

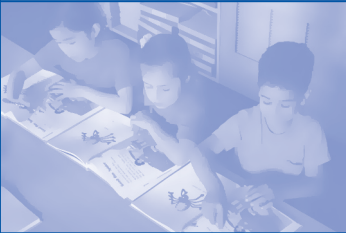
**EUREKA CITY SCHOOLS
NEW HIRE DOCUMENTS**

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CHILD ABUSE

Educator's Responsibilities



Crime and Violence Prevention Center
California Attorney General's Office

CHILD ABUSE

Educator's Responsibilities



Crime and Violence Prevention Center
California Attorney General's Office

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Please note that the California Child Abuse and Neglect Reporting Act may have been amended since the printing of this material. For the most current reporting law information, please go to www.leginfo.ca.gov. This material has been prepared to assist educators in determining their reporting responsibilities. It is not intended to be and should not be considered legal advice. In the event there are questions about reporting responsibilities in a specific case, the advice of legal counsel should be sought.

Introduction

Tragically, it is estimated that three children die each day in this nation as a result of child abuse and neglect. Every day, thousands of children are abused, often by a member of their own family, an unmarried parent's partner, or a caregiver.

The California Department of Social Services estimated that 378,301 referrals for investigation of child abuse and neglect involving 713,391 children occurred in 2004.

Each incident of child abuse is a national tragedy. No civilized society can overlook the maltreatment of children. Identification of abuse is the first step to strengthening our efforts in prevention and early intervention with children, youth and troubled families. Citizens and professionals who deal with children play a critical role in protecting innocent victims who suffer from abuse.

Under California state law, specific professional groups, including educators, are mandated to report known or suspected child abuse. Knowledge or reasonable suspicion of child abuse is not privileged information and must be reported. This information may be the only way a child receives help.

As an educator, you are in a unique position to help abused and neglected children escape pain, suffering, and even death. This handbook is designed to assist you in identifying the symptoms of child abuse and understanding your reporting responsibilities. It also answers some frequently asked questions. Together, we can stop the abuse and give our children a chance at a safe, happy, and productive life.

Crime and Violence Prevention Center
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What Is Child Abuse?

Mandated reporters (see page 14) are required by law to report known or suspected child abuse.

The law defines child abuse as:

- Physical abuse
- Physical neglect
- Sexual abuse
- Emotional maltreatment

Indicators of child abuse are listed in this section to help educators and other school personnel meet their responsibilities under the Child Abuse and Neglect Reporting Act. (Pen. Code, §11164 et. seq.) Of course, one of the most important reasons for suspecting child abuse is that a child has told you that someone has hurt him or her.

Physical Abuse

The term “child abuse” includes “physical injury inflicted by other than accidental means upon a child by another person.” (Pen. Code, §11165.6.) Physical abuse most often involves severe corporal punishment in which a frustrated or angry parent or other caregiver strikes, shakes, or throws a child. Intentional assault such as burning, biting, cutting, poking, twisting limbs, or otherwise torturing a child is also included in this category of child abuse. Indicators of physical abuse can be physical or behavioral.

Physical indicators

The type and location of an injury can help distinguish accidental injuries from injuries inflicted by physical abuse. Typical locations of injuries resulting from abuse are the back surface of a child’s body from the neck to the knees, injuries to the face, and injuries to multiple parts of the body. Injuries to the shins, elbows, knees, and forehead are not typically sustained from abuse.

Types of injuries indicative of physical abuse include:

- Bruises
- Burns
- Bite marks
- Abrasions
- Lacerations
- Head injuries
- Internal Injuries
- Fractures

Behavioral indicators

The following behaviors are often exhibited by abused children:

- The child is frightened of parent or caretaker or, at the other extreme, is overprotective of parent or caretaker.
- The child is excessively passive, overly compliant, apathetic, withdrawn, or fearful or, at the other extreme, is excessively aggressive, destructive, or physically violent.
- The child and/or parent or caretaker attempts to hide injuries to the child (e.g., the child wears excessive layers of clothing, especially in hot weather; the child is frequently absent from school or misses physical education classes if changing into gym clothes is required).
- The child is frightened of going home.
- The child is clingy and forms indiscriminate attachments.
- The child is apprehensive when other children cry.
- The child is wary of physical contact with adults.
- The child exhibits drastic behavioral changes in and out of presence of parent or caretaker.
- The child is hypervigilant; the child has difficulty sitting or walking.
- The child suffers from seizures or vomiting.
- The child, as an adolescent, exhibits depression, self-mutilation, suicide attempts, substance abuse, or sleeping and eating disorders.

Additional indicators

Other indicators of physical abuse may include:

- A statement by the child that the injury was caused by abuse. (Please note: abused children may deny abuse.)

- Knowledge that the child’s injury is unusual for the child’s specific age group (e.g., any fracture in an infant).
- Knowledge of the child’s history of previous or recurrent injuries.
- Unexplained injuries (e.g., parent is unable to explain reason for injury; there are discrepancies in explanation; blame is placed on a third party; explanations are inconsistent with medical diagnosis).
- Parent or caretaker delays seeking or fails to seek medical care for the child’s injury.

Physical Neglect

Neglect is the negligent treatment or maltreatment of a child by a parent or caretaker under circumstances indicating harm or threatened harm to the child’s health or welfare. (Pen. Code, §11165.2.) It includes both acts and omissions on the part of the parent or caretaker. California law defines two categories of neglect: severe neglect and general neglect.

Severe neglect means the negligent failure of a parent or caretaker to protect the child from severe malnutrition or a medically diagnosed non-organic failure to thrive. It also includes situations where the parent or caretaker willfully causes or permits the body or health of the child to be endangered. This includes the intentional failure to provide adequate food, clothing, shelter, or medical care. (Pen. Code, §11165.2, subd. (a).)

General neglect means the negligent failure of a parent or caretaker to provide adequate food, clothing, shelter, medical care or supervision where no physical injury to the child has occurred. (Pen. Code, §11165.2, subd. (b).)

Indicators of physical neglect

Neglect may be suspected when one or more of the following conditions exist:

- The child is lacking adequate medical or dental care.
- The child is often sleepy or hungry.

- The child is often dirty, demonstrates poor personal hygiene, or is inadequately dressed for weather conditions.
- There is evidence of poor or inadequate supervision for the child's age.
- The conditions in the home are unsafe or unsanitary.
- The child appears to be malnourished.
- The child is depressed, withdrawn, or apathetic, exhibits antisocial or destructive behavior, shows fearfulness, or suffers from substance abuse, speech, eating, or habit disorders (such as biting, rocking, or whining).

While some of these conditions may exist in any home, it is the extreme or persistent presence of these conditions that indicate a degree of neglect. Disarray and an untidy home do not necessarily mean the home is unfit. But extreme conditions resulting in an "unfit home" constitute severe neglect and may justify protective custody and juvenile dependency proceedings.

Sexual Abuse

Sexual abuse is defined as acts of sexual assault or sexual exploitation of a minor. (Pen. Code, §11165.1.) Sexual abuse encompasses a broad spectrum of behavior and may consist of many acts over a long period of time (chronic molestation) or a single incident. Victims range in age from less than one year through adolescence.

Sexual assault includes: rape; gang rape (or rape in concert); statutory rape, when the offender is 21 or older and the victim is under 16; incest; sodomy; lewd or lascivious acts with a child under 14 years of age, or with a 14 or 15 year old when the offender is at least 10 years older; oral copulation; sexual penetration; and child molestation. (Pen. Code, §11165.1, subd. (a).)

Sexual exploitation includes conduct or activities related to child pornography and child prostitution. (Pen. Code, §11165.1, subd. (c).)

The nature of sexual abuse, the guilt and shame of the child victim, and the possible involvement of parents, stepparents,

friends, or others in a child caretaker role, make it extremely difficult for children to report sexual abuse.

Sometimes a child who does seek help is accused of making up stories. Many people do not believe the child because the abuser seems well-adjusted and they cannot believe this person could be capable of sexual abuse. Also, when the matter does come to the attention of authorities, the child may give in to pressure from parents or caretakers and deny that any sexual abuse has occurred. The child may feel guilty about “turning in” the abuser or breaking up the family and therefore recant or change his or her story. This pattern of denial is typical and may unfortunately cause people to be skeptical of a child’s complaint of sexual abuse.

The sad reality of sexual abuse is that without third-party reporting, the child often remains trapped in secrecy by shame, fear, and threats by the abuser.

Indicators of sexual abuse

Indicators of sexual abuse may surface through a child’s history, physical symptoms, and behavior. Some of these indicators, taken separately, may not be symptomatic of sexual abuse. They are listed below as a guide and should be examined in the context of other factors.

History

- The single most important indicator of sexual abuse is disclosure by a child to a friend, classmate, teacher, friend’s mother, or other trusted adult. The disclosure may be direct or indirect (e.g., “I know someone...” or “What would you do if...?” or “I heard something about somebody...”). It is not uncommon for the disclosure by a child experiencing chronic or acute sexual abuse to be delayed. Children rarely fabricate these accounts; they should be taken seriously.
- A child wears torn, stained, or bloody underclothing.
- A child has an injury or disease (such as vaginal trauma or sexually transmitted disease) which is unusual for his or her specific age group.

- A child has a history of previous or recurrent injuries or diseases.
- A child has unexplained injuries or a disease (i.e., parent or caretaker is unable to explain reason for injury or disease); there are discrepancies in explanation; blame is placed on a third party; explanations are inconsistent with medical diagnosis.
- A young girl is pregnant. (Note that pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse. (Pen. Code, §11166, subd. (a)(1).)

Physical symptoms

- Sexually transmitted diseases.
- Genital discharge or infection.
- Physical trauma or irritation to the anal or genital area (e.g., pain, itching, swelling, bruising, bleeding, lacerations, or abrasions), especially if the injuries are unexplained or there is an inconsistent explanation.
- Pain during urination or defecation.
- Difficulty in walking or sitting due to genital or anal pain.
- Psychosomatic symptoms (e.g., stomachaches or headaches).

Sexual behaviors of children

- Detailed and age-inappropriate understanding of sexual behavior (especially by younger children).
- Inappropriate, unusual, or aggressive sexual behavior with peers or toys.
- Compulsive indiscreet masturbation.
- Excessive curiosity about sexual matters and/or genitalia.
- Unusual seductiveness with classmates, teachers, and others.
- Excessive concern about homosexuality, especially by boys.

Behavioral indicators in younger children

- Enuresis (wetting pants or wetting bed).
- Fecal soiling.
- Eating disturbances (such as overeating or undereating).
- Fears or phobias.
- Overly compulsive behavior.

- School problems or significant change in school performance (attitude and grades).
- Age-inappropriate behavior that includes pseudomaturity or regressive behavior (i.e., bed wetting or thumb sucking).
- Inability to concentrate.
- Sleeping disturbances (such as nightmares, fear of falling asleep, fretful sleep pattern or sleeping long hours).
- Drastic behavior changes.
- Speech disorders.
- Frightened of parents or caretaker or of going home.

Behavioral indicators in older children and adolescents

- Withdrawal.
- Chronic fatigue.
- Clinical depression and/or apathy.
- Overly compliant behavior.
- Poor hygiene or excessive bathing.
- Poor peer relations and social skills; inability to make friends; running away from home.
- Aggressive, antisocial, or delinquent behavior.
- Alcohol or drug abuse.
- Prostitution or excessive promiscuity.
- School problems (such as frequent absences or a sudden drop in school performance).
- Refusal to dress for physical education.
- Non-participation in sports and social activities.
- Fear of showers and/or restrooms.
- Fear of home life (as demonstrated by arriving at school early and/or leaving late).
- Sudden fear of other things (such as going outside or participating in familiar activities).
- Extraordinary fear of males.
- Self-consciousness of body beyond that expected for age.
- Sudden acquisition of money, new clothes, or gifts with no reasonable explanation.
- Suicide attempt or other self-destructive behavior.
- Crying without provocation.
- Setting fires.

Incestuous/intrafamilial sexual abuse

Sexual abuse of children within the family is the most hidden form of child abuse. In spite of its taboo and the difficulty of detection, some researchers believe it may be even more common than physical abuse.

In discussing sexual abuse, incest means sexual activity between certain close relatives (e.g., parent and child; siblings; grandparent and grandchild); intrafamilial means sexual activity between persons in a family setting, (e.g., stepparent and stepchild; parent's live-in partner and parent's child).

In most reported cases, the father or a male caretaker is the initiator of sexual activity and the victim is a female child. However, boys are also victims, more often than previously believed. Embarrassment and shame often deter children from reporting sexual abuse.

Sexual abuse of a child may begin at any age, from infancy through adolescence. The first incident of sexual abuse may be followed by guilt-provoking demands for secrecy and threats of terrible harm or consequences if the secret is revealed. The child may then fear disgrace, hatred, or blame for breaking up the family if he or she reveals the secret.

Regardless of how gentle, trivial, or coincidental the first incident may have been, sexual abuse tends to recur and escalate over time. The child may eventually blame himself or herself and believe that he or she may have tempted or provoked the abuser.

Although a mother is usually expected to protect her child, she may purposely stay isolated from the problem. By being distant and uncommunicative, or by disapproving of sexual matters, the mother may cause the child to be afraid to confide in her about the abuse.

One reason for the mother's behavior may be extreme insecurity. The potential loss of her husband or partner, and the economic security he provides, may be so threatening to her that she cannot

allow herself to believe or even to suspect that her child is at risk. Another reason for the mother's behavior may be that she was a victim of sexual abuse herself and she may consequently not trust her judgment or her right to challenge male authority. For these same reasons some mothers actually know their children are sexually abused but choose to look the other way.

Until the child is old enough to realize that incest is not a common occurrence, and until the child is strong enough to obtain help outside the family, there is no escape. This reality may change, though, if the abuse is reported by an outside party.

Extrafamilial sexual abuse

Children who are abused by someone outside their family typically know their molester, commonly through contact at school or in the neighborhood, or through involvement in youth programs, churches, or other recreational activities. People who molest children fall into all age categories, including pre-teens and the elderly. Although there are several classifications of child molesters, pedophiles present the greatest danger to children because their main sexual interest is children.

Pedophiles tend to be well-liked by children. They often choose work in professions or volunteer organizations which allow them easy access to children and in which they can develop the trust and respect of children and their parents. They believe sex with children is appropriate and even beneficial. They lure children into sexual relationships with love, rewards, promises, and gifts.

Although most cases of extrafamilial abuse involve a perpetrator known to the child, cases of abuse by strangers do occur. Typically in these cases, the stranger will entice the child ("Will you help me find my puppy?"); or convince the child that his or her parent requested that the stranger pick up the child; or the stranger may simply abduct the child.

Emotional Maltreatment

Emotional maltreatment consists of emotional abuse and emotional deprivation or neglect.

Emotional abuse

Mandated reporters may report suspected emotional abuse. (Pen. Code, §11166.05.) However, suspected cases of severe emotional abuse that constitute willful causing or permitting a child to suffer unjustifiable mental suffering **must** be reported. (Pen. Code, §11165.3.)

Just as physical injuries can incapacitate and scar a child, emotional maltreatment can similarly cripple and handicap a child emotionally, behaviorally, and intellectually. Severe psychological disorders have been traced to excessively distorted parental attitudes and actions. Emotional and behavioral problems, in varying degrees, are common among children whose parents abuse them emotionally.

Examples of how parents inflict emotional abuse on their children include excessive verbal assaults (such as belittling, screaming, threatening, blaming, or using sarcasm); unpredictable responses or inconsistency; continual negative moods; constant family discord; and double-message communication.

