



**2021-2022**

***ANNUAL NOTICES***

***for***

***EMPLOYEES***

A Legacy of Excellence in Education



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# AMERICANS WITH DISABILITIES ACT (ADA)

The Tustin Unified School District is committed to providing a learning and working environment that is free of discrimination. In accordance with the Americans with Disabilities Act (ADA), the District does not discriminate against qualified individuals with disabilities in regard to job application procedures, hiring, advancement, training, compensation, benefits or discharge. It is the practice of the District to make reasonable accommodation for the known physical or mental limitations of qualified disabled applicants and employees.

Pursuant to the Americans with Disabilities Act (ADA), employers have a duty to reasonably accommodate qualified employees and job applicants with known disabilities, except when such accommodation would cause an undue hardship to the employer. This accommodation is not required for individuals who are not otherwise qualified for the job, nor is accommodation generally required until the person with the disability informs the employer that an accommodation is necessary due to a medical condition.

## **REASONABLE ACCOMMODATION**

### **Definitions:**

**Disability**, with respect to an individual, is defined as:

1. A physical or mental impairment that substantially limits one or more of the major life activities; or
2. A record of such an impairment; or
3. Being regarded as having such an impairment.

**Essential Functions** mean the fundamental job duties of the position.

**Reasonable Accommodations** mean that an employer may have to provide modifications to the work environment or adjustments in how and when a job is performed that enable an individual with a disability to enjoy equal employment opportunities may include, but are not limited to:

1. Making existing facilities accessible and usable;
2. Restructuring the job duties;
3. Offering part-time or modified work schedules;
4. Acquiring or modifying equipment;
5. Changing tests, training materials or policies;
6. Providing qualified readers or interpreters; and/or
7. Reassigning the employee to a vacant position.

**Qualified individual** means an individual who with or without reasonable accommodation, who satisfies the requisite skill, experience, education and other job-related requirements of the employment position and who can perform the essential functions of such position.

**Undue hardship** is a determination based on an individual assessment of current circumstances that a specific accommodation would cause significant difficulty or expense. A determination of undue hardship should be based on several factors, including:

1. The nature and cost of the accommodation needed;
2. The overall financial resources of the facility making the reasonable accommodation, the number of persons employed at the facility, and the effect on expenses and resources of the facility;
3. The type of operation of the employer, including the structure, functions, and size of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the employer; and/or
4. The impact of the accommodation on the operation of the facility.

**Request for Reasonable Accommodation:**

The Director of Personnel Services is designated the ADA Coordinator to facilitate efforts to comply with the Americans with Disabilities Act (ADA) and to investigate complaints. Reasonable accommodation requests are considered on a case-by-case basis.

When requesting reasonable accommodation during the hiring process, a job applicant shall inform the District's ADA Coordinator that he/she will need a reasonable accommodation for the process. To qualify for a job, an individual shall not pose a significant risk of substantial harm to himself/herself or others in the workplace which cannot be eliminated or reduced by reasonable accommodation. The determination of whether an individual poses a significant risk of substantial harm to himself/herself or others shall be made on a case-by-case basis and shall be based on objective, factual evidence, taking into consideration the duration of risks, the nature and severity of the potential harm, the likelihood that the potential harm will occur and the imminence of the potential harm. The Coordinator may confer with the site/department supervisor, a medical advisor and/or other District staff before notifying the employee or applicant of the results of his/her determination.

To request a reasonable accommodation, the employee or employee's representative shall inform the employee's supervisor that he/she needs a change at work for a reason related to the medical condition.

Employee request for reasonable accommodation shall first be considered informally in a timely manner by the site/department supervisor. The site supervisor shall consult with the ADA Coordinator prior to making any accommodation decision. The site supervisor shall report the decision to the employee.

When the disability and/or the need for accommodation is not obvious, the ADA Coordinator may ask the employee to supply reasonable documentation about his/her disability. In requesting this documentation, the Coordinator shall specify the types of information that are being sought about the employee's condition, the employee's functional limitations, and the need for reasonable accommodation. The employee may be asked to sign a limited release allowing the District to submit a list of specific questions to the health care or vocational professional.

If the documentation submitted by the employee does not specify the existence of an ADA disability and explain the need for reasonable accommodation, the District may require the employee to submit to an examination by a health care professional selected and paid for by the District.

Upon receiving a formal written request to reasonably accommodate a qualified employee with a disability, the Coordinator shall in a timely manner:

1. Determine the essential functions of the job;
2. Engage in an interactive process with the employee to review the request for accommodation, identify the precise limitations resulting from the disability, identify potential means for providing accommodation, and assess their effectiveness; and
3. Develop a plan for reasonable accommodation without imposing undue hardship on the site/department or the District.



## DRUG FREE WORKPLACE

It is the policy of Tustin Unified School District to maintain a drug-free workplace through implementation of the following policy. The District seeks to ensure all employees are free from the effects of drug use during working hours, and that drugs are not permitted on District premises. A drug-free workplace is essential to maintaining the safety and efficiency of school and District operations, and the health and safety of employees, students and the public.

The Board of Education recognizes the hazards of tobacco and establishes this policy to discourage its use by all individuals.

Effective January 1, 1993, the use of tobacco products is prohibited anywhere and anytime on District property or in District vehicles.

The Superintendent/designee shall develop regulations to implement and publicize this policy.

In order to achieve the objective of a drug-free workplace, the Board of Education directs the Superintendent or his/her designee to implement the following policy:

Every employee and student is entitled to work and receive an education in an environment that is drug and substance free. It is the purpose of this policy to implement the provisions of the Drug-Free Workplace Act of 1988, and implement at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610. (Public Law 100-690, 41 U.S.C. 701,et seq.).

The maintenance of a drug and substance free workplace is desirable and essential to ensure the well-being of District employees and to ensure the best possible education for District students. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited at any work location by any District employee or District student.

The Superintendent/designee shall establish, distribute, and enforce the regulations necessary to implement this policy.

The Superintendent/designee shall:

1. Distribute the following statement to all employees:

The Tustin Unified School District recognizes the potential dangers of drug abuse in the workplace. Such abuse increases safety risks to employees and students where the impaired employee is responsible for supervision of students, operation or maintenance of vehicles or machinery, or other responsibilities involving the health and welfare of students and personnel. Additional dangers of drug abuse may include loss of efficiency to the District and an additional burden on co-workers who must accommodate the absences or inefficiency of an impaired employee.

You are hereby notified that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, as defined in schedules I-V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), is prohibited in the workplace.

You are further notified that, as a condition of your continued employment under any federal grant award to the District, you will abide by the terms of this statement and will notify the District of any criminal drug statute conviction (including a plea of no lo contendere) occurring in the workplace. Said notice shall be delivered to the Superintendent/designee no later than five (5) days after such conviction.

The District will take appropriate personnel action, up to and including dismissal, against any employee found to have violated the provisions of this statement.

2. Establish a drug-free awareness program to inform employees about:
  - A. The dangers of drug abuse in the workplace;
  - B. The District's policy of maintaining a drug-free workplace;
  - C. Drug counseling, rehabilitation, and assistance programs available to eligible employees through health and welfare benefit plans presently in effect; and
  - D. The penalties that may be imposed by the District on employees for drug abuse violations.



## **EQUAL OPPORTUNITY/NON-DISCRIMINATION**

### **NON-DISCRIMINATION IN EMPLOYMENT**

It is the intent of the Tustin Unified School District to establish and maintain a policy of equal opportunity in employment for all persons and to prohibit discrimination or harassment in any program or at any activity or District site based on race, sex, gender identity or sexual orientation, ethnic group identification, ancestry, color, religion, age, marital status, veteran status, national origin, or mental or physical disability in every aspect of personnel policy and practice in employment, development, advancement, and treatment of persons employed in the District. The District also prohibits retaliation against any District employee or job applicant who complains, testifies or in any way participates in the District's complaint procedures.

All employees are expected to carry out their responsibilities in a manner that is free from discriminatory statements or conduct. Employees who permit or engage in discrimination or harassment may be subject to disciplinary action up to and including dismissal.

Harassment based on a person's race, sex or other attributes includes, but is not limited to, the following:

- Slurs, epithets, threats, or verbal abuse;
- Derogatory or degrading comments, descriptions, drawings, pictures or gestures;
- Unwelcome jokes, stories or teasing; and/or
- Any other verbal, visual or physical conduct which adversely affects the individual's employment opportunities or has the purpose or effect of unreasonably interfering with his/her work performance or creating an intimidating, hostile or offensive working environment.

