

HOPE ELEMENTARY SCHOOL DISTRICT

CLASSIFIED EMPLOYEE HANDBOOK

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SECTION I: RECOGNITION

- 1.1 Acknowledgment: This Handbook covers all classified employees of the Hope Elementary District including Instructional Aides and Bus Driver.

SECTION II: NO DISCRIMINATION

- 2.1 Discrimination Prohibited: No employee in the classified service shall in any way be favored or unlawfully discriminated against in wages, hours or other terms and conditions of employment because of his/her political opinions or affiliations, or because of race, national origin, religion, or marital status and, to the extent prohibited by law, no person shall be unlawfully discriminated against because of age, sex, sexual orientation or physical handicap.

SECTION III: PERSONNEL FILES

3.1 Personnel Files:

- 3.1.1 The Personnel file of each employee shall be maintained at the office. No adverse action of any kind shall be taken against an employee based upon materials which are not a part of the personnel file.
- 3.1.2 Employees shall be provided with copies of any derogatory written material before it is placed in the employee's personnel file. The employee shall be given an opportunity during normal working hours and without loss of pay to initial and date the material and to prepare a written response to such material. The written response shall be attached to the material.
- 3.1.3 An employee shall have the right at any reasonable time to examine and/or obtain copies of any material from the employee's personnel file with the exception of material that includes ratings, reports, or records which were obtained prior to the employment of the employee involved.
- 3.1.4 All personnel files shall be kept in confidence and shall be available for inspection only when actually necessary in the proper administration of the District's affairs or the supervision of the employee.

SECTION IV: PAY AND ALLOWANCES

4.1 Work Week of a Classified Employee:

- 4.1.1 The regular work week of a classified employee shall not exceed forty (40) hours. The regular workday shall be eight (8) hours.

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4.1.2 These provisions do not restrict the extension of a regular workday or work week on an overtime basis when such is necessary to carry on the business of the District. Also, nothing in this section shall be deemed to prevent the District from establishing a workday of less than eight (8) hours per day or a work week of less than forty (40) hours for all or any of its classified positions.

4.1.3 Any hours worked in excess of eight (8) hours in one day or forty (40) hours in one week shall be deemed overtime and paid at the rate of time and one-half in pay or in compensatory time at the election of the District.

4.1.4 Notwithstanding the provisions of the Education Code, the regular work week shall consist of not more than five (5) consecutive working days for any employee having an average workday of four (4) hours or more during the work week. Such employee shall be compensated for any work required to be performed on the sixth or seventh day following the commencement of the work week at a rate equal to one and one-half times the regular rate of pay of the employee designated and authorized to perform the work.

4.1.5 Compensation of Overtime Including Holidays:

Classified employees shall be compensated at the rate of time and one-half either in wages or compensatory time off whenever required to work in excess of eight (8) hours in any single day or forty (40) hours in any single work week. Compensatory time shall be administered in compliance with the Fair Labor Standards Act. Any employee who is required to work on a legal holiday shall be compensated at the rate of time and one-half in addition to his/her regular salary for that day.

4.2 The regular rate of pay for each position in the unit shall be in accordance with the rates established.

4.3 Employees shall be paid once monthly, normally on the last working day of the month.

SECTION V: CONDITIONS OF EMPLOYMENT

5.1 Work Year:

The regular instructional aide work year shall be 181 days.

5.2 Rest Periods:

Every employee shall be granted a rest period of ten (10) minutes during each four (4) hour working period. Such rest periods shall be taken at times established and/or approved by the employee's immediate supervisor.

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5.3 Safety:

Every employee shall be provided a safe and healthful working environment. The District shall endeavor to maintain such conditions by taking steps to act in compliance with the California Occupational Safety and Health Act.

5.5 Holidays:

The following shall be designated as paid holidays for classified personnel provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday:

January 1

Martin Luther King Day (third Monday in January)

February 12 known as "Lincoln Day"

Presidents' Day (Third Monday in February)

Memorial Day (Last Monday in May)

July 4 (12 month employees only)

Labor Day (First Monday in September)

Veterans Day

Thanksgiving Day

Friday after Thanksgiving (in lieu of Admission Day)

Christmas Day

When a holiday falls on a Saturday, the preceding workday which is not a holiday shall be deemed to be that holiday. When a holiday falls on a Sunday, the following day which is not a holiday shall be deemed to that holiday. When a unit member is required to work on any holiday, he/she shall be paid compensation, or given compensatory time-off for such work, in addition to regular pay received for that holiday, at the rate of time and one-half his/her regular rate of pay.