Behavioral indicators of emotional abuse

Emotional abuse may be suspected if a child:

- Is withdrawn, depressed, or apathetic.
- Is clingy and forms indiscriminate attachments.
- “Acts out” and is considered a behavior problem.
- Exhibits exaggerated fearfulness.
- Is overly rigid in conforming to instructions of teachers, doctors, and other adults.
- Suffers from sleep, speech, or eating disorders.
- Displays signs of emotional turmoil that include repetitive, rhythmic movements (such as rocking, whining, or picking at scabs).
- Pays inordinate attention to details or exhibits little or no verbal or physical communication with others.

- Suffers from enuresis (wetting pants or bed) or fecal soiling.
- Unwittingly makes comments such as “Mommy always tells me I’m bad.”

The behavioral patterns mentioned may, of course, be due to other causes, but the suspicion of emotional abuse should not be dismissed.

Behavioral indicators of parents or caretakers

The following behavior exhibited by a parent or caretaker may suggest that a child is being emotionally abused:

- The parent or caretaker burdens the child with demands which are based on unreasonable or impossible expectations or are beyond his or her development capacity.
- The child is used as a “battleground” for marital conflicts.
- The child is used to satisfy the parent’s or caretaker’s own ego needs and the child is neither old nor mature enough to understand.
- The child is “objectified” by the parent or caretaker (i.e., the parent or caretaker refers to the child as “it” — “it” cried or “it” died).
- The child is exposed to or a witness of domestic violence.

Emotional abuse can become a self-fulfilling prophecy. For example, if a child is degraded enough, the child may “live up” to the image communicated by the abusing parent or caretaker.

Emotional abuse is very difficult to prove. Cumulative documentation by a law enforcement or child welfare agency may be necessary for effective intervention. Therefore, emotionally abused children should be referred for treatment as soon as possible.

Emotional deprivation

Emotional deprivation or neglect has been defined as “the deprivation suffered by children when their parents do not provide the normal experiences producing feelings of being loved, wanted, secure and worthy.” (Child Abuse Prevention Handbook...and intervention guide, January 2006, Page 11)

Behavioral indicators of emotional deprivation

Emotional deprivation may be suspected if a child:

- Refuses to eat adequate amounts of food and thus is very frail.
- Is unable to perform normal learned functions for a given age (such as walking or talking).
- Displays antisocial behavior (such as aggression or disruption) or obvious delinquent behavior (such as drug abuse or vandalism); conversely, an emotionally deprived child may be abnormally unresponsive, sad, or withdrawn.
- Constantly “seeks out” and “pesters” other adults (such as teachers or neighbors) for attention and affection.
- Displays exaggerated fears.

When a parent ignores a child because of the parent’s use of drugs or alcohol, psychiatric disturbances, personal problems, or other preoccupying situations, serious consequences may occur. However, these situations are not reportable unless they constitute a form of legally defined abuse.

What Is Not Child Abuse?

Listed below are descriptions of situations or circumstances which are not child abuse for purposes of the California Child Abuse and Neglect Reporting Act:

- Corporal punishment that is not cruel or inhuman or does not result in a traumatic condition. (Pen. Code, § 11165.4.)
- Injuries caused by two children fighting during a mutual altercation. (Pen. Code, §11165.6.)
- An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer. (Pen. Code, §11165.6.)
- Reasonable and necessary force used by public school officials to quell a disturbance threatening physical injury to person or damage to property, for purposes of self-defense, or to obtain possession of a weapon or other dangerous objects. (Pen. Code, §11165.4.)

- Voluntary sexual conduct between minors who are both under the age of 14 and who are of similar age and sophistication. (People v. Stockton Pregnancy Control Medical Clinic, Inc. (1988) 203 Cal.App.3d 225, 233-240.)
- Pregnancy of a minor, does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse. (Pen. Code, §11166, subd. (a)(1).)
- Treatment by spiritual means as provided by 16509.1 of the Welfare and Institutions Code. (Pen. Code, §11165.2 (b).)
- An informed and appropriate medical decision. (Pen. Code, §11165.2 (b).)
- Not receiving specific medical treatment for religious reasons. (Pen. Code, § 11165.2 (b).)
- Positive toxicology screen at the time of delivery of an infant. (Pen. Code, §11165.13.)

What Are Educator's Responsibilities?

School teachers, principals, counselors, nurses, supervisors of child welfare and attendance, and other designated school personnel who are mandated to report known or reasonably suspected instances of child abuse play a critical role in the early detection of child abuse. Symptoms or signs of abuse are often first seen by school personnel. Because immediate investigation by a law enforcement agency, or welfare department may save a child from repeated abuse, school personnel should not hesitate to report suspicious injuries or behavior.

Your duty is to report, not investigate.

In the discussion below, answers are provided to some of the common concerns expressed by educators regarding their legal responsibility to report known or reasonably suspected child abuse.

What does the Child Abuse and Neglect Reporting Act require?

The Child Abuse and Neglect Reporting Act (Pen. Code, §11164 et seq.) requires certain professionals and lay persons

who have a special working relationship or regular contact with children to report known or suspected child abuse to the proper authorities. The following is an excerpt from the law:

(a) ...a mandated reporter shall make a report to [the police or sheriff's department, the county probation department (if designated by the county to receive such reports), or the county welfare department] whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make a report to the agency immediately or as soon as is practicably possible by telephone and the mandated reporter shall prepare and send, fax or electronically transmit a written followup report thereof within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For the purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his or her training and experience, to suspect child abuse or neglect....(Pen. Code, §11166.)

Which professionals are required by law to report suspected child abuse?

Penal Code section 11165.7 defines "mandated reporters" of child abuse as follows:

- (1) A teacher.
- (2) An instructional aide.
- (3) A teacher's aide or teacher's assistant employed by any public or private school.
- (4) A classified employee of any public school.
- (5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of any public or private school.

- (6) An administrator of a public or private day camp.
- (7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
- (8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.
- (9) Any employee of a county office of education or the California Department of Education, whose duties bring the employee into contact with children on a regular basis.
- (10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
- (11) A Head Start program teacher.
- (12) A licensing worker or licensing evaluator employed by a licensing agency as defined in Section 11165.11.
- (13) A public assistance worker.
- (14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
- (15) A social worker, probation officer, or parole officer.
- (16) An employee of a school district police or security department.
- (17) Any person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in any public or private school.
- (18) A district attorney investigator, inspector, or local child support agency caseworker unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
- (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
- (20) A firefighter, except for volunteer firefighters.
- (21) A physician, surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage, family and child counselor, clinical social worker, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

- (22) Any emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
- (23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.
- (24) A marriage, family and child therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
- (25) An unlicensed marriage, family, and child therapist intern registered under Section 4980.44 of the Business and Professions Code.
- (26) A state or county public health employee who treats a minor for venereal disease or any other condition.
- (27) A coroner.
- (28) A medical examiner or any other person who performs autopsies.
- (29) A commercial film and photographic print processor, as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.
- (30) A child visitation monitor. As used in this article, "child visitation monitor" means any person who, for financial compensation, acts as monitor of a visit between a child and any other person when the monitoring of that visit has been ordered by a court of law.
- (31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:
 - (A) "Animal control officer" means any person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.
 - (B) "Humane society officer" means any person appointed or employed by a public or private entity as a

humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

- (32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.
- (33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.
- (34) Any employee of any police department, county sheriff's department, county probation department, or county welfare department.
- (35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 1424 of the Rules of Court.
- (36) A custodial officer as defined in Section 831.5.
- (37) Any person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

Are volunteers mandated reporters?

No, unless otherwise specified in the law. However, volunteers of public or private organizations whose duties require direct contact and supervision of children are encouraged to obtain training in the identification and reporting of child abuse and are further encouraged to report known or suspected instances of child abuse and neglect to an agency specified in 11165.9. (Pen Code, §11165.7 (b).) Public and private organizations are encouraged to provide their volunteers with training on identification and reporting of child abuse and neglect. (Pen. Code, §11165.7 (f).)

Does the law provide immunity from civil or criminal liability for mandated reporters?

Yes. Mandated reporters are provided immunity from civil or criminal liability as a result of making a required or authorized report of known or suspected child abuse.

This immunity applies even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse and neglect

outside his or her professional capacity or outside the scope of his or her employment. (Pen. Code, §11172, subd. (a).)

Other persons who report are not liable either civil or criminally unless it can be proven that a false report was made and that the person who made it knew the report was false or made the report with reckless disregard of its truth or falsity. Any person who makes such a report is liable for any damages caused. (Pen. Code, §11172, subd. (a).)

May a mandated reporter who is sued for reporting child abuse be reimbursed for attorney’s fees?

Yes. In the event a civil action is brought against a mandated reporter as a result of a required or authorized report of child abuse, he or she may present a claim to the California Victim Compensation and Government Claims Board for reasonable attorney’s fees and costs incurred in the action if he or she prevails in the action or the court dismisses the action upon a demurrer or motion for summary judgment. The maximum hourly rate for recovery of attorney’s fees is that charged by the State Attorney General at the time of the award and the maximum recovery is \$50,000. Public entities providing a defense pursuant to Government Code Section 995 may not file a claim for attorney’s fees and costs. (Pen. Code, §11172, subd. (c).)

Are employers required to inform mandated reporters of their legal responsibilities to report?

Yes. Any mandated reporter who enters into employment on and after January 1, 1985, “prior to commencing his or her employment, and as a prerequisite to that employment, shall sign a statement on a form provided to him or her by his or her employer to the effect that he or she has knowledge of the provisions of Section 11166 and will comply with those provisions. The statement shall inform the employee that he or she is a mandated reporter and inform the employee of his or her reporting obligations under Section 11166 and of his or her confidentiality rights under subdivision (d) of Section 11167. The employer shall provide a copy of Sections 11165.7, 11166, and 11167 to the employee.” (Pen. Code, §11166.5, subd. (a).)

Further, employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by the Child Abuse and Neglect reporting Act. The training shall include training in child abuse identification and reporting. Whether or not employers provide training, they shall provide to all employees being trained a written copy of the reporting requirements and a written disclosure of the employees' confidentiality rights. (Pen. Code, §11165.7 (c).)

School districts that do not train their employees who are mandated reporters in the duties of mandated reporters under the Child Abuse and Neglect Reporting Act shall report to the State Department of Education the reasons why this training is not provided. (Pen. Code, §11165.7 (d).)

Unless otherwise provided, the absence of training shall not excuse a mandated reporter from the duties imposed by the Child Abuse and Neglect Reporting Act. (Pen. Code, §11165.7 (e).)

If I do not report, may I be prosecuted?

Yes. Failure to report by telephone immediately, or as soon as practicably possible, and in writing within 36 hours is a misdemeanor "punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both imprisonment and fine." (Pen. Code, §11166, subd. (c).) However, if the mandated reporter's willful failure to report child abuse or neglect results in great bodily injury or death to a child, the mandated reporter "shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment." (Pen. Code, §11166.01 (b).) Basically, the purpose of this potential penalty is to ensure that mandated reporters will report all known or reasonably suspected incidents of child abuse immediately to the local police or sheriff's department, the county probation department (if designated by the county to receive such reports), or the county welfare department.

May I lose my credentials if I fail to report?

Yes. Educators who fail to report risk loss of their license or credential. "The Commission for Teacher Preparation and Licensing shall privately admonish, publicly reprove, revoke, or suspend [a credential] for immoral or unprofessional conduct, or for persistent defiance of, and refusal to obey, the laws regulating the duties of persons serving in the public school system...." (Educ. Code, §44421.) Moreover, a failure to report may result in personal civil liability. (See *Landeros v. Flood* (1975) 17Cal.3d 399, 423-415.)

How do I report?

A mandated reporter must immediately, or as soon as practicably possible, report by telephone a known or suspected incidence of child abuse (Pen. Code, §11166, subd. (a)) to the police or sheriff's department, county probation department (if designated by the county to receive mandated reports), or county welfare department. The following information, if known, shall be provided at the time of the call:

- Name, business address, and telephone number of the mandated reporter.
- Child's name, address and present location and, where applicable, the child's school, grade and class.
- Names, addresses, and telephone number of the child's parents or guardians.
- Source of the information that lead to the suspicion of child abuse.
- Name, address, telephone number and other personal information of person(s) who might have abused the child. (Pen. Code, §11167, subd. (a).)

The mandated reporter shall make a report even if some of this information is not known or uncertain to him or her. (Pen. Code, §11167, subd. (a).)

The call must be followed within 36 hours by a followup written report to be sent, faxed or electronically transmitted to the agency to which the telephone report was made. (Pen. Code, §11166, subd. (a).) The written report must be filed on Department of Justice Form SS 8572, that can be downloaded from the Attor-

ney General's Web site at www.ag.ca.gov. (Click on Child Protection Program, click on Forms, click on Suspected Child Abuse Report Form. Instructions on completing the form are also included on the site. (See Appendix for a sample of this form.)

Does the law allow schools to develop special procedures for reporting child abuse?

Yes. It has been the practice of many schools to develop special procedures for reporting child abuse. School personnel who are mandated to report should be aware, however, that regardless of the existence of such procedures, reporting to a police or sheriff's department, probation department, or welfare department is still required by law, and "good intentions" may not be a defense in a criminal or civil action initiated for failure to report.

Furthermore, reporting is an individual responsibility. A mandated reporter may not be absolved of responsibility by relying on a supervisor or administrator to meet his or her individual reporting responsibility. (Pen. Code, §11166, subd. (h).)

The law protects an individual who reports known or suspected child abuse to a police or sheriff's department, probation department, or welfare department so that he or she may do so without fear of any sanction for making the report. The supervisor or administrator may ask that the employee notify him or her that a report is being made; however, the employee cannot be prohibited or impeded from making a report directly to a police or sheriff's department, probation department, or welfare department. (Pen. Code, §11166, subd. (i) (1).) Furthermore, an employee making a report may not be required to disclose his or her identity to the employer. (Pen. Code, §11166, subd. (i) (2).) In addition, any supervisor or administrator who "impedes or inhibits" the reporting responsibility is punishable by a fine not to exceed one thousand dollars (\$1,000) or by not more than six months in a county jail, or by both a fine and imprisonment. (Pen. Code, §11166.01 (a).) However, if great bodily injury or death to a child results from "impeding or inhibiting" the reporting of child abuse and neglect, the person is subject to a fine of not more than five thousand dollars (\$5,000), by not more than one year in a county

jail, or by both a fine and imprisonment. (Pen. Code, §11166.01 (b).)

When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse, they may elect one person to report. However, if the person elected to report fails to do so and the other person has knowledge of that fact, then the other person is responsible for making the report. (Pen. Code, §11166, subd. (h).)

What happens to the report?

Reports of child abuse are investigated either by the local law enforcement agency and/or by the county probation or welfare department. Reports received by the county probation or welfare department, except for reports involving general neglect and reports based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, shall be cross-reported immediately, or as soon as possible, to the local law enforcement agency having jurisdiction. (Pen. Code, §11166, subd. (j).) Law enforcement is also required to cross-report immediately, or as soon as possible, to the county welfare or probation department. (Pen. Code, §11166, subd. (k).) The reporting law is designed to ensure that law enforcement, county welfare, and probation departments receive and review all reports whether initially reported to them or to another agency designated in Penal Code section 11165.9. (Pen. Code, §11166, subds. (j) (k).)

Those required to report child abuse should be aware that reporting does not always mean that criminal or civil proceedings will be initiated against the suspected abuser. If an investigation does not reveal evidence of child abuse but suggests a potential of abuse or other family problems a child welfare agency may intervene and offer appropriate services to prevent abuse before it happens.