Harassment may arise not only as a result of the offender's intention, but also as a result of the offended person's perception of the offensive conduct and the way it affects him/her.

In order to obtain procedures for reporting a complaint, any employee or applicant for employment who feels that he/she has been denied equal employment opportunities should immediately contact the Chief Personnel Officer, Personnel Services, Tustin Unified School District, 300 South C Street, Tustin, CA 92780, (714)730-7301, extension 338, or the Equity/Title IX Coordinator, Director, Student Services, Tustin Unified School District, 300 South C Street, Tustin, CA 92780, (714)730-7301 extension 323.

### **CALIFORNIA STATE LAW**

#### **THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT:**

(Part 2.8 (commencing with Section 12900) of Div. 3 of Title 2 of the Government Code)

- Prohibits harassment of employees or applicants and requires employers to take all reasonable steps to prevent harassment.



- Requires that all employers provide information to each of their employees on the nature, illegality, and legal remedies which apply to sexual harassment. Employers may either develop their own publication, which must meet standards as set forth in California Government Code Section 12950 or use a brochure which may be obtained from the Department of Fair Employment and Housing.
- Require employers with 5 or more employees and all public entities to provide training for all employees regarding prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation.
- Prohibit employers from limiting or prohibiting the use of any language in any workplace unless justified by business necessity. Also prohibits employers from discriminating against applicants because they possess a driver's license issued to a person who is unable to prove that their presence in the United States is authorized under federal law.
- Requires employers to reasonable accommodate an employee's religious beliefs and practices, including the wearing or carrying of religious clothing, jewelry or artifacts, and hair styles, facial or body hair, which are part of an individual's observance of their religious beliefs.
- Requires employers to reasonably accommodate employees or job applicants with disabilities to enable them to perform the essential functions of a job.
- Permits job applicants to file complaints with the Department of Fair Employment and Housing (DFEH) against any employer, employment agency, or labor union which fails to grant equal employment as required by law.
- Prohibit discrimination against any job applicant, or employee in hiring, promotions, assignments, termination, or any term, condition or privilege of employment.
- Requires employers, employment agencies, and unions to preserve applications and personnel and employment referral records for a minimum of two (2) years.
- Requires employers to provide leaves of up to four (4) months to employees disabled because of pregnancy, maternity or childbirth, or a related medical condition.
- Requires employers to provide reasonable accommodations requested by an employee, of the advice of their health care provider, related to their pregnancy, childbirth, or related condition.
- Requires employers of 20 or more persons to allow eligible employees to take up to 12 weeks leave in a 12 month period for the birth of a child or placement of a child for adoption or foster care; also requires employers of 50 or more persons to allow eligible employees to take up to 12 weeks leave in a 12 month period for an employee's own serious health condition or to care for a parent, spouse, or child with a serious health condition.
- Requires employment agencies to serve all applicants equally, to refuse discriminatory job orders, and to refrain from discriminatory pre-hiring inquiries or help-wanted advertising.
- Prohibits unions from discriminating in member admissions or dispatching of jobs.
- Prohibits retaliation against a person who opposes, reports, or assists another person to oppose unlawful discrimination.

## **UNITED STATES FEDERAL LAW**

### **PRIVATE EMPLOYMENT, STATE AND LOCAL GOVERNMENTS, EDUCATIONAL INSTITUTIONS:**

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies, and labor organizations are protected under the following Federal laws:

**RACE, COLOR, RELIGION, SEX/GENDER, SEXUAL ORIENTATION, ANCESTRY, NATIONAL ORIGIN** – Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex, or national origin.

**DISABILITY/MEDICAL CONDITION** – The American with Disabilities Act of 1990, as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The law also requires that covered entities provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

**AGE** – The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination on the basis of hiring, promotion, discharge, compensation, terms, conditions, or privileges of employment.

**SEX/GENDER (Wages)** – In addition to sex discrimination prohibited by Title VII of the Civil Rights Act (see above), the Equal Pay act of 1963, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

**GENETIC INFORMATION** – Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits and other aspects of employment. GINA also restricts employer from acquiring genetic information about employees and their family members medical information and history; and requests for genetic services.

Retaliation against a person who files a charge of discrimination, participates in an investigation, or opposes an unlawful employment practice is prohibited by all of these Federal laws.

If you believe that you have been discriminated against under the above laws, you immediately should contact: The U.S. Equal Employment Opportunity Commission (EEOC) by calling (800)669-4000 (toll free); (800)-669-6820-TTY; (844)234-5122-ASL Video Phone. The EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov).

### **EMPLOYERS HOLDING FEDERAL CONTRACTS OR SUBCONTRACTS**

**RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN** – Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

**INDIVIDUALS WITH DISABILITIES** – Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, and other aspects of employment and requires employers take affirmative action to recruit, hire, promote, and retain these individuals. Disability discrimination includes not making reasonable accommodation to known physical or mental limitations of a qualified applicant or employee with a disability, barring undue hardship.

**DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS** – The Vietnam Era Veterans' readjustment Assistance Act of 1974, as amended prohibits job discrimination and requires affirmative action to employ and advance disabled and recently separated veterans.

**INDIVIDUALS WITH DISABILITIES** – Retaliation is prohibited against a person who files a complaint of discrimination, participates in a proceeding or opposes discrimination under these Federal laws.

If you believe you have been discriminated against in a program or any institution which received Federal assistance, you should immediately contact the Office of Federal Contract Compliance Programs (OFDDP), US Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C., 20210, (866)48-2365 or (877)889-5627-TTY or email at OFCCP-Public@dol.gov.

### **PROGRAMS OR ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE**

**RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX** – In addition to the protection of Title VII of the Civil Rights Act of 1964, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance. Employment discrimination covered by Title VI of the primary objective of the financial assistance is a provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

**INDIVIDUALS WITH DISABILITIES** – Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination against people with disabilities in programs that receive federal financial assistance. Discrimination is prohibited in all aspects of employment for people with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

If you believe you have been discriminated against in a program of any institution which received Federal assistance, you should immediately contact the Federal agency providing such assistance.

**TRANSGENDER RIGHTS IN THE WORKPLACE** – Federal laws against sex and disability discrimination make it illegal to fire, refuse to hire, harass, or otherwise discriminate against people because of their gender identity, gender transition, sex assigned at birth, or transgender status. Transgender is a term used to describe people whose gender identity differs from the sex they were assigned at birth. Gender identity and gender expression are protected characteristics under the Fair Employment and Housing Act. That means that employers may not discriminate against someone because they identify as transgender or gender non-conforming. This includes the perception that someone is transgender or gender non-conforming.

A person does not need to complete any particular step in a gender transition in order to be protected by the law. An employer may not condition its treatment or accommodation of a transitioning employee upon completion of a particular step in gender transition.

If you believe you are a victim of discrimination you may, within one year of discrimination, file a complaint by contacting DFEH. You may call (800)884-1684 or (800)700-2320 (TTY) or email at [www.dfeh.ca.gov](http://www.dfeh.ca.gov).

BP 1331, 4101, 4156, 4256, 4301/5131.4



## **FAMILY CARE, MEDICAL LEAVE, and PREGNANCY DISABILITY LEAVE**

### **Basic Leave Entitlement**

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- Birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualified exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use the leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### **Benefits and Protections**

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

### **Eligibility Requirements**

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months
- Have worked at least 1,250 hours of service in the 12 months before taking leave; and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

## **Requesting Leave/Employee Responsibilities**

Generally, employees must give 30-days advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and follow the employer's usual procedures.

Employees do not have to share a medical diagnosis but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

You also may be entitled to additional rights 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. 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.

Even if you are not eligible for CFRA leave, if you are disabled by pregnancy, childbirth, or a related medical condition, you are entitled to take pregnancy disability leave (PDL) of up to four months depending on your period(s) of actual disability. If you are CFRA eligible, you have certain rights to take both a PDL and CFRA leave for reason of the birth of your child. Both leaves contain a guarantee of reinstatement – for PDL is to the same position, for CFRA to the same or comparable position.

