nationwide problem, which needs to be addressed by all employers. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, bullying and/or coercion, which involve or affect MCOE employees or which occur on MCOE 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 MCOE employees. Examples of workplace violence include, but are not limited to, the following:

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

- All threats or acts of violence occurring off MCOE property involving a MCOE employee if the threats or acts affect the legitimate interests of MCOE.
- Any acts or threats resulting in the conviction of an employee or of an individual performing services for MCOE 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 MCOE.

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 MCOE 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.

MCOE's prohibition against threats and acts of violence applies to all persons involved in MCOE's operation, including but not limited to MCOE personnel, contract, and temporary employees and anyone else on MCOE property, or acting as a representative off of MCOE 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 MCOE 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.

# MCOE 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. Public confidence is endangered when ethical standards falter. Officers and employees must act with unwavering integrity, absolute impartiality and devotion to the public interest.

Following are principles which must be observed by all employees:

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 MCOE activity because of race, color, national origin, age, religion, political affiliation, gender, mental or physical disability, sex orientation, genetics, or any other basis protected by federal, state or local law, ordinance or regulation.
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 of: "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 MCOE." (**Reference: Education Code 35220 and Govt. Code sections 87100 et seq.**)
5. Persons in the public service shall not disclose confidential information acquired by or available to them in the course of their employment with MCOE or use such information for speculation or personal gain.

## ELECTRONIC MEDIA COMMUNICATION

MCOE 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 MCOE. 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 Administrative Regulation 4040 Acceptable Use Policy. 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 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: Administrative Regulation 4040**)

## **TRAVEL EXPENSES**

With prior approval, MCOE 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 or authorized to be performed by the County Superintendent and staff members.

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 Assistant Superintendent for the travel, conference, and accommodations for out of area travel; Superintendent approval is required for out of state 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 roundtrip 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 (see Business Services Procedures Manual) should be used when an employee uses his/her own vehicle. Personal Automobile Use Permission form must be on file in the Business Department before payment will be made. Information regarding minimum automobile insurance coverage for property loss, property damage and liability insurance must be provided. 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 MCOE 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 MCOE equipment without permission and completion of the Equipment Use Form.

## **MAINTENANCE / REPAIRS (Work Orders)**

Requests for maintenance repairs at MCOE's main office need to be directed to the Department level Administrative or Executive Assistant to input into the School Dude Work Order Software System. Requests for maintenance repairs at MCOE school sites need to be reported to the

offices of the School Principals for Alternative Education, and for Special Education either the site secretary or associated Principal. Work orders are submitted electronically via the School Dude Work Order Software System. Please refer to MCOE's Business Services Procedure Manual for complete details on how to submit a work order. Maintenance repairs considered to be an emergency or threat to student or staff safety, shall be reported immediately to the Executive Director of General Services and/or the Manager or Maintenance Operations, followed by the entering the request by the reporting party into the School Dude Work Order Software System.

## **COMMUNICATION PROTOCOLS**

Monterey 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 HRM-AD101 Communications Policy.

## **DRESS AND GROOMING**

The Monterey County Office of Education works with the public. All employees should use common sense in personal appearance, neatness, cleanliness, and clothing.

Employees who interface with the public should give extra consideration to the appropriateness of their apparel and overall appearance. Employees who work in areas that require climbing, lifting, and kneeling should consider the safety factor and wear clothing that is compatible with the job function they are performing.

Inappropriate attire is identified as any item of clothing that causes a distraction to other employees, causes a break in the normal flow of office routine, or creates an unsafe situation for the performance of job duties. Extremes in fashion and leisure activity clothing should be reserved for wear during non-work time. Activities or environmental changes that have special requirements should be recognized by the supervisor.

## **CHANGE OF NAME OR ADDRESS**

Employees must report changes in name, address or phone number to their supervisor and 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.

## **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 (Chief Human Resources Officer for Human Resources at 831.784.4195). 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)*

## **CONVICTION OF NARCOTICS, SEX OFFENSE OR OTHER VIOLENT FELONY**

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 is 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 MCOE 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 MCOE employees are subject to disaster service activities as assigned to them by their supervisors.

## **EMPLOYMENT OF RELATIVES**

MCOE 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, MCOE 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 the individual's spouse, domestic partner, parents, grandparents, great grandparents, children, grandchildren, greatgrandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the same family of the individual's spouse or domestic partner. *(References: Superintendent Policy 4112.8 and 4212.8)*

## **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 would include 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**

MCOE respects the right of employees to engage in political activities on their own time. When engaging in political activities, employees shall make it clear that they are acting as individuals and not as representatives of the Monterey County Office of Education. Employees have the obligation to prevent the improper use of time, materials, or facilities for political campaign purposes. It is important that we follow the law regarding keeping campaign activity outside the workplace.

MCOE has a diverse workforce with diverse points of view, and we ask that you be sensitive to all employees and not engage in any activity that may cause disruption or negatively affects the operation of the County Office programs and services. **(References: Administrative Regulation 4219.25 and 4319.25)**

## **PUBLIC RELATIONS**

Employees of the Monterey 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 MCOE 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 MCOE

policy or events relevant to MCOE. All inquiries from the media are to be directed to the Superintendent's Office.

## **TRANSPORTING STUDENTS**

According to the CSEA collective bargaining agreement, no **classified** employee shall use his/her own vehicle to transport any student or parent during the course of work.

According to the MCOETA collective bargaining agreement, **certificated** employees shall not be required to transport students in their privately owned vehicles except in the case of an emergency. Certificated employees who transport students in MCOE vehicles, within the course and scope of their employment, shall be primarily covered by MCOE vehicle insurance.

## **SURPLUS OF MCOE PROPERTY/EQUIPMENT**

In accordance with Administrative Regulation 3270, when property or equipment is identified as surplus or obsolete the Department Head shall submit a list of equipment or material to be surplus on a template provided by the Business Office. This list shall be forwarded to the Associate Superintendent of Finance and Business Services for submission to the County Board of Education. The Business Services Department will authorize appropriate disposition and the General Services Department will remove the surplus or obsolete items.

## **TRANSFER OF MCOE PROPERTY/EQUIPMENT**

Equipment may not be removed from its assigned location without proper written authorization. The Department Head may request equipment to be moved within the location or the same department (inter-department transfer) or from one department to another (intra-department transfer). In accordance with SOP # BUS-FA102, a "Fixed Asset Service Transfer Request" form shall be completed, signed, and submitted to the Central Fixed Asset Manager, who shall update the inventory.

## **USE OF EQUIPMENT OFF THE PREMISES**

MCOE's equipment may be taken from the office by staff members for use in their regular duties with school districts or professional personnel in Monterey County, provided that permission is obtained from the head of the department from which the equipment is borrowed; and provided further, that an accurate record of such use is made by that department. The record shall include the inventory tag number assigned to the equipment and the serial number, if the item has a serial number. **In all cases, the staff member is personally responsible for the proper care and return of the equipment.**

## **ACKNOWLEDGEMENTS**

The Monterey County Office of Education thanks the Ventura County Office of Education and the San Luis Obispo County Office of Education for permission to use their employee handbooks in the development of this employee handbook.