Are mandated reporters required to give their names when they make a report?

Yes. (Pen. Code, §11167, subd. (a).)

Is the identity of a mandated reporter confidential?

Yes. The identify of a person who reports known or suspected child abuse is confidential and may only be disclosed as follows:

- Between agencies receiving or investigating the report.
- To the district attorney in a criminal prosecution.
- To the district attorney in an action initiated under Welfare and Institutions Code Section 602 (minors violating laws defining crime, wards of court) arising from alleged child abuse.
- To the child's appointed counsel pursuant to Welfare and Institutions Code Section 317, subdivision (c).
- To the county counsel or district attorney in a proceeding under Family Code Section 7800 et seq. (termination of parental rights) or Welfare and Institutions Code Section 300 (dependent children).
- To a licensing agency when abuse in out-of-home care is reasonably suspected.
- By court order.
- When the reporter waives confidentiality. (Pen. Code, §11167, subd. (d) (1).)

Are reports of suspected child abuse confidential?

Yes. Required reports of suspected child abuse are confidential. The reports, and the information contained therein, may be disclosed only to the following:

- To persons or agencies to whom the reporter's identity may be disclosed. (See above.)
- To persons or agencies to whom disclosure of information maintained in the Department of Justice's Child Abuse Central Index is permitted under Penal Code Section 11170, subdivision (b), or Penal Code Section 11170.5 subdivision (a).
- To persons or agencies with whom investigations of child abuse are coordinated under the regulations promulgated under Penal Code Section 11174 (investigation of abuse in out-of-home care).
- To multidisciplinary personnel teams as defined in Welfare and Institutions Code Section 18951, subdivision (d).
- To persons or agencies responsible for the licensing of facilities that care for children, as specified in Penal Code Section 11165.7.

- To the State Department of Social Services or any county licensing agency which has contracted with the state when an individual has applied for a community care license or child day care license, when an individual has applied for employment in an out-of-home care facility, or when a complaint alleges child abuse by an operator or employee of an out-of-home care facility.
- To hospital scan teams.
- To coroners and medical examiners when conducting a postmortem examination of a child.
- To the Board of Prison Terms when subpoenaed for parole revocation proceedings against a parolee charged with abuse.
- To personnel from an agency responsible for making a placement of a child.
- To persons who have been identified by the Department of Justice pursuant to Penal Code Section 11170, subdivision (b) (6) or (c), as listed in the Child Abuse Central Index. (The report may be redacted in order to maintain the confidentiality of the person who made the report.)
- To out-of-state law enforcement agencies conducting an investigation of child abuse, but only when the agency makes the request for the report in writing and on official letterhead and identifies the suspected abuser or victim by name.
- To persons who have verified with the Department of Justice pursuant to Penal Code Section 11170, subdivision (e), that they are listed in the Child Abuse Central Index. (The report may be redacted in order to maintain the confidentiality of the person who made the report.)
- To the chairperson of a county child death review team, or to his or her designee.

Any violation of these confidentiality provisions is a misdemeanor punishable by up to six months in the county jail or by a fine of \$500 or by both. (Pen. Code, § 11167.5 subd. (a).)

May a school district release information from a pupil's record in an emergency without parental consent or judicial order?

Yes. If a law enforcement agency needs information from a pupil's record in an emergency to protect the health or safety of that student or another person, the school may disclose that information (Educ. Code, §49076, subd. (b)(1).) This is a closely limited rule and, in fact, replaces a statute that had given more disclosure rights to the police.

Thus, if a law enforcement agency needs information from a school record, it must comply with Education Code Section 49076, subdivision (b)(1). When grounds for access are not clearly established, consultation with county counsel or school district legal staff is advisable.

Is a school official required to notify a parent, guardian, or responsible relative when a minor pupil who is a victim of suspected child abuse is released into the custody of a peace officer?

No. If a school releases a minor pupil who is suspected of being abused into the custody of a peace officer, and the school later receives an inquiry from the minor's parent or guardian as to the student's location, the parent or guardian should be referred to the law enforcement agency that took the minor into protective custody. The law specifies that:

[T]he school official shall provide the peace officer with the address and telephone number of the minor's parent or guardian. The peace officer shall take immediate steps to notify the parent, guardian, or responsible relative of the minor that the minor is in custody and the place where he or she is being held. If the officer has a reasonable belief that the minor would be endangered by a disclosure of the place where the minor is being held, or that the disclosure would cause the custody of the minor to be disturbed, the officer may refuse to disclose the place where the minor is being held for a period

not to exceed 24 hours. The officer shall, however, inform the parent, guardian, or responsible relative whether the child requires and is receiving medical or other treatment. The juvenile court shall review any decision not to disclose the place where the minor is being held at a subsequent detention hearing. Educ. Code, §48906.)

Before releasing a child who is suspected of being abused to a peace officer, the school should obtain the officer's name, badge number, and telephone number so that it can later give it to a parent or guardian who inquires about the child's removal.

May school personnel be present during an officer's interview of a child abuse victim on school grounds?

Yes. The child must be given the option of being interviewed in private or selecting any adult who is a member of the school staff, including any certificated or classified employee or volunteer aide, to be present during the interview. The purpose of having a staff member at the interview is to lend support to the child and help him or her feel as comfortable as possible. However, the staff member must not participate in the interview or discuss the facts or circumstances of the case with the child. Furthermore, the staff member is subject to the reporting law's confidentiality requirements. A violation of confidentiality is a misdemeanor punishable by up to six months in jail or by a fine of \$500 or by both. Lastly, a staff member selected by a child may decline the request to be present at the interview. (Pen. Code, §11174.3, subd. (a).)

Appendix

Suspected Child Abuse Report DOJ SS 8572

SUSPECTED CHILD ABUSE REPORT

To Be Completed by **Mandated Child Abuse Reporters**
Pursuant to Penal Code Section 11166

CASE NAME: _____

PLEASE PRINT OR TYPE

CASE NUMBER: _____

A. REPORTING PARTY	NAME OF MANDATED REPORTER		TITLE		MANDATED REPORTER CATEGORY		
	REPORTER'S BUSINESS/AGENCY NAME AND ADDRESS				Street	City	Zip
	REPORTER'S TELEPHONE (DAYTIME)				SIGNATURE		DID MANDATED REPORTER WITNESS THE INCIDENT? <input type="checkbox"/> YES <input type="checkbox"/> NO
B. REPORT NOTIFICATION	<input type="checkbox"/> LAW ENFORCEMENT		<input type="checkbox"/> COUNTY PROBATION		AGENCY		
	<input type="checkbox"/> COUNTY WELFARE / CPS (Child Protective Services)		ADDRESS		Street	City	
	OFFICIAL CONTACTED - TITLE				TELEPHONE		
C. VICTIM <i>One report per victim</i>	NAME (LAST, FIRST, MIDDLE)				BIRTHDATE OR APPROX. AGE		
	ADDRESS		City		Zip		
	PRESENT LOCATION OF VICTIM			SCHOOL		CLASS	
	PHYSICALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		DEVELOPMENTALLY DISABLED? <input type="checkbox"/> YES <input type="checkbox"/> NO		OTHER DISABILITY (SPECIFY)		
	IN FOSTER CARE? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF VICTIM WAS IN OUT-OF-HOME CARE AT TIME OF INCIDENT, CHECK TYPE OF CARE: <input type="checkbox"/> DAY CARE <input type="checkbox"/> CHILD CARE CENTER <input type="checkbox"/> FOSTER FAMILY HOME <input type="checkbox"/> FAMILY FRIEND <input type="checkbox"/> GROUP HOME OR INSTITUTION <input type="checkbox"/> RELATIVE'S HOME			TYPE OF ABUSE (CHECK ONE OR MORE) <input type="checkbox"/> PHYSICAL <input type="checkbox"/> MENTAL <input type="checkbox"/> SEXUAL <input type="checkbox"/> NEGLECT <input type="checkbox"/> OTHER (SPECIFY)	
	RELATIONSHIP TO SUSPECT				PHOTOS TAKEN? <input type="checkbox"/> YES <input type="checkbox"/> NO		
					DID THE INCIDENT RESULT IN THIS VICTIM'S DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> LINK		
D. INVOLVED PARTIES <i>VICTIMS</i> <i>PARENTS/GUARDIANS</i> <i>SUSPECT</i>	NAME		BIRTHDATE		SEX		
	ETHNICITY		NAME		BIRTHDATE		
	SEX		ETHNICITY		NAME		
	BIRTHDATE		SEX		ETHNICITY		
	NAME (LAST, FIRST, MIDDLE)		ADDRESS		Street		
	City		Zip		HOME PHONE		
	BUSINESS PHONE		NAME (LAST, FIRST, MIDDLE)		BIRTHDATE OR APPROX. AGE		
	SEX		ETHNICITY		ADDRESS		
	Street		City		Zip		
	HOME PHONE		BUSINESS PHONE		SUSPECT'S NAME (LAST, FIRST, MIDDLE)		
BIRTHDATE OR APPROX. AGE		SEX		ETHNICITY			
ADDRESS		Street		City			
Zip		HOME PHONE		TELEPHONE			
OTHER RELEVANT INFORMATION							
E. INCIDENT INFORMATION	IF NECESSARY, ATTACH EXTRA SHEET(S) OR OTHER FORM(S) AND CHECK THIS BOX <input type="checkbox"/> IF MULTIPLE VICTIMS, INDICATE NUMBER _____						
	DATE / TIME OF INCIDENT		PLACE OF INCIDENT				
	NARRATIVE DESCRIPTION (What victim(s) said/what the mandated reporter observed/what person accompanying the victim(s) said/similar or past incidents involving the victim(s) or suspect)						

SS 8572 (Rev. 12/02)

DEFINITIONS AND INSTRUCTIONS ON REVERSE

DO NOT submit a copy of this form to the Department of Justice (DOJ). The investigating agency is required under Penal Code Section 11169 to submit to DOJ a Child Abuse Investigation Report Form SS 8583 if (1) an active investigation was conducted and (2) the incident was determined not to be unfounded

WHITE COPY-Police or Sheriff's Department; BLUE COPY-County Welfare or Probation Department; GREEN COPY-District Attorney's Office; YELLOW COPY-Reporting Party

(front)

Suspected Child Abuse Report

DOJ SS 8572

DEFINITIONS AND GENERAL INSTRUCTIONS FOR COMPLETION OF FORM SS 8572

All Penal Code (PC) references are located in Article 2.5 of the PC. This article is known as the Child Abuse and Neglect Reporting Act (CANRA). The provisions of CANRA may be viewed at: <http://www.leginfo.ca.gov/calaw.html> (specify "Penal Code" and search for Sections 11164-11174.3). A mandated reporter must complete and submit the form SS 8572 even if some of the requested information is not known. (PC Section 11167(a).)

I. MANDATED CHILD ABUSE REPORTERS

- Mandated child abuse reporters include all those individuals and entities listed in PC Section 11165.7.

II. TO WHOM REPORTS ARE TO BE MADE ("DESIGNATED AGENCIES")

- Reports of suspected child abuse or neglect shall be made by mandated reporters to any police department or sheriff's department (not including a school district police or security department), the county probation department (if designated by the county to receive mandated reports), or the county welfare department. (PC Section 11165.9.)

III. REPORTING RESPONSIBILITIES

- Any mandated reporter who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse or neglect shall report such suspected incident of abuse or neglect to a designated agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof **within 36 hours** of receiving the information concerning the incident. (PC Section 11166(a).)
- No mandated reporter who reports a suspected incident of child abuse or neglect shall be held civilly or criminally liable for any report required or authorized by CANRA. Any other person reporting a known or suspected incident of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by CANRA unless it can be proven the report was false and the person knew it was false or made the report with reckless disregard of its truth or falsity. (PC Section 11172(a).)

IV. INSTRUCTIONS

- SECTION A - REPORTING PARTY:** Enter the mandated reporter's name, title, category (from PC Section 11165.7), business/agency name and address, daytime telephone number, and today's date. Check yes-no whether the mandated reporter witnessed the incident. The signature area is for either the mandated reporter or, if the report is telephoned in by the mandated reporter, the person taking the telephoned report.

IV. INSTRUCTIONS (Continued)

- SECTION B - REPORT NOTIFICATION:** Complete the name and address of the designated agency notified, the date/time of the phone call, and the name, title, and telephone number of the official contacted.
- SECTION C - VICTIM (One Report per Victim):** Enter the victim's name, address, telephone number, birth date or approximate age, sex, ethnicity, present location, and, where applicable, enter the school, class (indicate the teacher's name or room number), and grade. List the primary language spoken in the victim's home. Check the appropriate yes-no box to indicate whether the victim may have a developmental disability or physical disability and specify any other apparent disability. Check the appropriate yes-no box to indicate whether the victim is in foster care, and check the appropriate box to indicate the type of care if the victim was in out-of-home care. Check the appropriate box to indicate the type of abuse. List the victim's relationship to the suspect. Check the appropriate yes-no box to indicate whether photos of the injuries were taken. Check the appropriate box to indicate whether the incident resulted in the victim's death.
- SECTION D - INVOLVED PARTIES:** Enter the requested information for: Victim's Siblings, Victim's Parents/Guardians, and Suspect. Attach extra sheet(s) if needed (provide the requested information for each individual on the attached sheet(s)).
- SECTION E - INCIDENT INFORMATION:** If multiple victims, indicate the number and submit a form for each victim. Enter date/time and place of the incident. Provide a narrative of the incident. Attach extra sheet(s) if needed.

V. DISTRIBUTION

- Reporting Party:** After completing Form SS 8572, retain the yellow copy for your records and submit the top three copies to the designated agency.
- Designated Agency:** **Within 36 hours** of receipt of Form SS 8572, send **white copy** to police or sheriff's department, **blue copy** to county welfare or probation department, and **green copy** to district attorney's office.

ETHNICITY CODES

1 Alaskan Native	6 Caribbean	11 Guamanian	16 Korean	22 Polynesian	27 White-Armenian
2 American Indian	7 Central American	12 Hawaiian	17 Laotian	23 Samoan	28 White-Central American
3 Asian Indian	8 Chinese	13 Hispanic	18 Mexican	24 South American	29 White-European
4 Black	9 Ethiopian	14 Hmong	19 Other Asian	25 Vietnamese	30 White-Middle Eastern
5 Cambodian	10 Filipino	15 Japanese	21 Other Pacific Islander	26 White	31 White-Romanian

(back)

Acknowledgments

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Eureka City SD

Board Policy

Drug And Alcohol-Free Workplace

BP 4020

Personnel

The Board of Education believes that the maintenance of a drug- and alcohol-free workplace is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance in the workplace. (Government Code 8355; 41 USC 701)

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, on duty means while an employee is on duty during both instructional and noninstructional time in the classroom or workplace, at extracurricular or cocurricular activities, or while transporting students or otherwise supervising them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

(cf. 4032 - Reasonable Accommodation)

The Superintendent or designee shall notify employees of the district's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 701)

An employee shall abide by the terms of this policy and shall notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 701)

The Superintendent or designee shall notify the appropriate federal granting or contracting agency within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local public health or law enforcement agency or other appropriate agency.