## **Employer Responsibilities**

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

## **Enforcement**

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

## **For additional information or to file a complaint with the US Department of Labor/Wage and Hour Division:**

(866)487-9243 or TTY: (877)889-5627

**[WWW.DOL.GOV/WHD](http://WWW.DOL.GOV/WHD)**

## **For additional information, contact the Department of Fair Employment and Housing:**

(800)844-1684 or TTY: (800)700-2320

**[WWW.DFEH.CA.GOV](http://WWW.DFEH.CA.GOV)**

**Please contact the Personnel Department for more information on leaves of absence.**



## HIPAA PRIVACY ACT

In general, the HIPAA Privacy Act (Health Insurance Portability and Accountability Act of 1996) is a federal law that requires employers to protect employee medical records as confidential. This requires that the Tustin Unified School District health plans:

- Use and disclose your protected health information (PHI) – as defined by the HIPAA Privacy Rules- *only* for certain activities, unless you give specific and written authorization to do otherwise. Accordingly, the Authorization for Release of Protected Health Information (the “Authorization”), which is available in Personnel Services, will need to be completed before any of the plans can use and disclose your PHI to any person or entity designated by you. The Authorization will also need to be completed before Tustin Unified School District, as the plan sponsor, can receive, use and disclose your PHI. You may not need to complete the Authorization if you have already executed an authorization form required by the respective health insurance carrier.
- Set up compliance procedures and train employees that may have access to other employees’ PHI on the proper use of that information.
- Limit PHI access to those employees that *must* have that information to perform their job.
- Implement policies and procedures that allow you under general circumstances to:
  - Access and copy your PHI if you provide a written request to do so,
  - Request certain restrictions on how your PHI is used,
  - Request changes if you think your PHI is incorrect or incomplete, and
  - Request the list of certain uses and disclosures of your PHI.

You are encouraged to also review the HIPAA disclosure information from your health plan. As always, Tustin Unified School District and its Personnel Services representatives remain committed to protecting your personal health information.



## **PUBLIC EMPLOYEE DISASTER SERVICE WORKER STATUS**

*It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, man-made, or war-caused emergencies which result in conditions of disaster or extreme peril to life, property, and resources is of paramount state importance . . . in protection of its citizens and resources, all public employees are hereby declared to be disaster service workers . . . All disaster service workers shall, before they enter upon the duties of their employment, take and subscribe to the oath or affirmation . . .*

### **WHAT DOES DISASTER SERVICE MEAN?**

Disaster service means all activities authorized by and carried out pursuant to the California Emergency Services Act ([www.leginfo.ca.gov](http://www.leginfo.ca.gov)).

### **WHO IS INCLUDED IN THE DISASTER SERVICE WORKER STATUS?**

All public employees are included (all persons employed by any county, city, or state agency or public district).

### **WHAT IS THE SCOPE OF DUTIES OF EMPLOYEE DISASTER SERVICE WORKERS?**

Any public employees performing duties as a disaster service worker shall be considered to be acting within the scope of disaster service duties while assisting any unit of the organization or performing any act contributing to the protection of life or property or mitigating the effects of an emergency.

### **HOW ARE PUBLIC EMPLOYEES ASSIGNED DISASTER SERVICE ACTIVITIES?**

Public employees are assigned disaster service activities by their superiors or by law to assist the agency in carrying out its responsibilities during times of disaster.

### **WHAT IS THE OATH OR AFFIRMATION REFERRED TO IN THE GOVERNMENT CODE?**

Before entering upon the duties of employment, all public employees take and subscribe to the oath or affirmation set forth in the California Constitution that declares them to be disaster service workers in time of need.

### **WHEN DO PUBLIC EMPLOYEES TAKE THE OATH OR AFFIRMATION?**

Most public employees sign the oath or affirmation during the hiring process, and it is kept with the employer.

### **DO PUBLIC EMPLOYEES ACTING AS DISASTER SERVICE WORKERS GET PAID?**

Public employees acting as disaster service workers are paid only if they have taken and subscribed to the oath or affirmation.

### **CAN DISASTER SERVICE WORKERS BE SUED FOR ACTIONS TAKEN WHILE PERFORMING DUTIES?**

Public employee disaster service workers for non-profit organizations and government cannot be held liable for their actions during a disaster while acting within the scope of their responsibilities.

### **WHAT IF PUBLIC EMPLOYEES ARE INJURED WHILE ACTING AS DISASTER SERVICE WORKERS?**

Claims sustained by public employees while performing disaster services shall be filed as worker compensation claims under the same authorities and guidelines as with all employees within their agency.

California Government Code  
Section 3100-3109



# ACCEPTABLE USE OF TECHNOLOGY AGREEMENT STAFF

It is the policy of the Tustin Unified School District (TUSD) to maintain an environment that promotes ethical and responsible conduct it all on my network activities by staff and students. It shall be a violation of board policy 4040 and 6163.4 for any employee, student, or other individual to engage in any activity that does not conform to the established purpose and general rules and policies of the network. Within this general policy, TUSD recognizes its legal and ethical obligation to protect the wellbeing of students and its charge.

To this end, TUSD retains the following rights and recognizes the following obligations:

1. To log network used to monitor file server space utilization by users and so no responsibility or liability for files deleted due to violation of file server space allotments.
2. To remove a user account of the network.
3. To monitor the use of online activities. This may include real time monitoring of network activity and/or maintaining a log of Internet activity for later review.
4. To provide internal and external controls as appropriate infeasible. Such controls shall include the right to determine who will have access to TUSD-owned up equipment and, specifically, to exclude those who do not abide by TUSD's acceptable use policy or other policies governing the use of school facilities, equipment, and materials. TUSD reserves the right to restrict online destinations through software or other means.
5. To provide guidelines and make reasonable efforts to train staff and students an acceptable use and policies governing online communications.

## **Definitions**

District technology includes, and it is not limited to, computers, the district's computer network including servers and wireless computer networking technology (wi-fi), the Internet, e-mail, USB drives, wireless access points (routers), tablet computers, smart phones and smart devices, telephones, cellular telephones, personal digital assistants, pagers, MP3 players, wearable technology and IoT devices, any communication device including emergency radios, home based routers (indoor/outdoor CPE), wireless hotspots and/or future technological innovations, whether accessed on or off site through district owned or personally owned equipment or devices.

## **Staff Acknowledgement**

Pertaining to the use of district owned mobile devices, all network access whether on or off-site is filtered through compliance protocols as required by law. While we understand that district-owned devices may be used off-site for non-district purposes, some traffic deemed inappropriate may be denied and thus not accessible.

## **Staff Responsibilities**

1. Staff members who supervise students, control Electronic Equipment, or otherwise have occasion to observe student use of said equipment online shall make reasonable efforts



to monitor the use of this equipment to assure that it conforms to the mission and goals of TUSD,

2. Staff should make reasonable efforts to become familiar with the Internet and its use so that effective monitoring, instruction, and assistance may be achieved.

### **User Responsibilities**

1. Use of electronic media provided by TUSD is a privilege that offers a wealth of information and resources from research. Where it is available, this resource is offered to staff, students, and others at no cost. To maintain the privilege, users agree to learn and comply with all of the provisions of this policy.

### **Acceptable Use**

1. All use of the Internet, while onsite, must be in support of educational and research objectives consistent with the mission and objectives of TUSD.
2. TUSD-owned devices may be used offsite for personal reasons. Keep in mind that all internet traffic is filtered through District Compliance protocols. All guidelines regarding acceptable usage of the device should still be followed.
3. Proper codes of conduct in electronic communication must be used. In newsgroups, giving out personal information is inappropriate. When using e-mail, extreme caution must always be taken in revealing any information of a personal nature.
4. Network accounts are to be used only by the authorized owner of the account for the authorized purpose.
5. All communications and information accessible via the network should be assumed to be private property.
6. Mailing list subscriptions will be monitored and maintained, and files will be deleted from the personal mail directories to avoid excessive use of file server hard disk space.
7. Exhibit exemplary behavior on the network as a representative of your school and community.
8. From time to time, TUSD will make determinations on whether specific uses of the network are consistent with the acceptable use practice.

### **Unacceptable Use**

1. Giving out personal information about another person, including home address and phone number, is strictly prohibited.
2. Any use of the network for commercial or for-profit purposes is prohibited.
3. Excessive use of the network for personal business shall be cause for disciplinary action.
4. Any use of the network for product advertisement or political lobbying is prohibited.
5. Users shall not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent other users on the network.
6. No use of the network shall serve to disrupt the use of the network by others. Hardware and/or software shall not be destroyed, modified, or abused in any way.
7. Malicious use of the network to develop programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system is prohibited.
8. Hate mail, chain letters, harassment, discriminatory remarks, and other anti-social behaviors are prohibited on the network.