Every day declared by the President or Governor of the State of California as a public fast, mourning, thanksgiving, or holiday, and requiring the closing of facilities, or any day declared a holiday by the Hope School District Board of Trustees shall be an additional holiday.

Except as otherwise provided for in this SECTION, an employee must be in paid status on the working day immediately preceding or succeeding the holiday in order to be paid for the holiday. Employees in the classified service who are not normally assigned to duty during the school holidays of December 25 and January 1, shall be paid for those holidays provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

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5.6 Vacations:

The schedule of vacation accrual shall be as follows:

Years of Service	Days of Vacation
All	10

VACATION LEAVE MAY NOT BE TAKEN OFF. VACATION IS CALCULATED AS PART OF CLASSIFIED EMPLOYEES SALARY. ANY DAY TAKEN AS A VACATION DAY DURING THE SCHOOL YEAR WILL RESULT IN A PAY DEDUCTION IN THE JUNE WARRANT AND MAY RESULT IN DISCIPLINARY ACTION.

5.7 Fingerprinting and TB Exams:

Each employee or prospective employee is responsible for the cost of any fingerprinting or TB examination required for employment in the Hope Elementary School District.

SECTION VI: FRINGE BENEFITS

6.1 Benefits for the 2000/2001 school year shall be provided through SISC.

6.2 Health and welfare benefits shall be pro-rated on an eight (8) hour day employee being eligible to receive full benefits. Employee eligibility shall be based on six (6) hour minimum to receive District paid benefits. Less than six (6) hours shall receive no benefits.

SECTION VII: LEAVES

7.1 Bereavement:

Employees shall be granted a leave with full pay in the event of the death of any member of the employee's immediate family. The leave shall be for a period of three (3) days within the state and five (5) days if the employee must travel out of state. Immediate family is defined as husband, wife, father, mother, sister, brother, son, daughter, step-mother, step-father, step-sister, step-brother, brother-in-law, sister-in-law, mother-in-law, father-in-law, grandfather, grandmother, grandmother or grandfather of spouse, son-in-law, daughter-in-law, grandchild, foster child, legal guardian, or any relative of either spouse who is living in the immediate household of the employee.

7.2 Sick Leave:

An employee employed ten (10) months, five (5) days a week shall be granted ten (10) days leave of absence for illness or injury, exclusive of all days he/she is not required to render service to the District, with full pay for a fiscal year of service. Sick leave may be taken in half-day (1/2) day increments. Absences for more than three (3) days in a row requires

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verification from a Doctor.

Pay for any such absence shall be the same as the pay which would have been received had the employee served during the day of illness. At the beginning of each fiscal year, the full amount of sick leave granted under this section shall be credited to each employee. Sick leave may be taken at any time during the year. However, a new employee of the District shall not be eligible to take more than six days until the first day of the calendar month after completion of six months of active service with the District.

If an employee does not take the full amount of leave allowed in any year under this section, the amount not taken shall be accumulated from year to year.

7.3 Personal Necessity Leave:

An employee may use at his/her election in case of personal necessity, a leave of absence up to seven (7) days per school year, which shall be deducted from his/her regular accumulated sick leave for the following purposes:

- Death or serious illness of a member of his/her immediate family. Serious illness is defined as situations where the employee is needed to care for a member of the immediate family who is in need of assistance, or cases where the employee is needed to take a member of the immediate family to a doctor or hospital.
- Accident involving his/her person or property or the property of a member of his/her immediate family.
- Appearance in any court, or before any administrative tribunal as a litigant, party, or witness under subpoena or order made with jurisdiction.
- Personal necessity leave shall be limited to circumstances that are serious in nature and that the employee cannot reasonably be expected to disregard, and necessitate immediate attention, and cannot be taken care of after work or on weekends.