(cf. 4112 - Appointment and Conditions of Employment)
(cf. 4117.4 - Dismissal)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4212 - Appointment and Conditions of Employment)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Drug-Free Awareness Program

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 701)

1. The dangers of drug abuse in the workplace
2. The district's policy of maintaining a drug-free workplace
3. Available drug counseling, rehabilitation, and employee assistance programs

(cf. 4159/4259/4359 - Employee Assistance Programs)

4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense
44425 Conviction of controlled substance offenses as grounds for revocation of credential
44836 Employment of certificated persons convicted of controlled substance offenses
44940 Compulsory leave of absence for certificated persons
44940.5 Procedures when employees are placed on compulsory leave of absence
45123 Employment after conviction of controlled substance offense
45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

UNITED STATES CODE, TITLE 41

8101-8106 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Management Resources:

WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Labor: <http://www.dol.gov>

Policy EUREKA CITY UNIFIED SCHOOL DISTRICT

adopted: December 12, 2013 Eureka, California

Eureka City SD

Board Policy

Tobacco-Free Schools

BP 3513.3

Business and Noninstructional Operations

The Board of Education recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)
(cf. 4159/4259/4359 - Employee Assistance Programs)
(cf. 5030 - Student Wellness)
(cf. 5131.62 - Tobacco)
(cf. 5141.23 - Asthma Management)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The Board prohibits smoking and/or the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420, 104559)

These prohibitions apply to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)
(cf. 1330.1 - Joint Use Agreements)

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff

2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

104559 Tobacco use prohibition

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7111-7122 Student Support and Academic Enrichment Grants

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

PUBLIC EMPLOYMENT AND RELATIONS BOARD RULINGS

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

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

Management Resources:

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:

<http://www.cde.ca.gov/ls/he/at>

California Department of Education, Tobacco-Free School District Certification:

<http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

California Department of Public Health, Tobacco Control:

<http://www.cdph.ca.gov/programs/tobacco>

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

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

Policy EUREKA CITY UNIFIED SCHOOL DISTRICT

adopted: December 8, 2016 Eureka, California

WORKERS' COMPENSATION BENEFITS

WORKERS' COMPENSATION

California's no-fault compensation was passed by the State Legislature over 75 years ago to guarantee prompt, automatic benefits to employees who sustain on-the-job injuries or illnesses. With few exceptions, almost every employee, public and private, in the State is protected by Workers' Compensation. The State of California supervises both the amount of benefits available under Workers' Compensation and the distribution of all payments.

YOUR EMPLOYER'S SELF-FUNDED PROGRAM

Rather than purchase an insurance policy, your employer has elected to self-fund Workers' Compensation liability. This means that medical bills and all other benefits are paid direct from your employer's funds. There is no insurance company involved. Keenan & Associates administers the program to insure that all Workers' Compensation benefits are paid to injured employees in accordance with State Regulations. Your employer wants you to know that its greatest concern is to see that you receive the best medical care and attention available, so your recovery is rapid and complete and you can return to your job.

HOW TO CLAIM BENEFITS

Report the injury or illness to your employer immediately. Your employer will give you a claim form so you can describe the injury or illness – what, where, when, and how it happened. Complete it and return it to your employer as soon as possible. Enough information should be included to insure that necessary reports can be completed and arrangements made for medical treatment. Prompt reporting is the key. Benefits are automatic, but nothing can happen until your employer knows about the injury or illness. Insure your rights by reporting every injury, no matter how slight. Even a cut finger can lead to disability if an infection develops.

WHAT ARE THE BENEFITS

California Workers' Compensation guarantees injured employees five kinds of benefits: 1) Medical care, 2) Payment to replace lost wages, 3) Permanent disability, 4) Rehabilitation services, and 5) Death benefits to eligible employees.

MEDICAL BENEFITS

Your employer will pay for all necessary doctor bills, hospital costs, x-rays, medications, crutches, etc. to cure and relieve the effects of an injury or illness. If you require treatment in addition to first aid, you will be referred to a doctor, not necessarily one that you know, although that doesn't mean it is a "company doctor." The physician is a designated panel physician in private practice who will send bills and reports directly to Keenan & Associates. You should never see a medical bill; but, in the event one is sent to you, it should be forwarded to Keenan & Associates. You are entitled to be treated by your own personal physician if you have notified your employer of the doctor's name and address in writing before the injury or illness. "Personal physician" means your regular physician and surgeon who has previously directed your medical treatment and who retains your medical records and history. If for any reason you want to change doctors, contact Keenan & Associates for the names of other doctors and specialists. If you desire, thirty days after reporting your injury or illness, you can choose your own doctor within a reasonable geographic area. Let Keenan & Associates know of this change in writing as soon as you make it, so your bills will be promptly paid.

HOW MUCH ARE THE PAYMENTS FOR LOST WAGES?

The amount generally is two-thirds of your average weekly wage with certain minimum exceptions, up to a maximum amount set by the State of California. The amount of payments and when and how they will be paid are part of the State law. Workers' Compensation payments are tax-free. There are no deductions for state or federal taxes, social security, union contributions, etc. If you report the injury or illness promptly, your first temporary disability check should be mailed within 14 days. After that, you will receive a check every two weeks until the doctor releases you to return to work. Payments for lost wages are not made for the first three days you are unable to work (including weekends). However, if you are hospitalized as an inpatient or unable to work for more than 14 days, payments will be made even for the first

three days. If you are entitled to salary continuation, temporary disability benefits will be included with your regular paycheck.

REASONABLE ACCOMODATION

The District has a *Return-to-Work/Temporary Work Assignment Program (RTW)*. The intent of this program is to assist the disabled employee transition back to their regular duty and regular hours. While the law provides you the right to request reasonable accommodation, we believe the District and the employee both benefit from the RTW program. Therefore, the RTW program may be initiated by either party. Guidelines for this program are available in the Personnel Office.

VOCATIONAL REHABILITATION

If, because of your work-incurred injury or illness, you are unable to return to your usual job duties, you may be entitled to vocational rehabilitation benefits. While you are enrolled in a rehabilitation plan approved by the State of California the total cost of services and temporary disability is paid by your employer. Services may include either modifying your old job, finding another job with your same employer, or training you for a new job.

PERMANENT DISABILITY

Additional payments will be made for a permanent handicap such as the amputation of a finger or loss of sight, even though you may be able to return to full employment. The number of permanent disability payments is based on a schedule set by the State that takes into account such factors as age, occupation at the time of injury or illness, and the nature of the permanent handicap. Keenan & Associates, on behalf of your employer, will submit all necessary reports to the Division of Workers' Compensation, State of California, who will make a determination of the nature and extent of permanent disability.

DEATH BENEFITS

In the event of a work-related death, eligible dependents will be entitled to benefits as determined by the State of California.

WHAT IF THERE ARE QUESTIONS?

Misunderstandings and even errors sometimes do occur, but most can be cleared up by a telephone call. Should you have any questions whatsoever, do not hesitate to call the Keenan & Associates representative. The telephone number and address can be obtained from your employer. For additional information, call the Eureka Satellite Office of the Division of Workers' Compensation at (707) 441-5723. Their help is available free of charge to explain your rights, solve problems, and provide other information. If the problem still cannot be resolved, you may file an "Application of Adjudication" with the Workers' Compensation Appeals Board. That is the State agency responsible for handling disputes. The Appeals Board is a court of law. You can represent yourself, of course, or you may want to hire an attorney. If you do, the fee will be deducted from any benefits awarded by the Appeals Board – generally 9 to 12 percent. If it is necessary to go to the Appeals Board to resolve your claim, be sure to do it within one year from the date of the injury or illness, or one year from the date of your last medical treatment. Waiting longer could mean losing your right to benefits.



Eureka City Schools

2100 J Street, Eureka, CA 95501 (707) 441-3363

POLICY OF NON-DISCRIMINATION

Eureka City Schools is an equal employment opportunity employer and supports principles of non-discrimination.

Eureka City Schools does not discriminate on the basis of race, color, national origin, sex (including sexual harassment), handicap (or disability), or age in any of its policies, procedures, or practices. This non-discrimination policy covers admission and access to and treatment and employment in, the District's programs and activities, including vocational district's grievance procedures may be directed to:

**Michael Davies-Hughes, Assistant Superintendent, Educational Services
Eureka City Schools, 2100 J Street, Eureka, CA 95501, (707) 441-3363**

The following grievance resolution procedure is for use by students, parents, employees, job applicants, or members of the general public where alleged violations regarding discrimination have occurred or are occurring in the operation of Eureka City Schools:

Level I: The complainant will first meet informally with the school site administrator. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the school site administrator may request that the complaint be put in writing and submitted to the administrator. The administrator will respond to the complainant in writing within 10 working days.

Level II: In the event that a grievance or complaint cannot be satisfactorily resolved at Level I, the complainant may meet with the District Coordinator for Title VI, Title IX, and Section 504. Every reasonable attempt will be made to resolve the problem in a manner acceptable to all parties.

The complainant may present his or her grievance to the District Coordinator orally or in writing, describing specifically the time, place, nature or participants of the alleged discriminatory acts or policies. If the complainant's concerns are not clearly understood when presented orally, the District Coordinator may request that they be presented in writing. The District Coordinator will respond to the complainant in writing within 10 working days.

The District Coordinator shall conduct any investigation necessary to resolve the complaint, including discussion with the complainant, the person against whom the complaint was filed, appropriate staff members and students and a review of all relevant documents. In the event that a response from third parties is necessary, the District Coordinator may designate up to 10 additional working days for investigation of the complaint. An additional period of time, with the complainant's consent, may be allowed for resolution of the grievance.

Level III: If the problem cannot be resolved at the second level, the complainant shall have the right to present the grievance to the Superintendent, following the same procedure as Level II.

Level IV: In the event that the matter cannot be resolved at the third level, the complainant may request a hearing before the Board of Education. Any such requests must be made within 20 working days after receipt of the decision of the Superintendent. The Board of Education shall grant the hearing request for the next regular meeting. The Board shall hear all information relevant to the grievance and shall render its decision at the regular Board meeting.

ALTERNATE STEPS IN THE GRIEVANCE PROCEDURE:

In the event that the grievance is against the individual responsible for the grievance process at any level, the complainant may address the grievance directly to the next appropriate level.

Eureka City Schools and its designated representative's reserve the right to conduct its investigation in any manner deemed appropriate and which is not contrary to law. Grievants will make themselves available at reasonable times during these investigations for personal conferences. At their expense, grievants may select their own representation to accompany them to any conference, however it is necessary for each grievant to be physically present to respond to questions.

These grievance procedures have been developed according to the legal requirements and are designed to expedite a response to expressed concerns regarding discrimination.

Eureka City SD

Board Policy

Sexual Harassment

BP 4119.11

Personnel

The Board of Education is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the gender, gender identity, gender expression, or sexual orientation of the victim.

This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.

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

(cf. 4030 - Nondiscrimination in Employment)

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal.

(cf. 4117.7/4317.7 - Employment Status Reports)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of

developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

Any district employee who feels that he/she has been sexually harassed in the performance of his/her district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her direct supervisor, another supervisor, the district's coordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an ombudsman. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator.

Complaints of sexual harassment shall be filed and investigated in accordance with the complaint procedure specified in AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX prohibition against discrimination

UNITED STATES CODE, TITLE 42

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities

106.51-106.61 Nondiscrimination on the basis of sex in employment in education program or activities

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy EUREKA CITY UNIFIED SCHOOL DISTRICT

adopted: August 23, 2018 Eureka, California

Eureka City SD

Administrative Regulation

Sexual Harassment

AR 5145.7

Students

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

District Coordinator
Assistant Superintendent of Educational Services
2100 J Street
Eureka, CA 95501
(707) 441-3363

(cf. 1312.3 - Uniform Complaint Procedures)

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer.

The employee shall take these actions, whether or not the alleged victim files a complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the principal shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/she determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee who shall determine who will investigate the complaint.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Confidentiality

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

(cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)

4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

5. Be included in the student handbook

6. Be provided to employees and employee organizations

Regulation EUREKA CITY UNIFIED SCHOOL DISTRICT
approved: March 9, 2017 Eureka, California

INJURY AND ILLNESS PREVENTION PROGRAM

For

EUREKA CITY SCHOOLS

Revised July 2015

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INTRODUCTION

In order to maintain a safe and healthful work environment Eureka City Schools has developed this Injury and Illness Prevention Program for all employees to follow. This document describes the goals, statutory authority, and the responsibilities of all employees under the Program. It addresses Compliance, Hazard Identification, Accident Investigation, Hazard Mitigation, Training, Communication, and Program Documentation. By making employee safety a high priority for every employee we can reduce injuries and illnesses, increase productivity, and promote a safer and healthier environment for all individuals at Eureka City Schools.

GOALS

Diligent implementation of this program will reap many benefits for Eureka City Schools. Most notably it will:

1. Protect the health and safety of employees. Decrease the potential risk of disease, illness, injury, and harmful exposures to district personnel.
2. Reduce workers' compensation claims and costs.
3. Improve efficiency by reducing the time spent replacing or reassigning injured employees, as well as reduce the need to find and train replacement employees.
4. Improve employee morale and efficiency as employees see that their safety is important to management.
5. Minimize the potential for penalties assessed by various enforcement agencies by maintaining compliance with Health and Safety Codes and Cal OSHA standards.

STATUTORY AUTHORITY

- California Labor Code Section 6401.7.
- California Code of Regulations Title 8, Sections 1509 and 3203.

RESPONSIBILITY

The ultimate responsibility for establishing and maintaining effective environmental health and safety policies specific to district facilities and operations rests with the Associate Superintendent of Human Resources. General policies, which govern the activities and responsibilities of the Injury and Illness Prevention Program, are established under this person's final authority.

It is the responsibility of the District to develop procedures, which ensure effective compliance with the Injury and Illness Prevention Program, as well as other health and safety policies related to operations under their control.

Administrators, Supervisors, Managers and Job Coaches are responsible for enforcement of this Program among the employees under their direction by carrying out the various duties outlined herein, setting acceptable safety policies and procedures for each employee to follow and ensuring that employees receive

the general safety training. Each Site Administrator, Program Administrator, Supervisor, and Manager must also ensure that appropriate job specific safety training is received, and that safety responsibilities are clearly outlined in the job descriptions, which govern the employees under their direction.

Supervising others also carries the responsibility for knowing how to safely accomplish the tasks assigned each employee, for purchasing appropriate personal protective equipment, and for evaluating employee compliance.

Immediate responsibility for workplace health and safety rests with each individual employee. Employees are responsible for following the established work procedures and safety guidelines in their area, as well as those identified in this Program. Employees are also responsible for using the personal protective equipment issued to protect them from identified hazards, and for reporting any unsafe conditions to their supervisors.

The Associate Superintendent of Human Resources is responsible for developing and managing this Injury and Illness Prevention Program.

COMPLIANCE

Compliance with this Injury and Illness Prevention Program will be achieved in the following manner:

8. Administrators, Supervisors, and Managers will set positive examples for working safely and require that all staff under their direction work safely.
9. Administrators, Supervisors, and Managers will use all disciplinary procedures available to them to ensure that employees follow established safety policies and procedures. Performance evaluations, verbal counseling, written warnings, and other forms of disciplinary action are available.
10. Administrators, Supervisors, and Managers will identify the resources necessary to provide a safe work environment for their employees and include them in budget requests.
11. Administrators, Supervisors, and Managers will establish appropriate means of recognition for employees who demonstrate safe work practices.

Eureka City Schools has developed this comprehensive Injury and Illness Prevention Program to enhance the health and safety of its employees.

HAZARD IDENTIFICATION

A health and safety inspection program is essential in order to reduce unsafe conditions, which may expose employees to incidents that could result in personal injuries or property damage. It is the responsibility of the Associate Superintendent of Human Resources or designee to ensure that appropriate, systematic safety inspections are conducted periodically.

Scheduled Safety Inspections

All work areas will be subject to inspection upon initial implementation of this Program, or initial placement of employees in off site work areas. All inspections will be documented using the attached forms (or equivalent) with appropriate abatement of any hazards detected.