9. Use of the network to access or process pornographic material, inappropriate text files (as determined by the system administrator or school site administrator), or files dangerous to the integrity of the local area network is prohibited.
10. The TUSD network may not be used for downloading entertainment software or other files not related to the mission and objectives of TUSD for transfer to a user's home computer, personal computer, or other media. This prohibition pertains to freeware, shareware, copyrighted commercial and non-commercial software, and all other forms of software and files not directly related to the instructional and administrative purposes of TUSD.
11. Downloading, copying, otherwise duplicating, and/or distributing copyrighted materials without the specific written permission of the copyright owner is prohibited, except that duplication and/or distribution of materials for education purposes is permitted when such duplication and and/or distribution would fall within the Fair Use Doctrine of the United States Copyright Law (Title 17, USC).
12. User of the network for any unlawful purpose is prohibited.
13. User of profanity, obscenity, racist terms, or other language that may be offensive to another user is prohibited.

### **Disclaimer**

1. TUSD cannot be held accountable for the information that is retrieved via the network.
2. Pursuant to the Electronic Communications Privacy Act of 1986 (18 USC 2510 et seq.), notice is hereby given that there are no facilities provided by this system for sending or receiving private or confidential electronic communications. System administrators have access to all mail and will monitor messages. Messages relating to or in support of illegal activities will be reported to the appropriate authorities.
3. Pursuant to the Family Educational Rights and Privacy Act (FERPA), TUSD protects the privacy of student education records and gives parents the rights to review student records. Under FERPA, TUSD may maintain educational records, which includes records, files, documents, and other materials that contain student information. School officials will only provide access to such information with the written permission of the parent/legal guardian or eligible student.
4. TUSD will not be responsible for any damages you may suffer, including loss of data resulting from delays, non-deliveries, or service interruptions caused by our own negligence or your errors or omissions. Use of any information obtained is at your own risk.
5. TUSD makes no warranties (expressed or implied) with respect to:
  - a. The content of any advice or information received by a user, or any costs or charges incurred as a result of seeing or accepting any information; and any costs, liability, or damages caused by the way the user chooses to use his or her access to the network.
6. TUSD reserves the right to change its policies and rules at any time.

### **ELECTRONIC MAIL POLICY**

#### **User Responsibilities**

These guidelines are intended to help you make the best use of the electronic mail facilities at your disposal. You should understand the following:

1. TUSD provides electronic mail to staff members to enable them to communicate effectively and efficiently with other members of staff, other companies, and partner organizations.
2. When using TUSD's electronic mail you should comply with the following guidelines.

3. If you in any doubt about an issue affecting the use of electronic mail, you should consult the Chief Technology Officer.
4. Any breach of the agency's Electronic Mail Policy may lead to disciplinary action.

### **DO:**

1. Do check your electronic mail daily to see if you have any messages.
2. Do include a meaningful subject line in your message.
3. Do check the address line before sending a message and confirm you are sending it to the right person.
4. Do delete electronic mail messages when they are no longer required.
5. Do respect the legal protections to data and software provided by copyrights and licenses.
6. Do take care not to express views that could be regarded as defamatory or libelous.
7. Do check your junk mail folder periodically for any messages that have been mislabeled as junk/spam.
8. Do use an "out of the office assistant" to automatically reply to messages when you are not available.

### **DO NOT:**

1. Do not print electronic mail messages unless absolutely necessary.
2. Do not expect an immediate reply; recipients might not be at their computer or could be too busy to reply straight away.
3. Do not forward electronic messages sent to you personally to others, particularly newsgroups or mailing list, without the permission of the originator.
4. Do not use electronic mail for personal reasons.
5. Do not send excessively large electronic mail messages or attachments.
6. Do not participate in chain or pyramid messages or similar schemes.
7. Do not represent yourself as another person.
8. Do not electronic mail to send or forward material that could be construed as confidential, political, obscene, threatening, offensive, or libelous.

Please note the following:

- All electronic mail activity is monitored and logged.
- All electronic mail coming into or leaving the organization is scanned for viruses.
- All the content of electronic mail is scanned for offensive material.

### **Employee User Agreement**

**I acknowledge reviewing the Acceptable Use of Technology within the Annual Notifications and agree:** *I have read, understand, and will abide by the above Acceptable Use Policy when using computer and other electronic resources owned, leased, or operated by TUSD. I further understand that any violation of the regulations above is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken, and/or appropriate legal action may be initiated.*

Modified: 7/14/2021



# **SAFETY AND HEALTH PROTECTION/CODE OF SAFE PRACTICES**

## **SAFETY AND HEALTH PROTECTION**

It is the policy of the Tustin Unified School District to maintain a safe workplace through implementation of the following policy. A safe work environment is essential to maintaining the efficiency of school and District operations, and the health and safety of employees, students and the public.

The Superintendent shall be responsible for implementing an employee safety program that relates to the identification of actual and potential hazards, their elimination or remediation where possible, and the ongoing training of all potentially affected employees. The training will include an understanding of hazardous materials as well as safe and healthy work practices.

A system of communication will be established which provides for periodic meetings with groups of employees in order to explain hazards to which the employees may be exposed.

Working conditions and equipment will remain safe at all times, and comply with standards prescribed by applicable federal, state, and local laws and regulations.

Management personnel shall share the responsibility of contributing to the definition and improvement of the safety program, enforcing its requirements, communicating appropriate safety procedures with those under their supervision, and setting an example for other employees. All employees shall accept the responsibility for their own safety and provide, as far as practical, for the safety of others by reporting unsafe conditions, using safe work practices, and developing and maintaining a positive attitude towards safety.

The employee safety program is designed to create a work environment characterized by the following:

- A workplace in which hazards to employee health and safety are minimized;
- Potential hazards to employee health and safety are promptly detected;
- Communication of potential hazards to employees is immediate and effective;
- Training of employees in appropriate work practices and health and safety precautions is frequent and effective.
- Incentives and other actions are utilized to encourage full participation in the program.

## **CODE OF SAFE PRACTICES**

It is Tustin Unified School District policy that everything possible will be done to protect employees, students, volunteers, and visitors from injuries and illnesses. Safety is a cooperative undertaking requiring participation by every employee. Failure by any employee to comply with the safety rules will be grounds for corrective discipline up to and including termination. Supervisors shall insure that employees observe all applicable District and State safety rules and practices and take action as is necessary to insure total compliance.

**To carry out this policy, employees shall:**

- Be aware of the potential hazards involving various chemicals stored or used in the workplace.
- Cleaning supplies should be stored away from edible items on kitchen shelves.
- Cleaning solvents and flammable liquids should be stored in appropriate containers.
- Solutions that may be poisonous or not intended for consumption should be kept in well-labeled containers.
- Report all unsafe conditions and equipment to your supervisor or safety coordinator immediately.
- Being under the influence of any drugs or alcohol is prohibited.
- Report all injuries and illnesses to your supervisor or safety coordinator immediately.
- Do not eat in areas where hazardous chemicals are present.
- Always keep flammable or toxic chemicals in closed containers when not in use.
- Do not enter into a confined space unless tests for toxic substances, explosive concentrations and oxygen deficiency have been monitored.
- When working with a VDT (Video Display Terminal), have all pieces of furniture adjusted, positioned and arranged to minimize strain on all parts of the body.
- Never leave lower desk or cabinet drawers open that presents a tripping hazard. Use extreme care when opening and closing drawers to avoid pinching fingers.
- Do not open more than one upper drawer at a time, particularly the top two drawers on tall filing cabinets.
- Never stack material precariously on top of lockers, file cabinets or other elevated locations.
- All work areas shall be maintained in a neat, orderly manner. Trash and refuse are to be disposed of in designated waste containers.
- Files and supplies should be stored in such a manner as to preclude damage to the supplies or injury to personnel when they are moved. Heaviest items should be stored closest to the floor and lightweight items stored above.
- Equipment such as scissors, staplers, etc., should be used for their intended purposes only and should not be misused as hammers, pry bars, screwdrivers, etc. Misuse can cause damage to the equipment and possible injury to the user.
- Always use proper lifting technique. Never attempt to lift or push an object that is too heavy for one person to lift. Use the team concept to move heavy objects.