7.4 Personal Leave:

One (1) day of personal leave may be taken without providing a specific reason. At least three (3) days advance notice must be provided the Principal in order to be considered for this leave. This leave shall be deducted from sick leave.

7.5 Health Leave:

Employees unable to perform their normal duties due to health related problems may be granted a health leave of absence by the Board of Trustees. Such leave may be either paid or unpaid at the discretion of the Board.

7.6 Jury:

An employee shall be entitled to as many days of paid leave as are necessary when he/she is required to serve on a jury

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(Grand Jury is excluded from this provision). Days of absence, because of jury duty, shall not be charged against an employee's sick leave. Stipends for jury duty, except for meals, mileage, and parking allowance, shall be turned over to the District and the employee shall receive no reduction in regular pay, fringe benefits, or other benefits which the employee would normally receive.

7.7 Court Appearance:

When an employee is required to appear in court or other administrative tribunal as an official witness, under subpoena, and which appearance is not brought about through his/her connivance or misconduct, such employee shall be released and paid full wages for the required period. Any witness fees paid shall be turned over to the District. The employee MUST provide the District with a copy of any subpoena in order for this leave to be credited.

7.8 Industrial Accident and Illness:

An employee suffering an injury or illness arising out of and in the course and scope of his/her employment shall be entitled to no more than sixty (60) working days in any one fiscal year for the same accident or illness. This leave shall not be accumulated from year to year, and when any leave will overlap a fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred.

Payment for wages lost on any day shall not, when added to an award granted the employee under the Worker's Compensation Laws of the State of California, exceed the normal wage for the day.

The industrial accident or illness leave is to be used in lieu of normal sick leave benefits. When entitlement to industrial accident or illness leave under this section has been exhausted, entitlement to other sick leave, vacation, or other paid leave may be used. In no case may the employee receive compensation and/or benefits that would exceed a regular day's wage or benefit.

When all available leaves of absence have been exhausted and the employee is not medically able to assume the duties of his/her position, he/she shall, if not placed in another position, be placed on a reemployment list for a period of thirty-nine (39) months to be employed in a vacant position in the class of his/her previous assignment. Any employee who fails to accept an appropriate assignment after being medically released shall be dismissed.

7.9 Other Leaves: Additional leave(s) of absence may be granted by the Board of Trustees upon request of the employee. Such leave may be either on a paid or unpaid basis.

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SECTION VIII: EMPLOYMENT, CLASSIFICATION, PROBATION, ASSIGNMENT, AND TRANSFER:

- 8.1 All positions within the classified service shall be assigned to a specific classification.
- 8.2 All appointments of employees new to the District shall be for a probationary period of one (1) year.
A probationary employee new to the District may be disciplined and/or dismissed at any time during the probationary period and such action shall not entitle the employee to a hearing before the Board of Trustees.
An employee who has served the required probationary period in a satisfactory manner shall be classified as a permanent employee and shall be subject to disciplinary action for just cause.
- 8.3 **Vacancies:**
All vacancies shall be posted within the District. The notice shall contain the qualifications, duties and hours of the position.

SECTION IX: DEFINITIONS

- 9.1 **Employee** - Any member of the classified service.
- 9.2 **District** - The Hope Elementary School District and/or any of its agents.
- 9.3 **Day** - Any day the school office is open for business.

SECTION X: DISCIPLINARY ACTION, AND HEARING

- 10.1 **Demotion, Suspension, or Dismissal of Permanent Classified Employees:**
A permanent classified employee may be demoted, suspended, or dismissed by the Principal for cause as provided in section 10.2 herein, however, such action shall not be effective until written charges are filed and served upon the employee and the Board has taken action as herein provided.
- 10.2 **Grounds for the Disciplinary Action or Dismissal of Permanent Classified Employees:**
One or more of the following causes shall be grounds for suspension, demotion, or dismissal of any permanent classified employee:
- 10.2.1 Incompetence or inefficiency in the performance of the duties of the position.
- 10.2.2 Inability to perform assigned duties due to failure to meet job qualifications, including but not limited to, failure to possess required licenses or failure to pass required tests.
- 10.2.3 Insubordination, including but not limited to refusal to do assigned work.
- 10.2.4 Carelessness or negligence in the performance of duty or in the care or use of District property.