Thereafter, at a minimum, safety inspections will be conducted at the frequency described below:

Annual inspections of all work areas will be conducted to detect and eliminate any hazardous conditions that may exist.

Semi-annual inspections of shops, cafeterias, kitchens, warehouses, gymnasiums, maintenance sheds, and all student work sites, will be conducted to detect and eliminate any hazardous conditions that may exist.

Unscheduled Safety Inspections

1. Additional safety inspections will be conducted whenever new equipment or changes in procedures are introduced into the workplace that presents new hazards.
2. Program Administrators will conduct periodic unscheduled safety inspections of all potentially hazardous areas and all off site work areas to ensure the maintenance of a safe and healthful workplace.
3. Accident Investigations and safety reviews will be conducted when occupational accidents occur to identify and correct hazards that may have contributed to the accident.

ACCIDENT INVESTIGATIONS

Administrators, Supervisors, Managers and Job Coaches will investigate all accidents, injuries, occupational illnesses, and near-miss incidents to identify the root cause. Appropriate repairs or procedural changes will be implemented promptly to correct any hazards implicated in these events.

To ensure timely accounting for Workers' Compensation procedures, both employee and supervisor, must complete their respective portions on the Report of Employee Injury/Exposure Form and District Accident Investigation Form available at the District Office or school site.

HAZARD CORRECTION

All hazards identified during inspections, or by employee report, will be promptly investigated and alternate procedures implemented as indicated. The District recognizes that hazards range from imminent dangers to hazards of relatively low risk. Corrective actions or plans, including suitable timetables for completion, are the responsibility of the Administrator, Supervisor, or Manager.

TRAINING

Effective dissemination of safety information lies at the very heart of a successful Injury and Illness Prevention Program. All employees must be trained in general safe work practices. In addition, specific instruction with respect to hazards unique to each employee's job assignment must be provided. The District Director of Risk Management, shall send out monthly safety reminders to each site during the regular school year to keep safety at the forefront of each employee's work habits.

General Safe Work Practices

At a minimum, all regular employees of the district will be trained in the following:

1. Fire Safety, Evacuation, and Emergency Procedures
2. Hazard Communication (Use of Material Safety Data Sheets)
3. Bloodborne Pathogens
4. Injury and Illness Prevention Program

Specific Safe Work Practices

In addition to this general training, each employee will be instructed on how to protect themselves from the hazards specific to their individual job duties. At a minimum this shall entail how to use workplace equipment, safe handling of hazardous materials and use of personal protective equipment. Training must be completed before beginning to work on assigned equipment, and whenever new hazards or changes in procedures are implemented. Administrators and Job Coaches, shall ensure that all student employees are given proper training in work place safety, and personal safety, prior to being allowed to work unsupervised.

The Superintendent is responsible for providing Administrators, Supervisors, and Managers with the training necessary to familiarize themselves with the safety and health hazards their employees are exposed to.

It is the responsibility of each Administrator, Supervisor, and Manager to know the hazards related to his/her employee's job tasks, and ensure they receive appropriate training.

1. Administrators will ensure that all employees receive general and job-specific training prior to initial or new job assignments.
2. Administrators will ensure that employees are trained whenever new substances, processes, procedures or equipment are introduced to the workplace which may create new hazards. Training must also be given when new or previously unrecognized hazards are discovered.
3. All training must be documented and kept in employee files. Employee Training Forms will be used for this purpose.

COMMUNICATION

Effective two-way communication, which involves employee input on matters of workplace safety, is essential to maintaining an effective Injury and Illness Prevention Program. To foster better safety communication the following guidelines will be implemented:

Departments will use an Employee Bulletin Board for posting information on safety in a location accessible to all employees. Changes in protocol, safety bulletins, accident statistics, training announcements, and other safety information will be posted, as they become available.

Administrators, Managers, and Supervisors will ensure that employees receive monthly safety information. The District Safety Committee shall receive status reports on safety inspections, hazard correction projects, and accident investigation results, as well as feedback to previous employee suggestions. Employees will be encouraged to participate and give suggestions without fear of reprisal. Attendance sheets will be used to document attendance and topics covered. Additional communication methods to be used are:

- Posters Meetings Manuals
- Newsletters Bulletins Warning Labels

Eureka City Schools has developed a Safety Committee. The Safety Committee shall meet quarterly. Beginning with the 2000/2001 school year, the committee shall be composed of the Associate Superintendent of Human Resources, a CSEA representative, one site principal, one E.T.A. representative, the Director of Risk Management, Workers Compensation Clerk, and an Administrative Assistant for taking the meeting minutes.

Employees are encouraged to bring to the District’s attention any potential health or safety hazard that may exist in the work area. Employee Safety Recommendation may be faxed to Director of Risk Management, at 441-0290.

Managers and Supervisors will follow up on suggestions and investigate the concerns brought up through these communication methods. Feedback to the employees is critical, and must be provided for effective two-way communication. *compliance will be reinforced by:*

- Appropriate comments on performance evaluations.

Non-compliance will be addressed by:

- A discussion between the supervisor and the employee who is discovered working in an unsafe manner.
- Appropriate disciplinary action, up to dismissal.

The investigation of the incident and the cause of the accident. Recommendations may include retraining or briefings.

The District will pursue readily understandable health and safety communications for all affected employees.

STUDENT EMPLOYEES & SPECIAL PROGRAMS

All special student programs, such as Workability, Transition, Community Learning and Service Learning, where students are employed by the District, or when the student is covered under the District's workers compensation program, are subject to this Injury and Illness Prevention Program and all Program Administrators or Job Coaches shall ensure that they follow the guidelines established under this program to ensure that students in these programs are protected.

DOCUMENTATION

Many standards and regulations of Cal/OSHA contain requirements for the maintenance and retention of records for occupational injuries and illnesses, medical surveillance, exposure monitoring, inspections and other activities relevant to occupational health and safety. To comply with these regulations, as well as to demonstrate that the critical elements of this Injury and Illness Prevention Program are being implemented, the following records shall be kept on file for at least the length of time indicated below:

1. Copies of all IIPP Safety Inspection Forms. (Retain at each work site, 5 years.)
2. Copies of all Accident Investigation Forms. (Retain at each work site, 5 years.)
3. Copies of all General Employee Training records (Retain in personnel files) and all job specific work Training Documents, (Retain in site records) for duration of each individual's employment.
4. Copies of Monthly Safety flyers, (retain at Work Site) 1 year

The District will ensure that these records are kept on file, and present them to Cal/OSHA or other regulatory agency representatives if requested. A review of these records will be conducted by the Associate Superintendent of Human Resources, or designee, during routine inspections to measure compliance with this program.

A safe and healthy workplace must be the goal of everyone at Eureka City Schools, with responsibility shared by management and staff alike. Questions regarding this Injury and Illness Prevention Program, should be addressed to the Director of Human Resources at (707) 441-2417, or to the Director of Risk Management at (441-2503).



About California Paid Family Leave

For many working Californians, finding time to be with a loved one when they need it most can be difficult. California's Paid Family Leave program was created for those moments that matter – when you are bonding with a new child or caring for a seriously ill family member.

Fast Facts About California Paid Family Leave

- Provides partial wage replacement benefits to bond with a new child (either by birth, adoption, or foster care placement) or to care for a seriously ill family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner).
- Doesn't have to be taken all at once.
- Provides approximately 60 to 70 percent of your salary during your leave.
- Funded through your State Disability Insurance tax withholding, so you are most likely eligible if you've paid into State Disability Insurance (noted as "CASDI" on paystubs) or a qualifying voluntary plan in the past 5 to 18 months.
- To bond with a new child, leave can be taken anytime within the first 12 months of a child entering your family.
- Citizenship and immigration status do not affect eligibility.

CALIFORNIA PAID FAMILY LEAVE

moments matter.

Paid Family Leave:

Giving Californians the benefits they need to be there for the moments that matter.

English	1-877-238-4373
Spanish	1-877-379-3819
Cantonese	1-866-692-5595
Vietnamese	1-866-692-5596
Armenian	1-866-627-1567
Punjabi	1-866-627-1568
Tagalog	1-866-627-1569
TTY	1-800-445-1312

Individuals can also visit a Paid Family Leave or Disability Insurance office to obtain claim forms, receive information, or speak to a representative.

Visit a [State Disability Insurance office](https://edd.ca.gov/Disability/Contact_SDI.htm) (edd.ca.gov/Disability/Contact_SDI.htm) near you.



For more information, visit:
CaliforniaPaidFamilyLeave.com

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Requests for services, aids, and/or alternate formats need to be made by calling 1-866-490-8879 (voice). TTY users, please call the California Relay Service at 711.



CALIFORNIA PAID FAMILY LEAVE

Helping Californians be present for the moments that matter.



Do I Qualify For California Paid Family Leave?

To qualify for Paid Family Leave benefits, **you must meet** the following requirements:

- Need to take time off from work to care for a seriously ill family member or to bond with a new child.
- Be covered by State Disability Insurance (or a voluntary plan in lieu of State Disability Insurance).
- Have earned at least \$300 in the past 5 to 18 months.
- Submit your claim no later than 41 days after you begin your family leave. Do not file before your first day of leave.

If required by your employer, you must use up to two weeks of unused vacation leave or paid time off. Check with your human resources department to confirm your employer's requirements.

How Are Benefit Amounts Calculated?

California Paid Family Leave provides approximately 60 to 70 percent of your weekly salary (from \$50 up to \$1,300 weekly).

The benefit amount is calculated from your highest quarterly earnings over the past 5 to 18 months, before the start of your claim. The Employment Development Department (EDD) has an online calculator that can help you estimate your weekly benefit amount. Visit the [Disability Insurance and Paid Family Leave Calculator \(edd.ca.gov/PFL_Calculator\)](https://edd.ca.gov/PFL_Calculator) to estimate your benefit.

If you are found eligible to receive benefits, you have an option on how you receive your benefit payments: by the EDD Debit CardSM through Bank of America or by check, mailed from the EDD.



Does Paid Family Leave Provide Job Protection?

California Paid Family Leave does not provide job protection or a right to return to work.

However, job protection may be provided under other laws such as the federal Family and Medical Leave Act, the California Family Rights Act, or the New Parent Leave Act (if you qualify).

Notify your employer of your plan to take leave and the reason for taking leave according to your company's policy.

How Do I Apply For Benefits?

Apply for Paid Family Leave benefits by visiting [SDI Online \(edd.ca.gov/SDI_Online\)](https://edd.ca.gov/SDI_Online).

You may also apply using a paper form. Visit [EDD Forms and Publications \(edd.ca.gov/Forms\)](https://edd.ca.gov/Forms) to request a *Claim for Paid Family Leave (PFL) Benefits (DE 2501F)* form.

For caregiving claims, you must provide medical certification showing that the care recipient has a serious health condition and requires your care. This needs to be completed by the care recipient's physician/practitioner. Information about the care recipient and their signature are also required.

For bonding claims, you must provide documentation showing proof of relationship between you and the child (e.g., a copy of the child's birth certificate, adoptive placement agreement, or foster care placement record).

If you are currently receiving pregnancy-related Disability Insurance benefits, it is not necessary to request a Paid Family Leave claim form. The form to file for bonding will be sent through your SDI Online account or by mail when your pregnancy-related disability claim ends.

If you are covered by a voluntary plan, contact your employer for information about your coverage and instructions on how to apply for benefits.

If your claim is denied, you have the right to:

- Know the reason for denial.
- Appeal decisions about your eligibility for benefits. Visit [Appeals \(edd.ca.gov/DisabilityAppeals.htm\)](https://edd.ca.gov/DisabilityAppeals.htm) for information.

All claim information is confidential except for purposes allowed by law.

2019-2020

Uniform Complaint Procedures (UCP)

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Eureka City Schools of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees and our Local Control and Accountability Plan (LCAP).

This document presents information about how we process UCP complaints concerning particular programs or activities in which we receive state or federal funding. A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of our LCAP.

The following Compliance Officer is responsible for receiving and investigating complaints and ensuring our compliance:

Name or title: Michael Davies-Hughes, Assistant Superintendent, Educational Services

Address: Eureka City Schools, 2100 J Street, Eureka, CA 95501

Phone: (707) 441-3363 E-mail address: davieshughesm@eurekacityschools.org

The Superintendent or designee shall ensure that positions or employees designated to investigate complaints are knowledgeable about the laws and programs which they are responsible for investigating. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

Procedures:

All complaints filed in accordance with the district policy and regulations shall be mediated and/or investigated and resolved within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

The Compliance Officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

If a complainant is unable to put a complaint in writing due to a disability or illiteracy, the district shall assist the complainant in the filing of the complaint.

Step 1: Filing of Complaint

Category One Complaints: District Violations of Laws/Regulations. Category One Complaints shall be filed with the Assistant Superintendent of Educational Services as the Superintendent's designee, by any individual, public agency or organization.

Category Two Complaints: Protected Groups. Category Two Complaints shall be filed with the Assistant Superintendent, Educational Services. (5 CCR 4630)

A Category One or Category Two Complaint alleging unlawful discrimination, harassment, intimidation or bullying complaint shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

The time for filing any discrimination, harassment, intimidation or bullying complaint may be extended in writing by the Compliance Officer, upon written request by the complainant setting forth the reasons for the extension, or for good cause for a period not to exceed 90 calendar days following the expiration of the six month time period. The

Superintendent shall respond immediately upon a receipt of a request for extension.

The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination, harassment, intimidation, and bullying or by one who believes an individual or any specific class of individuals has been subjected to discrimination, harassment, intimidation, and bullying.

An investigation of a discrimination, harassment, intimidation, and bullying complaint shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process.

Category Three Complaints: Pupil Fees. Category Three Complaints shall be filed with the district compliance officer (Assistant Superintendent for Educational Services) or the principal of the school where the complaint arose not later than one year from the date the alleged violation occurred. Such complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to student fees. If filed with the principal, the principal shall promptly forward a copy to the district compliance officer.

Category Four Complaints: Local Control Accountability Plan

Category Four Complaints may be filed with the district compliance officer (Assistant Superintendent for Educational Services). Such complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code 52060 et seq.

Step 2: Mediation

Within three business days of receiving the complaint, the Compliance Officer may informally discuss with all the parties the option of using mediation. A business day is any day the district office is open. If the parties agree to mediation, the Compliance Officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to allow disclosure of confidential information to the mediator.

If the mediation process does not result in resolution of the complaint, the Compliance Officer shall proceed with his/her investigation of the complaint.

Mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

Within 10 calendar days of receiving the complaint, the Compliance Officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The Compliance Officer, with the assistance of additional staff as necessary, also shall collect all documents and, in a private, separate, and confidential manner, interview relevant witnesses with information pertinent to the complaint.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district staff to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 4: Response

In determining the veracity of a factual allegation, the Compliance Officer shall apply a

"preponderance" of the evidence standard (more likely than not). Within 30 calendar days of receiving the complaint, the Compliance Officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the Compliance Officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board of Education.

The Board may consider the matter at its next regular meeting or at a special meeting convened in order to meet the 60-day period for completing the review of the complaint. The Board may decide not to hear the complaint, in which case the Compliance Officer's decision shall be the final decision of the district.

If the Board hears the complaint, the Compliance Officer shall send the Board's decision to the complainant within 60 calendar days of the district's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631) The Board of Education's decision shall be the final decision of the district.