- Stairways shall be maintained free of any material that can be tripped over, and all areas under stairways that are exit routes shall not be used to store materials.
- Horseplay, scuffling, and any other acts which tend to have an adverse influence on the safety or well-being of the employees and/or students are prohibited.
- Means of exits shall be kept un-locked and well lighted during normal work hours.
- In an emergency, follow the procedures established in the District Emergency Preparedness Site Handbook.
- Upon hearing the fire alarm, stop work and proceed in an orderly manner to the nearest clear exit and gather at the prearranged designated location.
- Only trained and designated employees shall attempt to respond to a fire or other emergency.
- All exit doors must comply with the fire safety regulations during normal business hours.
- Materials and equipment will not be stored against doors or exits, fire ladders or fire extinguisher stations.
- All cords running into walk areas must be taped down or inserted through rubber protectors to preclude them from becoming tripping hazards.
- Appliances such as coffee pots and microwaves should be kept in working order and inspected for signs or wear, heat or fraying of cords.
- Fans used in work areas should be guarded. Guards must not allow fingers to be inserted through the guard.
- Loose or frayed clothing, long hair, dangling ties, finger rings shall not be worn around moving parts of machinery or other areas where they may become entangled in the moving parts.
- Inspect motorized vehicles and other mechanized equipment daily or prior use.
- Motorized vehicles must have engines shut off and brakes set before leaving unattended. Pushcarts must have brakes set or must be immobilized before leaving unattended.
- Only authorized persons shall operate machinery or equipment.
- Inspect pallets and their loads for integrity and stability before loading or moving.
- When carrying material, caution shall be exercised in watching for and avoiding obstructions, loose materials, etc.
- Do not use compressed air for cleaning clothing unless the pressure is less than 10 psi.
- Employees shall not enter manholes, underground vaults, chambers, tanks, silos, or other similar places deemed to be "confined spaces" unless authorized to do so.
- Guard all floor openings with a cover, guardrail, or equivalent.

- Never use a metal ladder where it could come in contact with energized parts of equipment, fixtures or circuit conductors.
- Do not store compressed gas cylinders in areas that are exposed to heat sources, electric arcs or high temperature lines.
- Do not stack material in an unstable manner.
- Portable electric tools shall not be lifted or lowered by means of the power cord.
- Goggles or face shields must be worn when grinding.
- Wear hearing protection in all areas identified as having high noise exposure.
- Do not use any faulty or worn hand tools.
- Only appropriate tools shall be used for a specific task.
- All tools and equipment shall be maintained in good condition.
- Report any exposed wiring and cords that are in disrepair or have deteriorated insulation so they can be repaired or replaced promptly.
- Do not use any portable electrical tools and equipment that are not grounded or double insulated.
- All electrical equipment should be plugged into appropriate wall receptacles or into an extension of only one cord of similar size and capacity. Three-pronged plugs should be used to ensure continuity of ground.
- Machinery shall not be serviced, repaired or adjusted while in operation, nor shall oiling of moving parts be attempted, except on equipment that is designed or fitted with safeguards to protect the person performing the work.
- Maintain sufficient access and working space around all electrical equipment to permit ready and safe operations and maintenance.



## SEXUAL HARASSMENT

The Board of Education prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

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 staff
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

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.

Any district employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the principal, district administrator or superintendent.

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

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





## SUSPECTED CHILD ABUSE/NEGLECT

The Board of Education recognizes that the District has a responsibility to facilitate the prompt reporting of incidents of child abuse and neglect. The Superintendent/designee shall ensure that parents/guardians have access to procedures whereby they can report suspected child abuse by a school employee or others at a school site to appropriate child protective agencies.

The Superintendent/designee shall establish regulations for use by employees in identifying and reporting child abuse. District employees shall report known or suspected incidences of child abuse in accordance with District regulations and state law. Employees shall fully cooperate with the child protective agencies responsible for reporting, investigating and prosecuting cases of child abuse.

The Superintendent/designee shall provide training in child abuse identification and reporting for all certificated personnel.

### CHILD ABUSE REPORTING PROCEDURES

#### Duty to Report

Certificated employees and classified employees shall report known or suspected child abuse to a child protective agency by telephone immediately or as soon as practically possible and in writing within 36 hours. The reporting duties are individual and cannot be delegated to another individual except under circumstances set forth in Penal Code 11166.

#### Definitions

1. *"Child Abuse"* includes the following:
  - a. A physical injury, including murder, inflicted by other than accidental means on a child by another person.
  - b. Sexual abuse of a child, including rape and lewd or lascivious acts against a child under age 18.
  - c. Willful cruelty or unjustifiable punishment of a child, or willfully inflicting unjustifiable physical pain or mental suffering, or failure to safeguard a child from these injuries when the child is under a person's care or custody.
  - d. Unlawful corporal punishment or injury resulting in a traumatic condition.
  - e. Neglect of a child or abuse in out-of-home care.
2. *"Mandated Reporters"* are those people defined by law as *"child care custodians," "health practitioners," "child visitation monitors"* and *"employees of a child protective agency."* The following school personnel are required to report: teachers, administrators, health technicians, supervisors of child welfare and attendance, other certificated employees, preschool teachers, school psychologists, licensed nurses, counselors, academic advisors, paraeducators and other classified employees trained in child abuse reporting.
3. *"Child Protective Agencies"* are those law enforcement and child protective services responsible for investigating child abuse reports, including the local police or sheriff's department, county welfare or juvenile probation department and child protective services.
4. *"Reasonable Suspicion"* means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his/her training and experience, to suspect child abuse. (Penal Code 11166)

## **Reporting Procedures**

1. To report known or suspected child abuse, any employee (as defined above) shall report by telephone to the local child protective agency. The telephone report must be made immediately, or as soon as practically possible, upon suspicion. This report will include:
  - a. The name of the person making the report.
  - b. The name of the child and siblings.
  - c. The present location of the child.
  - d. The nature and extent of any injury.
  - e. The name, address, phone numbers of parent(s)/guardian(s).
  - f. Any other information requested by the child protective agency, including the information that led the mandated reporter to suspect child abuse.

When the verbal report is made, the mandated reporter shall note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Within 36 hours of making the telephone report, the mandated reporter shall complete and mail to the local child protective agency a written report which includes a completed Department of Justice form (DOJ SS 8572).

Mandated reporters may obtain copies of the above form either from the District, school site, or the local child protective agency. Instructions are included on the form, and reporters may ask the site administrator for help in completing and mailing it; however, the mandated reporter is personally responsible for ensuring that the written report is correctly filed.

3. Employees reporting child abuse to a child protective agency are encouraged, but not required, to notify the site administrator/designee as soon as possible after the initial verbal report by telephone. Administrators so notified shall provide the mandated reporter with any assistance necessary to ensure that reporting procedures are carried out in accordance with law and district regulations. At the mandated reporter's request, the principal may assist in completing and filing these forms.

## **Legal Responsibility and Liability**

1. Mandated reporters have absolute immunity. School employees required to report are not civilly or criminally liable for filing a required or authorized report of known or suspected child abuse.
2. If a mandated reporter fails to report an instance of child abuse which he/she knows to exist or reasonably should know to exist, he/she is guilty of a misdemeanor punishable by confinement in jail for up to six months, a fine of up to \$1,000 or both. The mandated reporter may also be held civilly liable for damages resulting from any injury to the child after a failure to report.
3. When two or more persons who are required to report have joint knowledge of a suspected instance of child abuse, and when they so agree, the telephone report may be made by either of them and a single report made and signed by that person. However, if any person knows or should know that the designated person failed to make the report, that person then has a duty to do so.
4. The duty to report child abuse is an individual duty and no supervisor or administrator may impede or inhibit such reporting duties. Furthermore, no person making such a report shall be subject to any sanction.
5. Pursuant to Penal Code Section 11166.5 any person who is employed as a child care custodian or with a child protective agency (this includes all school district employees) must, prior to employment, sign a statement that they have knowledge of the provisions of Penal Code Section 11166.

### **Victim Interviews**

Upon request, a child protective agency representative may interview a suspected victim of child abuse during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home. The child shall be given the choice of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child. (Penal Code 11174.3)

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal/designee shall inform him/her, before the interview takes place, of the following legal requirements:

1. The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
2. The selected person shall not participate in the interview.
3. The selected person shall not discuss the facts or circumstances of the case with the child.
4. The selected person is subject to the confidentiality requirements of the Child Abuse and Reporting Act, a violation of which is punishable as specified in Penal Code 11167.5.