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- 10.2.5 Discourteous, offensive, or abusive conduct or language toward other employees, pupils, or the public.
 - 10.2.6 Dishonesty.
 - 10.2.7 Drinking alcoholic beverages on the job, or reporting for work while intoxicated or with evidence of alcoholic intake that would be offensive to his/her presence at work.
 - 10.2.8 Addiction to the use of narcotics or a restricted substance; use of narcotics or restricted substances while on the job; or reporting to work while under the influence of a nonprescription narcotic or restricted substance.
 - 10.2.9 Personal conduct unbecoming an employee of the District.
 - 10.2.10 Engaging in political activity during assigned hours of employment.
 - 10.2.11 Conviction of any crime involving moral turpitude.
 - 10.2.12 Arrest for a sex offense as defined in Education Code 44010 or any successor thereto.
 - 10.2.13 Conviction of a narcotics offense as defined in Education Code Section 44011 or any successor thereto.
 - 10.2.14 Repeated and unexcused absences or tardiness.
 - 10.2.15 Abuse of leave privileges or unauthorized use of vacation days.
 - 10.2.16 Falsifying any information supplied to the District, including but not limited to information supplied on application forms, employment records, or any other District form.
 - 10.2.17 Persistent violation or refusal to obey safety rules or regulations made applicable to public schools by the Board of Trustees or by an appropriate state or local governmental agency.
 - 10.2.18 Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment, or accepting anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
 - 10.2.19 Any willful conduct tending to injure the public services.
 - 10.2.20 Abandonment of position.
 - 10.2.21 Advocacy of overthrow of federal, state, or local government by force, violence or other unlawful means.
 - 10.2.22 Membership in the Communist Party.
 - 10.2.23 Engaging in an illegal work stoppage.
- 10.3 **Notice of Proposed Disciplinary Action to Permanent Classified Employees.**

Notification to a permanent employee of proposed disciplinary action shall be deemed sufficient when it is delivered in person to the employee or when it is received in the U.S. Mail, postage prepaid and addressed to the last known address of

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the employee by Certified Mail, Return Receipt Requested. The notification to the employee shall contain the following:

- 10.3.1 A statement of the specific acts and/or omissions upon which the disciplinary action is based;
- 10.3.2 A statement of the cause for the action taken;
- 10.3.3 Any claim that the employee has violated a rule or regulation;
- 10.3.4 A statement of the action proposed to the Board;
- 10.3.5 A statement that the employee has a right to a hearing on such charges if demanded within five (5) days after service on the notice to the employee;
- 10.3.6 A form, the signing and filing of which with the District shall constitute a demand for hearing, and denial of all charges.

10.4 Hearing on Suspension, Demotion, or Dismissal of Permanent Classified Employees.

Not less than five (5) days after receipt of a demand for a hearing by a permanent employee who has been served notice, a hearing shall be scheduled. The Board of Trustees shall hold such a hearing at a time and place designated by the Board. The employee shall be given at least five (5) days written notice of the time and place of the hearing unless such notice is waived by the employee. The employee and the District shall be afforded equal opportunity to present evidence and call witnesses. At the close of the hearing, the Board shall render a decision normally within ten (10) days which shall be the final administrative remedy, but shall not preclude legal redress. The burden of proof in any disciplinary case rests with the charging party.

10.5 Waiver of Hearing.

If an employee fails to make a timely request for a hearing, the Board of Trustees may act upon said charges without a hearing and without notice to the employee of the time and place of the Board's meeting to act on the charges.

10.6 Disciplinary Penalties Imposed by the Board.

If the Board of Trustees finds that sufficient cause exists, it may impose disciplinary action proposed by the Principal, or designee, or it may impose a lesser disciplinary penalty.

10.7 Immediate Demotion or Suspension Without Pay or Benefits of Permanent Classified Employees.

If the Principal or designee determines that, pending a Board of Trustees hearing on the demotion, suspension, or dismissal of a permanent classified employee, the immediate demotion or suspension of the employee without pay would be in the best interest of the District, the following procedure shall be initiated prior to imposing the demotion or suspension:

- 10.7.1 In addition to the written notice of the proposed disciplinary action as provided in Section 15.3, the employee shall

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be given written notice of the demotion or suspension without pay and the charges upon which the action is based, and the employee's right to respond to those charges both orally at a conference or in writing.