Step 5: Final Written Decision

The district's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The district's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language. In addition, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the California Department of Education (CDE) and procedures to be followed for initiating such an appeal

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that 1) the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies; 2) the 60-day period is not applicable to complaints seeking injunctive relief in state courts or to discrimination on complaints based on federal law; and 3) complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age, may also be filed with the United States Department of Education, Office for Civil Rights, at www.ed.gov/ocr within 180 days of the alleged discrimination. (Education Code 262.3)

If investigation of a complaint results in discipline to a student or an employee, the decision shall inform the complainant to the extent permitted by law.

If a complaint alleging noncompliance with the laws regarding student fees or Local Control Accountability Plan or Education Code 47606.5 or 47607.3, as applicable, is sustained, the district shall provide a remedy to all affected students and parents/guardians. (Education Code 49013 and 52075) The district will engage in good faith, reasonable efforts to identify and fully reimburse all students, parents/guardians who paid a student fee within one year prior to the filing of the complaint.

Appeals to the California Department of Education or State Superintendent of Public Instruction

If dissatisfied with the district's final decision with respect to a Category One, Two or Three Complaint, the complainant may appeal in writing to the CDE. (Education Code 49013; 5 CCR 4632)

The complainant shall file his/her appeal within 15 calendar days of receiving the district's decision, and the appeal to CDE shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the district's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's uniform complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in a complaint without waiting for action by the district when one of the conditions listed in 5 CCR 4650 exists, including when the district has not taken action within 60 calendar days of the date the complaint was filed with the district. (5 CCR 4650)

If dissatisfied with the district's decision with respect to a Category Four Complaint, the complainant may appeal in writing to the Superintendent of Public Instruction. (Education Code 52075(c))

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For complaints alleging discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the district has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Education Code 262.3)

Eureka City Schools
2100 J Street Eureka, CA 95501
707-441-3363

Board approved: February 3, 2016

UCP Annual Notice for 2019-2020

Eureka City Schools

For students, employees, parents/guardians, school and district advisory committee members, private school officials, and other interested parties

Eureka City Schools has the primary responsibility for compliance with federal and state laws and regulations. We have established Uniform Complaint Procedures (UCP) to address allegations of unlawful discrimination, harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs, the charging of unlawful pupil fees and the non-compliance of our Local Control and Accountability Plan (LCAP).

We will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in Education Code section 200 and 220 and Government Code section 11135, including any actual or perceived characteristics as set forth in Penal Code section 422.55 or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity conducted by the agency, which is funded directly by, or that receives or benefits from any state financial assistance.

The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in: Adult Education, After School Education and Safety, Career Technical Education, Child Care and Development, Child Nutrition, Compensatory Education, Consolidated Categorical Aid, Education of Pupils in Foster Care and Pupils who are Homeless, Every Student Succeeds Act / No Child Left Behind, Local Control Accountability Plans (including Charter Schools as described in *EC* §§ 47606.5 and 47607.3); Migrant Education, Physical Education Instructional Minutes, Pupil Fees, School Safety Plans, Special Education.

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

We shall post a standardized notice of the educational rights of foster and homeless youth, as specified in Education Code Sections 48853, 48853.5, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

UCP Annual Notice for 2019-2020

Eureka City Schools

Complaints other than issues relating to pupil fees must be filed in writing with the following designated to receive complaints:

Name or title: Michael Davies-Hughes, Assistant Superintendent
Unit or office: Educational Services
Address: Eureka City Schools, 2100 J Street, Eureka, CA 95501
Phone: (707) 441-3363 E-mail address: davieshughesm@eurekacityschools.org

A pupil fees complaint is filed with Eureka City Schools and/or the principal of a school.

Complaints alleging discrimination, harassment, intimidation, or bullying, must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying, occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying, unless the time for filing is extended by the superintendent or his or her designee.

Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This time period may be extended by written agreement of the complainant. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with local procedures adopted under section 4621.

The complainant has a right to appeal our Decision of complaints regarding specific programs, pupil fees and the LCAP to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving our Decision. The appeal must be accompanied by a copy of the originally-filed complaint and a copy of our Decision.

The complainant is advised of civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

A copy of our UCP compliant policies and procedures is available at any Eureka City Schools site, the District Office and our website, www.eurekacityschools.org

**EMPLOYERS MUST PROVIDE THIS INFORMATION TO NEW WORKERS
WHEN HIRED AND TO OTHER WORKERS WHO ASK FOR IT**

**RIGHTS OF VICTIMS OF DOMESTIC VIOLENCE,
SEXUAL ASSAULT AND STALKING**

Your Right to Take Time Off:

- You have the right to take time off from work to get help to protect you and your children's health, safety or welfare. You can take time off to get a restraining order or other court order.
- If your company has 25 or more workers, you can take time off from work to get medical attention or services from a domestic violence shelter, program or rape crisis center, psychological counseling, or receive safety planning related to domestic violence, sexual assault, or stalking.
- You may use available vacation, personal leave, accrued paid sick leave or compensatory time off for your leave unless you are covered by a union agreement that says something different. Even if you don't have paid leave, you still have the right to time off.
- In general, you don't have to give your employer proof to use leave for these reasons.
- If you can, you should tell your employer before you take time off. Even if you cannot tell your employer before, your employer cannot discipline you if you give proof explaining the reason for your absence within a reasonable time. Proof can be a police report, court order or doctor's or counselor's note or similar document.

Your Right to Reasonable Accommodation:

- You have the right to ask your employer for help or changes in your workplace to make sure you are safe at work. Your employer must work with you to see what changes can be made. Changes in the workplace may include putting in locks, changing your shift or phone number, transferring or reassigning you, or help with keeping a record of what happened to you. Your employer can ask you for a signed statement certifying that your request is for a proper purpose, and may also request proof showing your need for an accommodation. Your employer cannot tell your coworkers or anyone else about your request.

Your Right to Be Free from Retaliation and Discrimination:

Your employer cannot treat you differently or fire you because:

- You are a victim of domestic violence, sexual assault, or stalking.
- You asked for leave time to get help.
- You asked your employer for help or changes in the workplace to make sure you are safe at work.

You can file a complaint with the Labor Commissioner's Office against your employer if he/she retaliates or discriminates against you.

For more information, contact the California Labor Commissioner's Office. We can help you by phone at 213-897-6595, or you can find a local office on our website: www.dir.ca.gov/dlse/DistrictOffices.htm. If you do not speak English, we will provide an interpreter in your language at no cost to you. This Notice explains rights contained in California Labor Code sections 230 and 230.1. Employers may use this Notice or one substantially similar in content and clarity.

Eureka City SD

Board Policy

Drug and Alcohol-Free Workplace

BP 4020

Personnel

The Board of Education believes that the maintenance of a drug- and alcohol-free workplace is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)

(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance in the workplace. (Government Code 8355; 41 USC 701)

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, on duty means while an employee is on duty during both instructional and non-instructional time in the classroom or workplace, at extracurricular or co-curricular activities, or while transporting students or otherwise supervising them. Under the influence means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

(cf. 4032 - Reasonable Accommodation)

The Superintendent or designee shall notify employees of the district's prohibition against drug-use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 701)

An employee shall abide by the terms of this policy and shall notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 701)

The Superintendent or designee shall notify the appropriate federal granting or contracting agency within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

In accordance with law and the district's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily

participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local public health or law enforcement agency or other appropriate agency.

(cf. 4112 - Appointment and Conditions of Employment)

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4212 - Appointment and Conditions of Employment)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Drug-Free Awareness Program

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 701)

1. The dangers of drug abuse in the workplace

2. The district's policy of maintaining a drug-free workplace

3. Available drug counseling, rehabilitation, and employee assistance programs

(cf. 4159/4259/4359 - Employee Assistance Programs)

4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace.

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

UNITED STATES CODE, TITLE 41

8101-8106 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Management Resources:

WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Labor: <http://www.dol.gov>

Policy EUREKA CITY UNIFIED SCHOOL DISTRICT

adopted: December 12, 2013 Eureka, California

Eureka City SD

Board Policy

Tobacco-Free Schools

BP 3513.3

Business and Non-instructional Operations

The Board of Education recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 5030 - Student Wellness)

(cf. 5131.62 - Tobacco)

(cf. 5141.23 - Asthma Management)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

The Board prohibits smoking and/or the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420, 104559)

These prohibitions apply to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)

(cf. 1330.1 - Joint Use Agreements)

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff

2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah

3. Any component, part, or accessory of a tobacco product, whether or not sold separately
This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

HEALTH AND SAFETY CODE

39002 Control of air pollution from non-vehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

104559 Tobacco use prohibition

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7111-7122 Student Support and Academic Enrichment Grants

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

PUBLIC EMPLOYMENT AND RELATIONS BOARD RULINGS

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

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

Management Resources:

WEB SITES

California Department of Education, Alcohol, Tobacco and Other Drug Prevention:

<http://www.cde.ca.gov/ls/he/at>

California Department of Education, Tobacco-Free School District Certification:

<http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

California Department of Public Health, Tobacco Control:

<http://www.cdph.ca.gov/programs/tobacco>

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

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

Policy EUREKA CITY UNIFIED SCHOOL DISTRICT

adopted: December 8, 2016 Eureka, California

WORKERS' COMPENSATION BENEFITS

WORKERS' COMPENSATION

California's no-fault compensation was passed by the State Legislature over 75 years ago to guarantee prompt, automatic benefits to employees who sustain on-the-job injuries or illnesses. With few exceptions, almost every employee, public and private, in the State is protected by Workers' Compensation. The State of California supervises both the amount of benefits available under Workers' Compensation and the distribution of all payments.

YOUR EMPLOYER'S SELF-FUNDED PROGRAM

Rather than purchase an insurance policy, your employer has elected to self-fund Workers' Compensation liability. This means that medical bills and all other benefits are paid direct from your employer's funds. There is no insurance company involved. Keenan & Associates administers the program to insure that all Workers' Compensation benefits are paid to injured employees in accordance with State Regulations. Your employer wants you to know that its greatest concern is to see that you receive the best medical care and attention available, so your recovery is rapid and complete and you can return to your job.

HOW TO CLAIM BENEFITS

Report the injury or illness to your employer immediately. Your employer will give you a claim form so you can describe the injury or illness – what, where, when, and how it happened. Complete it and return it to your employer as soon as possible. Enough information should be included to insure that necessary reports can be completed and arrangements made for medical treatment. Prompt reporting is the key. Benefits are automatic, but nothing can happen until your employer knows about the injury or illness. Insure your rights by reporting every injury, no matter how slight. Even a cut finger can lead to disability if an infection develops.

WHAT ARE THE BENEFITS

California Workers' Compensation guarantees injured employees five kinds of benefits: 1) Medical care, 2) Payment to replace lost wages, 3) Permanent disability, 4) Rehabilitation services, and 5) Death benefits to eligible employees.

MEDICAL BENEFITS

Your employer will pay for all necessary doctor bills, hospital costs, x-rays, medications, crutches, etc. to cure and relieve the effects of an injury or illness. If you require treatment in addition to first aid, you will be referred to a doctor, not necessarily one that you know, although that doesn't mean it is a "company doctor." The physician is a designated panel physician in private practice who will send bills and reports directly to Keenan & Associates. You should never see a medical bill; but, in the event one is sent to you, it should be forwarded to Keenan & Associates. You are entitled to be treated by your own personal physician if you have notified your employer of the doctor's name and address in writing before the injury or illness. "Personal physician" means your regular physician and surgeon who has previously directed your medical treatment and who retains your medical records and history. If for any reason you want to change doctors, contact Keenan & Associates for the names of other doctors and specialists. If you desire, thirty days after reporting your injury or illness, you can choose your own doctor within a reasonable geographic area. Let Keenan & Associates know of this change in writing as soon as you make it, so your bills will be promptly paid.

HOW MUCH ARE THE PAYMENTS FOR LOST WAGES?

The amount generally is two-thirds of your average weekly wage with certain minimum exceptions, up to a maximum amount set by the State of California. The amount of payments and when and how they will be paid are part of the State law. Workers' Compensation payments are tax-free. There are no deductions for state or federal taxes, social security, union contributions, etc. If you report the injury or illness promptly, your first temporary disability check should be mailed within 14 days. After that, you will receive a check every two weeks until the doctor releases you to return to work.

Payments for lost wages are not made for the first three days you are unable to work (including weekends). However, if you are hospitalized as an inpatient or unable to work for more than 14 days, payments will be made even for the first three days. If you are entitled to salary continuation, temporary disability benefits will be included with your regular paycheck.

REASONABLE ACCOMODATION

The District has a Return-to-Work/Temporary Work Assignment Program (RTW). The intent of this program is to assist the disabled employee transition back to their regular duty and regular hours. While the law provides you the right to request reasonable accommodation, we believe the District and the employee both benefit from the RTW program. Therefore, the RTW program may be initiated by either party. Guidelines for this program are available in the Personnel Office.

VOCATIONAL REHABILITATION

If, because of your work-incurred injury or illness, you are unable to return to your usual job duties, you may be entitled to vocational rehabilitation benefits. While you are enrolled in a rehabilitation plan approved by the State of California the total cost of services and temporary disability is paid by your employer. Services may include either modifying your old job, finding another job with your same employer, or training you for a new job.

PERMANENT DISABILITY

Additional payments will be made for a permanent handicap such as the amputation of a finger or loss of sight, even though you may be able to return to full employment. The number of permanent disability payments is based on a schedule set by the State that takes into account such factors as age, occupation at the time of injury or illness, and the nature of the permanent handicap. Keenan & Associates, on behalf of your employer, will submit all necessary reports to the Division of Workers' Compensation, State of California, who will make a determination of the nature and extent of permanent disability.

DEATH BENEFITS

In the event of a work-related death, eligible dependents will be entitled to benefits as determined by the State of California.

WHAT IF THERE ARE QUESTIONS?

Misunderstandings and even errors sometimes do occur, but most can be cleared up by a telephone call. Should you have any questions whatsoever, do not hesitate to call the Keenan & Associates representative. The telephone number and address can be obtained from your employer. For additional information, call the Eureka Satellite Office of the Division of Workers' Compensation at (707) 441-

5723. Their help is available free of charge to explain your rights, solve problems, and provide other information. If the problem still cannot be resolved, you may file an “Application of Adjudication” with the Workers’ Compensation Appeals Board. That is the State agency responsible for handling disputes. The Appeals Board is a court of law. You can represent yourself, of course, or you may want to hire an attorney. If you do, the fee will be deducted from any benefits awarded by the Appeals Board – generally 9 to 12 percent. If it is necessary to go to the Appeals Board to resolve your claim, be sure to do it within one year from the date of the injury or illness, or one year from the date of your last medical treatment. Waiting longer could mean losing your right to benefits.

Board Policy

Nondiscrimination/Harassment

BP 5145.3

Students

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

The Governing Board desires to provide a safe school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education Under Section 504)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law

related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1330 - Use of Facilities)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Professional Standards)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.2 - Freedom of Speech/Expression)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools.

(cf. 3580 - District Records)

Eureka City SD

Board Policy Sexual Harassment

BP 4119.11

Personnel

The Board of Education is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy. Sexual harassment includes, but is not limited to, harassment that is based on the gender, gender identity, gender expression, or sexual orientation of the victim. This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.

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

(cf. 4030 - Nondiscrimination in Employment)

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal.

(cf. 4117.7/4317.7 - Employment Status Reports)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply (cf. 4112.9/4212.9/4312.9 - Employee Notifications)
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments.

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

Any district employee who feels that he/she has been sexually harassed in the performance of his/her district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her direct supervisor, another supervisor, the district's coordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an ombudsman. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator.