If a staff member agrees to be present, the interview shall be held at a time during school hours when it does not involve an expense to the school. (Penal Code 11174.3)

### **Release of Child to Peace Officer or Child Protective Services Agent**

When a child is released to a peace officer or child protective services agent and taken into custody as a victim of suspected child abuse, the Superintendent/designee and/or principal shall not notify the parent/guardian as required in other instances of removal of a child from school, but rather shall provide the peace officer or agent with the address and telephone number of the child's parent/guardian. It is the responsibility of the peace officer or agent, who has the address and telephone number, to notify the parent/guardian of the situation. (Education Code 48906)

Peace officers and child protective services agents will be asked to sign an appropriate release or acceptance of responsibility form.

### **When School Employees are Accused of Child Abuse**

Regardless of whom child abusers may be, the major responsibilities of mandated reporters are to: (1) identify incidents of suspected child abuse, and (2) comply with laws requiring the reporting of suspected abuse to the proper authorities determining whether the suspected abuse actually occurred is not the responsibility of the school employee. Such determination and follow-up investigation will be made by a child protective agency.

Pending the outcome of an investigation by a child protective agency and before formal charges are filed, the employee may be subject to reassignment or a paid leave of absence.

Upon filing formal charges or upon conviction, the District may take disciplinary action in accordance with law, district policies, regulations and/or collective bargaining agreements.

#### *Legal Reference:*

*PENAL CODE*

*Child Abuse and Neglect to Report Act, PC 11164 et seq*

BP 5141.5

4116.3



# Uniform Complaint Procedures (UCP) 2021/2022 Annual Notice

Board Policy 1312.3

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

The Tustin Unified School District 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:

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Career Technical and Technical Education and Career Technical and Technical Training (state)
- Career Technical Education (federal)
- Child Care and Development
- Compensatory Education
- Consolidated Categorical Aid / School Plan for Student Achievement
- Course Periods without Educational Content
- Educational and graduation requirements for students in foster care, homeless students, students from military families, students formerly in a juvenile court school, migrant students, and immigrant students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
- Every Student Succeeds Act
- Local Control Accountability Plans
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Safety Plans
- School Site Council
- State Preschool

We shall post a standardized notice of the educational rights of foster and homeless youth, former juvenile court school students, and students of military families, as specified in Education Code Sections 48645.7, 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

### **Pupil Fees Complaints**

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.

A pupil fees complaint is filed with the Tustin Unified School District and/or the principal of a school.

### **Filing Uniform Complaints Unrelated to Pupil Fees**

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

Name or title: Stephanie Yang, Ed.D., Director, Educational Services  
Unit or office: Tustin Unified School District  
Address: 300 South C Street  
Phone: 714-730-7301 extension 318  
E-mail address: syang@tustin.k12.ca.us

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.

### **Investigation and Written Decision**

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 District UCP policies and procedures.

### **Right to Appeal**

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 30 calendar days of receiving our Decision. The appeal must be accompanied by a copy of the originally filed complaint and a copy of our Decision.

### **Civil Law Remedies**

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.

### **UCP Policies and Regulations Available Upon Request**

A copy of our UCP complaint policies and procedures is available from any school office or from the Tustin Unified School District office, free of charge. UCP complaint policies and procedures are also available on the District's website at <http://www.tustin.k12.ca.us/resources/complaint-information>.

## **Notificación Anual sobre el UCP para 2021-22** **Distrito Escolar Unificado de Tustin**

**Para alumnos, empleados, padres/tutores legales, miembros del comité consultivo del distrito, oficiales de escuelas privadas, o demás partes interesadas.**

El Distrito Escolar Unificado de Tustin tiene la responsabilidad primordial de hacer cumplir las leyes y reglamentos federales y estatales. Hemos establecido el Procedimiento Uniforme de Quejas (UCP, por sus siglas en inglés) para abordar cualquier alegato con respecto a discriminación ilegal, acoso, intimidación y hostigamiento, y las quejas sobre violaciones a las leyes federales y estatales que regulan los programas educativos, el cobro de cuotas estudiantiles ilegales y el incumplimiento de nuestro Plan de Control Local y Rendición de Cuentas (LCAP, por sus siglas en inglés).

Investigaremos todos los alegatos sobre discriminación ilegal, acoso, intimidación o hostigamiento en contra de cualquier grupo protegido como se identifica en la sección 200 y 220 del Código de Educación y la sección 11135 del Código de Gobierno, incluyendo cualquier característica real o percibida como se establece en la sección 422.55 del Código Penal o en la base o en la asociación de la persona con una persona o grupo con una o más de estas características reales o percibidas en cualquier programa o actividad conducida por la agencia, la cual es financiada directamente por, o que recibe o se beneficia de cualquier asistencia financiera del estado.

El UCP también se utilizará cuando existan quejas por incumplimiento con las leyes federales y/o estatales en:

Adaptaciones para Alumnos que son Padres de Familia o Alumnas Embarazadas  
Educación para Adultos  
Seguridad y Educación Después de Clases  
Carrera y Educación Técnica y Carrera y Capacitación Técnica (estatal)

Educación Técnica Vocacional (federal)  
Desarrollo y Cuidado Infantil  
Educación Compensatoria  
Apoyo Categórico Consolidado / Plan Escolar para Logro Estudiantil  
Períodos de Curso sin Contenido Educativo  
Requisitos educativos y de graduación para estudiantes en hogares de crianza, estudiantes sin hogar,  
estudiantes de familias militares, estudiantes que anteriormente asistieron a una escuela de la corte de menores, estudiantes migrantes y estudiantes inmigrantes que participan en un programa para recién llegados (Código de Educación 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)  
Ley Que Cada Alumno Tenga Éxito  
Planes de Control Local y Rendición de Cuentas  
Educación para Migrantes  
Minutas Instruccionales de Educación Física  
Cuotas Estudiantiles  
Adaptaciones Razonables para un Alumno(a) en Lactancia  
Programas y Centros Ocupacionales Regionales  
Planes de Seguridad Escolar  
Consejo Escolar  
Preescolar Estatal

Publicaremos una notificación normalizada de los derechos educativos de jóvenes desamparados y en apoyo de crianza, exalumnos de cortes juveniles y alumnos de familiares militares, como se especifica en los Artículos 48645.7, 48853, 48853.5, 49069.5, 51225.1, y 51225.2 del Código de Educación. Esta notificación deberá incluir información sobre el proceso de la queja, según sea el caso.

### **Quejas Sobre Cuotas Estudiantiles**

Una cuota estudiantil incluye, pero no se limita a todas las siguientes:

1. Una cuota que se le cobra a un alumno(a) como una condición para inscribirse a la escuela o a clases, o como una condición para participar en una clase o actividad extracurricular, independientemente de si la clase o actividad es optativa u obligatoria, o es para obtener crédito.
2. Un depósito de seguridad, u otro pago, que se requiere que el alumno(a) realice para obtener un candado, casillero, libro, aparatos de clase, instrumento musical, ropa y otros materiales o equipos.
3. Una compra que se requiere que el alumno(a) realice para obtener materiales, suministros, equipo, o ropa relacionada a una actividad educativa.

Las quejas sobre las cuotas estudiantiles o de LCAP pueden presentarse anónimamente si el quejoso proporciona evidencia o información que lleve a la evidencia para fundamentar la queja.

Un alumno(a) inscrito en una escuela pública no estará obligado a pagar una cuota estudiantil para participar en una actividad educativa.

Una queja sobre una cuota estudiantil deberá presentarse a no más tardar un año de la fecha en que la presunta violación ocurrió.

Una queja sobre cuotas estudiantiles se presenta ante el Distrito Escolar Unificado de Tustin y/o el director(a) de la escuela.

### **Presentar Una Queja No Relacionada a las Cuotas Estudiantiles**

Las quejas que no están relacionadas con las cuotas estudiantiles deben presentarse por escrito a la siguiente persona designada para recibir las quejas:

Nombre o Título:	Stephanie Yang, Directora, Servicios Educativos
Unidad u Oficina:	Distrito Escolar Unificado de Tustin
Dirección:	300 South C Street
Teléfono:	714-730-7301 Extensión 318
Dirección de Correo Electrónico:	syang@tustin.k12.ca.us

Las quejas sobre discriminación, acoso, intimidación, o hostigamiento, deben presentarse dentro de los seis (6) meses desde la fecha en que ocurrió la presunta discriminación, acoso, intimidación, o hostigamiento, o la fecha en que el quejoso tuvo conocimiento por primera vez de los hechos de la presunta discriminación, acoso, intimidación, o hostigamiento, a menos que el plazo de presentación sea extendido por el superintendente o su designado.