10.7.2 The employee shall be given notice of the immediate demotion or suspension sufficiently in advance of the action to review the charges and to frame a response.

10.7.3 The demotion or suspension action should be discussed prior to its occurrence at a conference with the Principal or designee during which time the employee shall have the right to present any rebuttal evidence.

10.7.4 Nothing in this section shall be construed to prohibit an immediate interim five (5) day suspension prior to notice and conference where an immediate suspension is required in the best interest of the District, and:

10.7.4.1 The suspended employee is given written notice in person or by deposit in U.S. Certified Mail of the charges upon which the suspension was based within one working day of the suspension;

10.7.4.2 The employee is notified of his right to file a written response or to have a conference with the appropriate administrator;

10.7.4.3 A reasonable opportunity is afforded the employee for a conference within five (5) days from the date of the suspension.

10.7.5 Any employee charged with the commission of any sex offense as defined in Education Code Section 44010 or any narcotics offense as defined in Section 44011 of the Education Code by complaint information or indictment filed in a court of competent jurisdiction, may be suspended as provided for in Education Code Section 45304.

10.8 Compensation for Loss of Salary During Demotion or Suspension With Pay.

If a disciplinary action against the employee is not upheld by the Board of Trustees, the employee shall be compensated for any loss of salary resulting from a demotion or suspension without pay prior to the hearing.

SECTION XI: EMPLOYEE SAFETY

11.1 Employees shall not be required to work under unsafe or hazardous conditions or to perform tasks which endanger their health, safety, or well-being.

SECTION XII: DRUG-FREE WORKPLACE

12.1 The maintenance of drug-free workplaces is essential to school and District operations. The Principal or designee shall:

1. Publish and give to each classified employee a notification that the unlawful manufacture, distribution, dispensation,

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possession, or use of a controlled substance is prohibited in the work-place. The notification shall specify the actions that will be taken against employees who violate this prohibition. The notification shall also state that as a condition of employment, the employee will abide by the terms of this provision and notify the employer, within five (5) days, of any criminal drug statute conviction which he/she receives for a violation occurring in the workplace.

2. Establish a drug-free awareness program to inform employees about:

- a. The dangers of drug abuse in the workplace.
- b. The District policy of maintaining a drug-free workplace.
- c. Any available drug counseling, rehabilitation, and employee assistance programs, and
- d. The penalties that may be imposed on employees for drug abuse violations.

3. Notify the appropriate federal granting or contracting agencies within ten (10) days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace.

4. Initiate disciplinary action within thirty (30) days after receiving notice of a conviction of an employee. Such action shall be consistent with state and federal law, the appropriate employment contract, and District policy and practices.

5. Make a good faith effort to continue maintaining a drug-free workplace through implementation of Board policy.

In taking disciplinary action, the Board shall require termination when termination is required by law. When termination is not required by law, the Board shall either take disciplinary action, up to and including termination, or shall require the employee to satisfactorily participate in a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency. The Board's decision shall be made in accordance with relevant state and federal laws, employment contracts, and district policies and practices.

SECTION XIII: EVALUATION

13.1 Evaluation of Classified Personnel:

13.1.1 Each permanent employee shall be evaluated at least once annually and not later than April 30. Evaluations shall be signed by both the evaluator and the employee, and when so signed shall constitute notice to the employee of less than satisfactory service when the rating so indicates. The employee shall be given ten (10) work days in which to write a response to his or her evaluation. Such response shall be attached to the related evaluation.

13.1.2 Probationary Employees:

13.1.2.1 New to the District. Those receiving original appointments shall be formally evaluated at least twice

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during their initial twelve (12) month probationary period. The absence of such formal evaluation shall not preclude immediate dismissal of a probationary employee.

13.1.2.2 Probationary employees new to the District who are found to be less than satisfactory during their probationary period will be recommended for dismissal.

13.1.3 Any classified employee who received a composite evaluation rating of less than satisfactory shall be provided, upon written request, an explanation by the evaluator as to the specific reasons for such rating.