Complaints of sexual harassment shall be filed and investigated in accordance with the complaint procedure specified in AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950 Sexual harassment; distribution of information

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state

financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX prohibition against discrimination

UNITED STATES CODE, TITLE 42

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities

106.51-106.61 Nondiscrimination on the basis of sex in employment in education program or activities

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy EUREKA CITY UNIFIED SCHOOL DISTRICT

adopted: August 23, 2018 Eureka, California

INJURY AND ILLNESS PREVENTION PROGRAM

For

EUREKA CITY SCHOOLS

Revised July 2015

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INTRODUCTION

In order to maintain a safe and healthful work environment Eureka City Schools has developed this Injury and Illness Prevention Program for all employees to follow. This document describes the goals, statutory authority, and the responsibilities of all employees under the Program. It addresses Compliance, Hazard Identification, Accident Investigation, Hazard Mitigation, Training, Communication, and Program Documentation. By making employee safety a high priority for every employee we can reduce injuries and illnesses, increase productivity, and promote a safer and healthier environment for all individuals at Eureka City Schools.

GOALS

Diligent implementation of this program will reap many benefits for Eureka City Schools. Most notably it will:

1. Protect the health and safety of employees. Decrease the potential risk of disease, illness, injury, and harmful exposures to district personnel.
2. Reduce workers' compensation claims and costs.
3. Improve efficiency by reducing the time spent replacing or reassigning injured employees, as well as reduce the need to find and train replacement employees.
4. Improve employee morale and efficiency as employees see that their safety is important to management.
5. Minimize the potential for penalties assessed by various enforcement agencies by maintaining compliance with Health and Safety Codes and Cal OSHA standards.

STATUTORY AUTHORITY

- California Labor Code Section 6401.7.
- California Code of Regulations Title 8, Sections 1509 and 3203.

RESPONSIBILITY

The ultimate responsibility for establishing and maintaining effective environmental health and safety policies specific to district facilities and operations rests with the Associate Superintendent of Human Resources. General policies, which govern the activities and responsibilities of the Injury and Illness Prevention Program, are established under this person's final authority.

It is the responsibility of the District to develop procedures, which ensure effective compliance with the Injury and Illness Prevention Program, as well as other health and safety policies related to operations under their control.

Administrators, Supervisors, Managers and Job Coaches are responsible for enforcement of this Program among the employees under their direction by carrying out the various duties outlined herein, setting acceptable safety policies and procedures for each employee to follow and ensuring that employees receive

the general safety training. Each Site Administrator, Program Administrator, Supervisor, and Manager must also ensure that appropriate job specific safety training is received, and that safety responsibilities are clearly outlined in the job descriptions, which govern the employees under their direction.

Supervising others also carries the responsibility for knowing how to safely accomplish the tasks assigned each employee, for purchasing appropriate personal protective equipment, and for evaluating employee compliance.

Immediate responsibility for workplace health and safety rests with each individual employee. Employees are responsible for following the established work procedures and safety guidelines in their area, as well as those identified in this Program. Employees are also responsible for using the personal protective equipment issued to protect them from identified hazards, and for reporting any unsafe conditions to their supervisors.

The Associate Superintendent of Human Resources is responsible for developing and managing this Injury and Illness Prevention Program.

COMPLIANCE

Compliance with this Injury and Illness Prevention Program will be achieved in the following manner:

8. Administrators, Supervisors, and Managers will set positive examples for working safely and require that all staff under their direction work safely.
9. Administrators, Supervisors, and Managers will use all disciplinary procedures available to them to ensure that employees follow established safety policies and procedures. Performance evaluations, verbal counseling, written warnings, and other forms of disciplinary action are available.
10. Administrators, Supervisors, and Managers will identify the resources necessary to provide a safe work environment for their employees and include them in budget requests.
11. Administrators, Supervisors, and Managers will establish appropriate means of recognition for employees who demonstrate safe work practices.

Eureka City Schools has developed this comprehensive Injury and Illness Prevention Program to enhance the health and safety of its employees.

HAZARD IDENTIFICATION

A health and safety inspection program is essential in order to reduce unsafe conditions, which may expose employees to incidents that could result in personal injuries or property damage. It is the responsibility of the Associate Superintendent of Human Resources or designee to ensure that appropriate, systematic safety inspections are conducted periodically.

Scheduled Safety Inspections

All work areas will be subject to inspection upon initial implementation of this Program, or initial placement of employees in off site work areas. All inspections will be documented using the attached forms (or equivalent) with appropriate abatement of any hazards detected.

Thereafter, at a minimum, safety inspections will be conducted at the frequency described below:

Annual inspections of all work areas will be conducted to detect and eliminate any hazardous conditions that may exist.

Semi-annual inspections of shops, cafeterias, kitchens, warehouses, gymnasiums, maintenance sheds, and all student work sites, will be conducted to detect and eliminate any hazardous conditions that may exist.

Unscheduled Safety Inspections

1. Additional safety inspections will be conducted whenever new equipment or changes in procedures are introduced into the workplace that presents new hazards.
2. Program Administrators will conduct periodic unscheduled safety inspections of all potentially hazardous areas and all off site work areas to ensure the maintenance of a safe and healthful workplace.
3. Accident Investigations and safety reviews will be conducted when occupational accidents occur to identify and correct hazards that may have contributed to the accident.

ACCIDENT INVESTIGATIONS

Administrators, Supervisors, Managers and Job Coaches will investigate all accidents, injuries, occupational illnesses, and near-miss incidents to identify the root cause. Appropriate repairs or procedural changes will be implemented promptly to correct any hazards implicated in these events.

To ensure timely accounting for Workers' Compensation procedures, both employee and supervisor, must complete their respective portions on the Report of Employee Injury/Exposure Form and District Accident Investigation Form available at the District Office or school site.

HAZARD CORRECTION

All hazards identified during inspections, or by employee report, will be promptly investigated and alternate procedures implemented as indicated. The District recognizes that hazards range from imminent dangers to hazards of relatively low risk. Corrective actions or plans, including suitable timetables for completion, are the responsibility of the Administrator, Supervisor, or Manager.

TRAINING

Effective dissemination of safety information lies at the very heart of a successful Injury and Illness Prevention Program. All employees must be trained in general safe work practices. In addition, specific instruction with respect to hazards unique to each employee's job assignment must be provided. The District Director of Risk Management, shall send out monthly safety reminders to each site during the regular school year to keep safety at the forefront of each employee's work habits.

General Safe Work Practices

At a minimum, all regular employees of the district will be trained in the following:

1. Fire Safety, Evacuation, and Emergency Procedures
2. Hazard Communication (Use of Material Safety Data Sheets)
3. Bloodborne Pathogens
4. Injury and Illness Prevention Program

Specific Safe Work Practices

In addition to this general training, each employee will be instructed on how to protect themselves from the hazards specific to their individual job duties. At a minimum this shall entail how to use workplace equipment, safe handling of hazardous materials and use of personal protective equipment. Training must be completed before beginning to work on assigned equipment, and whenever new hazards or changes in procedures are implemented. Administrators and Job Coaches, shall ensure that all student employees are given proper training in work place safety, and personal safety, prior to being allowed to work unsupervised.

The Superintendent is responsible for providing Administrators, Supervisors, and Managers with the training necessary to familiarize themselves with the safety and health hazards their employees are exposed to.

It is the responsibility of each Administrator, Supervisor, and Manager to know the hazards related to his/her employee's job tasks, and ensure they receive appropriate training.

1. Administrators will ensure that all employees receive general and job-specific training prior to initial or new job assignments.
2. Administrators will ensure that employees are trained whenever new substances, processes, procedures or equipment are introduced to the workplace which may create new hazards. Training must also be given when new or previously unrecognized hazards are discovered.
3. All training must be documented and kept in employee files. Employee Training Forms will be used for this purpose.

COMMUNICATION

Effective two-way communication, which involves employee input on matters of workplace safety, is essential to maintaining an effective Injury and Illness Prevention Program. To foster better safety communication the following guidelines will be implemented:

Departments will use an Employee Bulletin Board for posting information on safety in a location accessible to all employees. Changes in protocol, safety bulletins, accident statistics, training announcements, and other safety information will be posted, as they become available.

Administrators, Managers, and Supervisors will ensure that employees receive monthly safety information. The District Safety Committee shall receive status reports on safety inspections, hazard correction projects, and accident investigation results, as well as feedback to previous employee suggestions. Employees will be encouraged to participate and give suggestions without fear of reprisal. Attendance sheets will be used to document attendance and topics covered. Additional communication methods to be used are:

Posters Meetings Manuals
 Newsletters Bulletins Warning Labels

Eureka City Schools has developed a Safety Committee. The Safety Committee shall meet quarterly. Beginning with the 2000/2001 school year, the committee shall be composed of the Associate Superintendent of Human Resources, a CSEA representative, one site principal, one E.T.A. representative, the Director of Risk Management, Workers Compensation Clerk, and an Administrative Assistant for taking the meeting minutes.

Employees are encouraged to bring to the District's attention any potential health or safety hazard that may exist in the work area. Employee Safety Recommendation may be faxed to Director of Risk Management, at 441-0290.

Managers and Supervisors will follow up on suggestions and investigate the concerns brought up through these communication methods. Feedback to the employees is critical, and must be provided for effective two-way communication. *compliance will be reinforced by:*

Appropriate comments on performance evaluations.

Non-compliance will be addressed by:

A discussion between the supervisor and the employee who is discovered working in an unsafe manner.

Appropriate disciplinary action, up to dismissal.

The investigation of the incident and the cause of the accident. Recommendations may include retraining or briefings.

The District will pursue readily understandable health and safety communications for all affected employees.

STUDENT EMPLOYEES & SPECIAL PROGRAMS

All special student programs, such as Workability, Transition, Community Learning and Service Learning, where students are employed by the District, or when the student is covered under the District's workers compensation program, are subject to this Injury and Illness Prevention Program and all Program Administrators or Job Coaches shall ensure that they follow the guidelines established under this program to ensure that students in these programs are protected.

DOCUMENTATION

Many standards and regulations of Cal/OSHA contain requirements for the maintenance and retention of records for occupational injuries and illnesses, medical surveillance, exposure monitoring, inspections and other activities relevant to occupational health and safety. To comply with these regulations, as well as to demonstrate that the critical elements of this Injury and Illness Prevention Program are being implemented, the following records shall be kept on file for at least the length of time indicated below:

1. Copies of all IIPP Safety Inspection Forms. (Retain at each work site, 5 years.)
2. Copies of all Accident Investigation Forms. (Retain at each work site, 5 years.)
3. Copies of all General Employee Training records (Retain in personnel files) and all job specific work Training Documents, (Retain in site records) for duration of each individual's employment.
4. Copies of Monthly Safety flyers, (retain at Work Site) 1 year

The District will ensure that these records are kept on file, and present them to Cal/OSHA or other regulatory agency representatives if requested. A review of these records will be conducted by the Associate Superintendent of Human Resources, or designee, during routine inspections to measure compliance with this program.

A safe and healthy workplace must be the goal of everyone at Eureka City Schools, with responsibility shared by management and staff alike. Questions regarding this Injury and Illness Prevention Program, should be addressed to the Director of Human Resources at (707) 441-2417, or to the Director of Risk Management at (441-2503).



About California Paid Family Leave

For many working Californians, finding time to be with a loved one when they need it most can be difficult. California's Paid Family Leave program was created for those moments that matter. Benefits are available to care for a seriously ill family member, to bond with a new child, or to participate in a qualifying military event.

Fast Facts About California Paid Family Leave

- Provides up to eight weeks of partial wage replacement benefits to bond with a new child (either by birth, adoption, or foster care placement), to care for a seriously ill family member (child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner), or to participate in a qualifying event resulting from a family member's (spouse, registered domestic partner, parent, or child) military deployment to a foreign country.
- Doesn't have to be taken all at once.
- Provides approximately 60 to 70 percent of your salary during your leave.
- Funded through your State Disability Insurance tax withholding, so you are most likely eligible if you've paid into State Disability Insurance (noted as "CASDI" on paystubs) or a qualifying voluntary plan in the past 5 to 18 months.
- To bond with a new child, leave can be taken anytime within the first 12 months of a child entering your family.
- Citizenship and immigration status do not affect eligibility.

CALIFORNIA PAID FAMILY LEAVE

moments matter.

Paid Family Leave:

Giving Californians the benefits they need to be there for the moments that matter.

English	1-877-238-4373
Spanish	1-877-379-3819
Cantonese	1-866-692-5595
Vietnamese	1-866-692-5596
Armenian	1-866-627-1567
Punjabi	1-866-627-1568
Tagalog	1-866-627-1569
TTY	1-800-445-1312

Individuals can also visit a Paid Family Leave or Disability Insurance office to obtain claim forms, receive information, or speak to a representative.

Visit a [State Disability Insurance office](http://edd.ca.gov/Disability/Contact_SD_I.htm) (edd.ca.gov/Disability/Contact_SD_I.htm) near you.



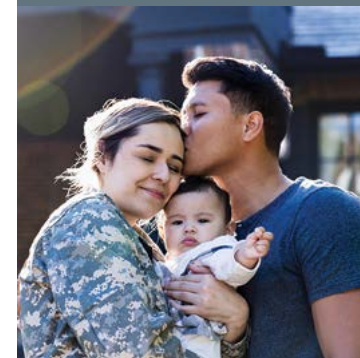
For more information, visit:
CaliforniaPaidFamilyLeave.com

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Requests for services, aids, and/or alternate formats need to be made by calling 1-866-490-8879 (voice). TTY users, please call the California Relay Service at 711.



CALIFORNIA PAID FAMILY LEAVE

Helping Californians be present for the moments that matter.



Do I Qualify For California Paid Family Leave?

To qualify for Paid Family Leave benefits, **you must meet** the following requirements:

- Need to take time off from work to care for a seriously ill family member, to bond with a new child, or to participate in a qualifying military event.
- Be covered by State Disability Insurance (or a voluntary plan in lieu of State Disability Insurance).
- Have earned at least \$300 in the past 5 to 18 months.
- Submit your claim no later than 41 days after you begin your family leave. Do not file before your first day of leave.

If required by your employer, you must use up to two weeks of unused vacation leave or paid time off. Check with your human resources department to confirm your employer's requirements.

How Are Benefit Amounts Calculated?

California Paid Family Leave provides approximately 60 to 70 percent of your weekly salary.

The benefit amount is calculated from your highest quarterly earnings over the past 5 to 18 months, before the start of your claim. The Employment Development Department (EDD) has an online calculator that can help you estimate your weekly benefit amount. Visit the [Disability Insurance and Paid Family Leave Calculator](https://edd.ca.gov/PFL_Calculator) (edd.ca.gov/PFL_Calculator) to estimate your benefit.

If you are found eligible to receive benefits, you have an option on how you receive your benefit payments: by the EDD Debit CardSM through Bank of America or by check, mailed from the EDD.



Does Paid Family Leave Provide Job Protection?

California Paid Family Leave does not provide job protection or a right to return to work.

However, job protection may be provided under other laws such as the federal Family and Medical Leave Act, the California Family Rights Act, or the New Parent Leave Act (if you qualify).

Notify your employer of your plan to take leave and the reason for taking leave according to your company's policy.

How Do I Apply For Benefits?

Apply for Paid Family Leave benefits by visiting [SDI Online](https://edd.ca.gov/SDI_Online) (edd.ca.gov/SDI_Online).

You may also apply using a paper form. Visit [EDD Forms and Publications](https://edd.ca.gov/Forms) (edd.ca.gov/Forms) to request a *Claim for Paid Family Leave (PFL) Benefits* (DE 2501F) form.