### **Investigación y Decisión Por Escrito**

Las quejas serán investigadas y se enviará al quejoso una Decisión o informe por escrito dentro de sesenta (60) días de la fecha de recibida la queja. Este período de tiempo puede ser extendido por un acuerdo escrito del quejoso. La persona responsable de investigar la queja conducirá y completará la investigación de conformidad con las políticas y procedimientos del UCP del Distrito.

### **Derecho de Apelación**

El quejoso tiene el derecho de apelar a nuestra Decisión sobre las quejas respecto a programas específicos, cuotas estudiantiles y LCAP ante el Departamento de Educación de California (CDE, por sus siglas en inglés) presentando la apelación por escrito dentro de 30 días naturales de haber recibido nuestra Decisión. La apelación debe estar acompañada de una copia de la queja original y una copia de nuestra Decisión.

### **Recursos de la Ley Civil**

Se le informa al quejoso sobre los recursos de la ley civil, incluyendo, pero sin limitarse a mandatos, órdenes de restricción, u otros recursos u órdenes que pueden estar disponibles bajo las leyes federales o estatales sobre discriminación, acoso, intimidación o hostigamiento, si es aplicable.

### **Políticas y Reglamentos de UCP Disponibles Sobre Pedido**

Se encuentra disponible una copia gratuita de nuestras políticas y procedimientos de queja UCP en la oficina de cualquier escuela o del Distrito Escolar Unificado de Tustin. Las políticas y procedimientos de UCP también se encuentran disponibles en la página web del Distrito el <http://www.tustin.k12.ca.us/resources/complaint-information>.





## Notification of Rights under FERPA for Schools

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the [Name of school ("School")] receives a request for access.

Parents or eligible students who wish to inspect their child's or their education records should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the [School] to amend their child's or their education record should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest must be set forth in the school's or school district's annual notification for FERPA rights. A school official typically includes a person employed by the school or school district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer, contractor, or consultant who, while not employed by the school, performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official typically has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the school discloses education records without consent to officials of another school or school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires a school or school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request or the disclosure is initiated by the parent or eligible student.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

[NOTE: In addition, a school may want to include its directory information public notice, as required by § 99.37 of the regulations, with its annual notification of rights under FERPA.]

See the list below of the disclosures that elementary and secondary schools may make without consent.

FERPA permits the disclosure of PII from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, § 99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in § 99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(3) are met. (§ 99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of § 99.34. (§ 99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the State educational agency (SEA) in the parent or eligible student's State. Disclosures under this provision may be made, subject to the requirements of § 99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf, if applicable requirements are met. (§§ 99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to § 99.38. (§ 99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction, if applicable requirements are met. (§ 99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena if applicable requirements are met. (§ 99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
- Information the school has designated as "directory information" if applicable requirements under § 99.37 are met. (§ 99.31(a)(11))
- To an agency caseworker or other representative of a State or local child welfare agency or tribal organization who is authorized to access a student's case plan when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student in foster care placement. (20 U.S.C. § 1232g(b)(1)(L))
- To the Secretary of Agriculture or authorized representatives of the Food and Nutrition Service for purposes of conducting program monitoring, evaluations, and performance measurements of programs authorized under the Richard B. Russell National School Lunch Act or the Child Nutrition Act of 1966, under certain conditions. (20 U.S.C. § 1232g(b)(1)(K))



# UNIVERSAL PRECAUTIONS

## WHAT ARE UNIVERSAL PRECAUTIONS?

**Universal Precautions** is an approach to infection control to treat all human blood and certain body fluids as if they were known to be infectious for HIV, HBV and other bloodborne pathogens. Bloodborne pathogens are pathogenic microorganisms that are present in human blood and can cause disease in humans.

Some infections that can be transmitted through contact with blood and body fluids include: HIV, Hepatitis A, B, C, Staph and Strep Infections, Pneumonia, TB, Malaria, Measles, Chicken Pox, Herpes, and blood infections. The greatest risks are from HIV and Hepatitis B and C.

With the use of Standard Precautions, the goal is to increase the safety for students and school employees in the work environment through education, appropriate handwashing technique improved personal use of protective equipment such as gloves, disposal of contaminated objects, and modification of cardiopulmonary resuscitation (CPR).

## Standard Precautions

**HANDWASHING:** Hand washing facilities should include soap and warm running water. Automatic hand dryers or paper towels can be used for drying. Classroom instruction about proper hand washing can be integrated into health instruction at all grade levels. Students should be instructed to wash their hands for 20 seconds. Scheduling time for students to wash hands before eating is suggested to encourage this practice.

**USING GLOVES:** All staff members, who may be required to administer first aid involving blood or to handle body fluids that may contain blood, should have access to latex gloves. Gloves should be used only once and then disposed of properly.

**TRASH DISPOSAL:** Special containers lined with plastic and marked appropriately are recommended for disposal of trash containing blood or any body fluid spills that may contain blood. These wastes should be double-bagged. If needles, syringes, or lancets are used in the school setting, arrange for a puncture-proof container. Contact your local health department for directions about disposal of contaminated materials. Place intact needles and syringes in the designated container. Do not bend or break needles. Do not recap needles.

**FIRST AID INVOLVING BLOOD AND CPR:** Individuals with responsibility for administering first aid in school, on the athletic fields, in the cafeterias, on the playgrounds, or on school buses should have current CPR instruction and certification. That instruction can be provided by certified CPR Instructors employed by the school districts or by local agencies such as the American Red Cross and the American Heart Association. Gloves should be standard components of first aid supplies in the schools so that they are readily accessible for emergencies and regular care given in school health offices, cafeterias, and athletic training rooms. Devices that prevent backflow of fluids from the mouth of a victim being given CPR also should be readily accessible to those persons most likely to be the rescuers in the school setting. A wide variety of devices are available. Contact your local paramedic teams or hospital emergency room to determine which devices they recommend.

## **POLICIES AND LAWS**

The law states that the information regarding HIV/AIDS status requires written permission. The information may only be shared with persons specifically named.

- While adults grant their own written permission to share their HIV/AIDS status, parents or guardians of children can grant written permission to share information on students under 12.

- Sharing information about HIV/AIDS infected persons without consent is prohibited by law, and that person is subject to a civil penalty and a fine not to exceed \$5,000.00
- The policies for students with HIV/AIDS state that student must not be excluded or placed specially or solely because of their HIV status.
- Only a student's physician may determine if school attendance is inappropriate due to the student's vulnerability to infections present at school.
- The current law does not require parents or physicians to inform school officials of the student's HIV/AIDS status. If disclosure by student or parent is made, it must be kept confidential unless written permission is given.
- In the legalities of testing, it is a misdemeanor to disclose blood test results of HIV/AIDS positives except by written authorization (CH & S Code Chapter 1.11 & 1.12 Sections 199.21, 199.30, 199.31 & 199.37).
- Pupils in grades 7-12 must receive AIDS prevention instruction at least once in junior high or middle school, and once in high school (California Education Code 51201.5).
- Districts are required to provide inservice training for those employees who provide AIDS prevention instruction (California Education Code 51229.8).

### **WHAT IS HIV/AIDS?**

AIDS (Acquired Immune Deficiency Syndrome) is the advanced stage of HIV (Human Immunodeficiency Virus) infection. HIV attacks the body's immune system, leaving it vulnerable to life-threatening opportunistic infections and cancers. The virus may also directly attack the central nervous system and cause deterioration of the brain. Persons infected with HIV frequently have no apparent symptoms and they may look healthy. There is no known cure for AIDS.

### **HOW IS HIV INFECTION SPREAD?**

Everyone infected with HIV, even a person without apparent symptoms, can transmit the virus to someone else. HIV infection can be transmitted by:

- Sexual activity involving direct contact with semen, blood or vaginal secretion of someone who is infected,
- Sharing unsterilized instruments for tattooing, ear piercing, shaving, or acupuncture,
- Sharing intravenous (IV) needles and/or syringes with someone who is infected,
- Direct contact with infected blood on broken skin,
- Accidental needle sticks with needles containing infected blood,
- Receiving blood transfusion blood products or transplanted organs from someone who is infected (a screening test has been used since 1985 that has reduced this risk to 1 in 68,000 in California [AIDS Update, December 1988]), or
- Being born to or breastfed by an infected mother.