For caregiving claims, you must provide medical certification showing that the care recipient has a serious health condition and requires your care. This needs to be completed by the care recipient's physician/practitioner. Information about the care recipient and their signature are also required.

For bonding claims, you must provide documentation showing proof of relationship between you and the child (e.g., a copy of the child's birth certificate, adoptive placement agreement, or foster care placement record).

If you are currently receiving pregnancy-related Disability Insurance benefits, it is not necessary to request a Paid Family Leave claim form. The form to file for bonding will be sent through your SDI Online account or by mail when your pregnancy-related disability claim ends.

For military assist claims, you must provide supporting military documentation (e.g., proof of covered active duty or call to covered active duty and documentation of the qualifying event).

If you are covered by a voluntary plan, contact your employer for information about your coverage and instructions on how to apply for benefits.

If your claim is denied, you have the right to:

- Know the reason for denial.
- Appeal decisions about your eligibility for benefits. Visit [Appeals](https://edd.ca.gov/Disability/Appeals.htm) (edd.ca.gov/Disability/Appeals.htm) for information.

All claim information is confidential except for purposes allowed by law.

Eureka City Schools 2100 J Street, Eureka, CA 95501 (707) 441-2400

UCP Annual Notice for 2020-2021

Eureka City Schools annually notifies our students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of the Uniform Complaint Procedures (UCP) process.

Eureka City Schools is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

Programs and Activities Subject to the UCP

After School Education and Safety programs; agricultural career technical education; federal career technical education; child care and development programs; child nutrition programs; compensatory education; consolidated categorical aid programs; the federal Every Student Succeeds Act; migrant education; Regional Occupational Centers and Programs; school safety plans; California State Preschool Programs; and any other district-implemented state categorical program that is not funded through the local control funding formula pursuant to Education Code 64000

A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory, or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

A pupil fees or LCAP complaint may be filed anonymously if the complainant provides evidence or information leading to evidence to support the complaint.

A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

A pupil fee complaint shall be filed no later than one year from the date the alleged violation occurred.

We will post a standardized notice of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in the district, children of military families, migrant students, and immigrant students enrolled in a newcomer program, as specified in Education Code 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

Complaints other than issues relating to pupil fees must be filed in writing with the following designated to receive complaints:

Name or title: Michael Davies-Hughes, Assistant Superintendent

Unit or office: Educational Services

Eureka City Schools, 2100 J Street, Eureka, CA

95501

Phone: (707) 441-3363

E-mail

address: davieshughesm@eurekacityschools.org

Address: _____

A pupil fees complaint is filed with Eureka City Schools and/or the principal of a school.

Complaints alleging discrimination, harassment, intimidation, or bullying, must be filed within six (6) months from the date the alleged discrimination, harassment, intimidation, or bullying, occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying, unless the time for filing is extended by the superintendent or his or her designee.

Complaints will be investigated in accordance with the district's UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant.

The complainant has a right to appeal the district's decision to CDE by filing a written appeal, including a copy of the original complaint and the district's decision, within 15 days of receiving the district's decision. The appeal must be accompanied by a copy of the originally-filed complaint and a copy of our Decision.

The complainant is advised of civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

A copy of our UCP compliant policies and procedures is available free of charge at any Eureka City Schools site, the District Office and our website, www.eurekacityschools.org

2020-2021

Uniform Complaint Procedures (UCP) Instructions

This document contains rules and instructions about the filing, investigation and resolution of a Uniform Complaint Procedures (UCP) complaint regarding an alleged violation by Eureka City Schools of federal or state laws or regulations governing educational programs, including allegations of unlawful discrimination, harassment, intimidation, bullying and non-compliance with laws relating to pupil fees and our Local Control and Accountability Plan (LCAP).

This document presents information about how we process UCP complaints concerning particular programs or activities in which we receive state or federal funding. A UCP complaint is a written and signed statement by a complainant alleging a violation of federal or state laws or regulations, which may include an allegation of unlawful discrimination, harassment, intimidation, bullying or charging pupil fees for participation in an educational activity or non-compliance with the requirements of our LCAP.

The following Compliance Officer is responsible for receiving and investigating complaints and ensuring our compliance:

Name or title: Michael Davies-Hughes, Assistant Superintendent, Educational Services

Address: Eureka City Schools, 2100 J Street, Eureka, CA 95501

Phone: (707) 441-3363 E-mail address: davieshughesm@eurekacityschools.org

The Superintendent or designee shall ensure that positions or employees designated to investigate complaints are knowledgeable about the laws and programs which they are responsible for investigating. Designated employees may have access to legal counsel as determined by the Superintendent or designee.

Procedures:

All complaints filed in accordance with the district policy and regulations shall be mediated and/or investigated and resolved within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

The Compliance Officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

If a complainant is unable to put a complaint in writing due to a disability or illiteracy, the district shall assist the complainant in the filing of the complaint.

Filing of Complaints:

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist in the filing of the complaint. (5 CCR 4600)

Complaints shall also be filed in accordance with the following rules, as applicable:

1. A complaint alleging district violation of applicable state or federal law or regulations governing the programs specified in the accompanying Board policy (item #1 of the section "Complaints Subject to UCP") may be filed by any individual, public agency, or organization. (5 CCR 4630)

2. Any complaint alleging noncompliance with law regarding the prohibition against student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school or with the Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

3. A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by persons who allege that they have personally suffered unlawful discrimination or who believe that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint shall be initiated no later than six months from the date that the alleged unlawful discrimination occurred, or six months from the date that the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)

4. When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.

5. When the complainant of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) or the alleged victim, when not the complainant, requests confidentiality, the compliance officer shall inform the complainant or victim that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.

Mediation:

Within three business days after receiving the complaint, the compliance officer may informally discuss with all the parties the possibility of using mediation. Mediation shall be offered to resolve complaints that involve more than one student and no adult. However, mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall ensure that all parties agree to make the mediator a party to relevant confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with an investigation of the complaint.

The use of mediation shall not extend the district's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If mediation is successful and the complaint is withdrawn, then the district shall take only the actions agreed upon through the mediation. If mediation is unsuccessful, the district shall then continue with subsequent steps specified in this administrative regulation.

Investigation of Complaint:

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

Within one business day of initiating the investigation, the compliance officer shall provide the complainant and/or the complainant's representative with the opportunity to present the information contained in the complaint to the compliance officer and shall notify the complainant and/or representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint. Such evidence or information may be presented at any time during the investigation.

In conducting the investigation, the compliance officer shall collect all available documents and review all available records, notes, or statements related to the complaint, including any additional evidence or information received from the parties during the course of the investigation. The compliance officer shall individually interview all available witnesses with information pertinent to the complaint, and may visit any reasonably accessible location where the relevant actions are alleged to have taken place. At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

To investigate a complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the compliance officer shall interview the alleged victim(s), any alleged offenders, and other relevant witnesses privately, separately, and in a confidential manner. As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, a respondent's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

In accordance with law, the district shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the district to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Timeline for Final Decision:

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report, as described in the section "Final Written Decision" below, within 60 calendar days of the district's receipt of the complaint. (5 CCR 4631)

For any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), the respondent shall be informed of any extension of the timeline agreed to by the complainant. The respondent also shall be sent the district's final written decision at the same time it is provided to the complainant.

Final Written Decision:

For all complaints, the district's final written decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered. In reaching a factual determination, the following factors may be taken into account:

- a. Statements made by any witnesses
- b. The relative credibility of the individuals involved
- c. How the complaining individual reacted to the incident
- d. Any documentary or other evidence relating to the alleged conduct

e. Past instances of similar conduct by any alleged offenders

f. Past false allegations made by the complainant

2. The conclusion(s) of law

3. Disposition of the complaint

4. Rationale for such disposition

For complaints of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the disposition of the complaint shall include a determination for each allegation as to whether retaliation or unlawful discrimination has occurred.

The determination of whether a hostile environment exists may involve consideration of the following

a. The manner in which the misconduct affected one or more students' education

b. The type, frequency, and duration of the misconduct

c. The relationship between the alleged victim(s) and offender(s)

d. The number of persons engaged in the conduct and at whom the conduct was directed

e. The size of the school, location of the incidents, and context in which they occurred

f. Other incidents at the school involving different individuals

5. Corrective action(s), including any actions that have been taken or will be taken to address the allegations in the complaint and including, with respect to a student fees complaint, a remedy that comports with Education Code 49013 and 5 CCR 4600

For complaints of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the decision may, as required by law, include:

a. The corrective actions imposed on the respondent

b. Individual remedies offered or provided to the complainant or another person who was the subject of the complaint, but this information should not be shared with the respondent.

c. Systemic measures the school has taken to eliminate a hostile environment and prevent recurrence

6. Notice of the complainant's and respondent's right to appeal the district's decision to CDE within 15 calendar days, and procedures to be followed for initiating such an appeal

The decision may also include follow-up procedures to prevent recurrence or retaliation and for reporting any subsequent problems.

In consultation with district legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of the district's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved is enrolled in a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language pursuant to Education Code 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. The complainant may pursue available civil law remedies outside of the district's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Corrective Actions

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce district policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate remedies that may be offered to the victim but not communicated to the respondent may include, but are not limited to, the following:

1. Counseling
2. Academic support
3. Health services
4. Assignment of an escort to allow the victim to move safely about campus
5. Information regarding available resources and how to report similar incidents or retaliation
6. Separation of the victim from any other individuals involved, provided the separation does not penalize the victim
7. Restorative justice
8. Follow-up inquiries to ensure that the conduct has stopped and there has been no retaliation

For complaints involving retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), appropriate corrective actions that focus on a student offender may include, but are not limited to, the following:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education regarding the impact of the conduct on others
4. Positive behavior support
5. Referral to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law
7. Disciplinary action, such as suspension or expulsion, as permitted by law

When an employee is found to have committed retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the district shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The district may also consider training and other interventions for the larger school community to ensure that students, staff, and parents/guardians understand the types of behavior that constitute unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), that the district does not tolerate it, and how to report and respond to it.

When a complaint is found to have merit, an appropriate remedy shall be provided to the complainant or other affected person.

However, if a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges, physical education instructional minutes, or any requirement related to the LCAP is found to have merit, the district shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51222, 51223, 52075)

For complaints alleging noncompliance with the laws regarding student fees, the district shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

Any complainant who is dissatisfied with the district's final written decision on a complaint regarding any specified federal or state educational program subject to UCP may file an appeal in writing with CDE within 15 calendar days of receiving the district's decision. (5 CCR 4632)

The complainant shall specify the basis for the appeal of the decision and how the facts of the district's decision are incorrect and/or the law has been misapplied. The appeal shall be sent to CDE with a copy of the original locally filed complaint and a copy of the district's decision in that complaint. (5 CCR 4632)

When a respondent in any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) is dissatisfied with the district's final written decision, the respondent, in the same manner as the complainant, may file an appeal with CDE.

Upon notification by CDE that the district's decision has been appealed, the Superintendent or designee shall forward the following documents to CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision
4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the district's UCP
7. Other relevant information requested by CDE

The Labor Commissioner's Office

EMPLOYERS MUST PROVIDE THIS INFORMATION TO NEW WORKERS WHEN HIRED AND TO OTHER WORKERS WHO ASK FOR IT.

**RIGHTS OF VICTIMS OF DOMESTIC VIOLENCE,
SEXUAL ASSAULT AND STALKING**

Your Right to Take Time Off:

- You have the right to take time off from work to get help to protect you and your children's health, safety or welfare. You can take time off to get a restraining order or other court order.
- If your company has 25 or more workers, you can take time off from work to get medical attention or services from a domestic violence shelter, program or rape crisis center, psychological counseling, or receive safety planning related to domestic violence, sexual assault, or stalking.
- You may use available vacation, personal leave, accrued paid sick leave or compensatory time off for your leave unless you are covered by a union agreement that says something different. Even if you don't have paid leave, you still have the right to time off.
- In general, you don't have to give your employer proof to use leave for these reasons.
- If you can, you should tell your employer before you take time off. Even if you cannot tell your employer before, your employer cannot discipline you if you give proof explaining the reason for your absence within a reasonable time. Proof can be a police report, court order or doctor's or counselor's note or similar document.

Your Right to Reasonable Accommodation:

- You have the right to ask your employer for help or changes in your workplace to make sure you are safe at work. Your employer must work with you to see what changes can be made. Changes in the workplace may include putting in locks, changing your shift or phone number, transferring or reassigning you, or help with keeping a record of what happened to you. Your employer can ask you for a signed statement certifying that your request is for a proper purpose, and may also request proof showing your need for an accommodation. Your employer cannot tell your coworkers or anyone else about your request.

Your Right to Be Free from Retaliation and Discrimination:

Your employer cannot treat you differently or fire you because:

- You are a victim of domestic violence, sexual assault, or stalking.
- You asked for leave time to get help.
- You asked your employer for help or changes in the workplace to make sure you are safe at work.

You can file a complaint with the Labor Commissioner's Office against your employer if he/she retaliates or discriminates against you.

For more information, contact the California Labor Commissioner's Office. We can help you by phone at 213-897-6595, or you can find a local office on our website: www.dir.ca.gov/dlse/DistrictOffices.htm. If you do not speak English, we will provide an interpreter in your language at no cost to you. This Notice explains rights contained in California Labor Code sections 230 and 230.1. Employers may use this Notice or one substantially similar in content and clarity.

Labor Commissioner's Office Victims of Domestic Violence, Sexual Assault and Stalking Notice

FAMILY CARE & MEDICAL LEAVE & PREGNANCY DISABILITY LEAVE

DFEH



THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.

Under the California Family Rights Act of 1993 you may have a right to a family care or medical leave for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse. California law also prohibits employers from denying or interfering with requests for Pregnancy Disability Leave.

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, and if we employ 50 or more employees at your worksite or within 75 miles of your worksite, you may have a right to a family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse. If we employ less than 50 employees at your worksite or within 75 miles of your worksite, but at least 20 employees at your worksite or within 75 miles of your worksite, you may have a right to a family care leave for the birth, adoption, or foster care placement of your child under the New Parent Leave Act (NPLA). Similar to CFRA leave, the NPLA leave may be up to 12 workweeks in a 12-month period. While the law provides only unpaid leave, employees may choose or employers may require use of accrued paid leave while taking CFRA leave under certain circumstances and employees may choose to use accrued paid leave while taking NPLA leave.

Even if you are not eligible for CFRA or NPLA leave, if you are disabled by pregnancy, childbirth or a related medical condition, you are entitled to take a pregnancy disability leave of up to four months, depending on your period(s) of actual disability. If you are CFRA or NPLA-eligible, you have certain rights to take BOTH a pregnancy disability leave and a CFRA or NPLA leave for reason of the birth of your child. Both leaves contain a guarantee of reinstatement-for pregnancy disability it is to the same position and for CFRA or NPLA it is to the same or a comparable position-at the end of the leave, subject to any defense allowed under the law.

If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

We may require certification from your health care provider before allowing you a leave for pregnancy disability or for your own serious health condition. We also may require certification from the health care provider of your child, parent or spouse, who has a serious health condition, before allowing you a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking a leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of the leave is two weeks, and you must conclude the leave within one year of the birth or placement for adoption or foster care.

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. If you want more information regarding your eligibility for a leave and/or the impact of the leave on your seniority and benefits, please contact DFEH.

To schedule an appointment, contact the Communication Center below.

If you have a disability that requires a reasonable accommodation, the DFEH can assist you by scribing your intake by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or you can contact us below.

CONTACT US

Toll Free: (800) 884-1684
TTY: (800) 700-2320
contact.center@dfeh.ca.gov
www.dfeh.ca.gov