### **THE HIV/AIDS VIRUS CANNOT BE TRANSMITTED OR SPREAD:**

- *through air or water.*
- *by coughing or sneezing.*
- *on surfaces such as phones, door knobs, office equipment, tools, etc.*
- *by using drinking fountains, toilets, sinks, etc.*
- *through kissing or biting. (There is no documentation of transmission through these modes.)*

### **SYMPTOMS**

A person could be infected by HIV and not even know because it might take years to damage the immune system enough for symptoms to appear. He/she may not know for many years that they have the infection.

When symptoms do appear, they often seem flu-like:

- Fever, chills
- Rash

- Muscle Aches
- Swollen lymph nodes
- Sore Throat
- Fatigue
- Night sweats
- Mouth Ulcers

Only a physician or blood test will identify the presence of HIV. If you have HIV and you are not on HIV treatment, eventually the virus will weaken your body's immune system and you will progress to AIDS. This is the late stage of HIV infection, and there is no cure for this.

### **WHAT IS HEPATITIS B ?**

Hepatitis B is vaccine-preventable infection of the liver caused by the Hepatitis B virus when blood and other body fluids from a person infected with the virus enters the body of someone who is not infected. Less than 50 percent of persons who become infected show symptoms of illness. The onset of symptoms may appear from 6 weeks to 6 months after becoming infected with the virus. Death is uncommon in hepatitis B, but 5 to 10 percent of those infected become long-term virus carriers. Up to 25 percent of carriers may develop serious chronic liver disease.

### **HOW IS HEPATITIS B SPREAD?**

An infected person can transmit hepatitis B as long as the virus remains in the blood. Transmission may occur as early as 4 weeks before any symptoms occur. A small number of people will carry the virus in their blood for years and are known as chronic carriers.

Hepatitis B is transmitted by:

- Sexual activity involving direct contact with semen, blood, or vaginal secretions of someone who is infected,
- Sharing unsterile instruments used to penetrate the skin such as those used for tattooing, ear piercing, shaving, or acupuncture with someone who is infected,
- Sharing intravenous (IV) needles and/or syringes with someone who is infected,
- Direct contact of infected blood with mucous membrane of the eye and mouth,
- Accidental needle sticks with needles containing infected blood,
- Sharing toothbrushes contaminated with infected blood, or
- Being born to an infected mother.

### **SYMPTOMS**

The symptoms of Hepatitis B include:

- Fever
- Fatigue
- Loss of appetite
- Nausea
- Vomiting
- Abdominal Pain
- Dark Urine
- Clay -colored stool
- Joint Pain
- Skin Becomes Yellowish (Jaundice)



# WORKERS' COMPENSATION EMPLOYEE NOTIFICATION OF RIGHTS and MPN INFORMATION

## YOU ARE IMPORTANT TO US

Keeping you well and fully employed is important to us. It is your Tustin Unified's goal to provide you employment in a safe working environment. However, should you become injured or ill, as a result of your job, we want to ensure you receive prompt quality medical treatment. Our goal is to assist you in making a full recovery and returning to your job as soon as possible.

California law requires employers to provide and pay for medical treatment if you are injured at work. Athens Administrators Risk Services Group (Athens Administrators) is your employer's claims administrator. Your employer or Athens Administrators can answer any questions you might have about coverage.

Tustin Unified has chosen to provide medical care by using a Workers' Compensation physician network called a Medical Provider Network (MPN). The TUSD-Athens MPN is administered by Medex Advantage.

This notification tells you what you need to know about the MPN program and describes your rights in choosing medical care for work-related injuries and illnesses.

- **What happens if I get injured at work?**

**In case of an emergency, you should call 911 or go to the closest emergency room.**

If you are injured at work, notify your supervisor and call Company Nurse at (888)770-0929, and use Search Code: TUSD. Company Nurse will assess your injury and refer you to medical care or possibly self-care if it is determined that is what is needed. Your employer will also provide you with a claim form if you are referred for medical treatment.

If you have questions about Worker's Compensation, you can contact the TUSD Personnel Services Department. You can also contact Athens Administrators at (925)482-3535 with questions about a Worker's Compensation or a Worker's Compensation claim.

- **What is an MPN?**

A Medical Provider Network (MPN) is a group of health care providers (physicians and other medical providers) used by many employers to treat workers injured on the job. MPNs must allow employees to have a choice of provider(s). Each MPN must include a mix of doctors specializing in work-related injuries and doctors with expertise in general areas of medicine.

## What MPN is used by my employer?

Your employer is using the TUSD-Athens MPN, administered by Medex Advantage <http://www.medexadvantage.com/athens/> with the MPN number 2437. You must refer to the MPN name and the MPN identification number whenever you have questions or requests about the MPN.

- **Who can I contact if I have questions about my MPN or need help to make an appointment?**

The MPN contact listed in this notification will be able to answer your questions about the use of the MPN and will address any complaints regarding the MPN.

The contact for your MPN is:

Name: **TUSD-Athens MPN #2437, administrated by Medex Advantage**  
Title: **Medical Access Assistant**  
Telephone Number: **(888) 509-1474**  
Email address: [MAA@medexhco.com](mailto:MAA@medexhco.com)

General information regarding the MPN can also be found at the following website:  
<http://www.medexadvantage.com/athens/>

- **How do I find out which doctors are in my MPN?**

You can get a regional list of all regional treating physicians in the MPN by calling the MPN Contact or by going to the website at: <http://www.medexadvantage.com/athens/>. At minimum, the regional list must include a list of all MPN providers within 15 miles of your workplace and/or residence or a list of all MPN providers within the county where you live and/or work. You may choose which list you wish to receive. You also have the right to obtain a list of all the MPN providers upon request.

- **How do I choose a provider?**

Your employer or the insurer for your employer, Athens, will arrange the initial medical evaluation with an MPN physician. After the first medical visit, you may continue to be treated by that doctor, or you may choose another doctor from the MPN. You may continue to choose doctors within the MPN for all of your medical care for this injury.

If appropriate, you may choose a specialist or ask your treating doctor for a referral to a specialist. Some specialists will only accept appointments with a referral from the treating doctor. Such specialist might be listed as “by referral only” in your MPN directory.

If you need help in finding a doctor or scheduling a medical appointment, you may call the Medical Access Assistant at (888)509-1474.

- **Can I change providers?**

Yes, you can change providers within the MPN for any reason, but the providers you choose should be appropriate to treat your injury. Contact the MPN Contact or your claims adjuster if you want to change your treating physician.

- **What standards does the MPN have to meet?**

The MPN has providers for the entire State of California.

The MPN must give you access to a regional list of providers that includes at least three physicians in each specialty commonly used to treat work injuries/illnesses in your industry. The MPN must provide access to primary treating physicians within 30 minutes or 15 miles and specialists within 60 minutes or 30 miles from your residence or workplace.

If you live in a rural area or an area where there is a health care shortage, there may be a different standard.

After you have notified your employer and Company Nurse of your injury, your employer must provide initial treatment within 3 business days. If treatment with a specialist has been authorized, the appointment with the specialist must be provided to you within 20 business days of your request.

If you have trouble getting an appointment with a provider in the MPN, contact the Medical Access Assistant.



If there are no MPN providers in the appropriate specialty available to treat your injury within the distance and timeframe requirements, then you will be allowed to seek the necessary treatment outside of the MPN.

- **What if there are no MPN providers where I am located?**

If you are a current employee living in a rural area or temporarily working or living outside the MPN service area, or you are a former employee permanently living outside the MPN service area, the MPN or your treating doctor will give you a list of at least three physicians who can treat you. The MPN may also allow you to choose your own doctor outside of the MPN network. Contact your MPN Contact for assistance in finding a physician or for additional information.

- **What if I need a specialist that is not available in the MPN?**

If you need to see a type of specialist that is not available in the MPN, you have the right to see a specialist outside of the MPN.

- **What if I disagree with my doctor about medical treatment?**

If you disagree with your doctor or wish to change your doctor for any reason, you may choose another doctor within the MPN.

If you disagree with either the diagnosis or treatment prescribed by your doctor, you may ask for a second opinion from another doctor within the MPN. If you want a second opinion, you must contact the MPN contact or your claims adjuster at Athens Administrators and tell them you want a second opinion. The MPN should give you at least a regional or full MPN provider list from which you can choose a second opinion doctor. To get a second opinion, you must choose a doctor from the MPN list and make an appointment within 60 days. You must tell the MPN Contact of your appointment date, and the MPN will send the doctor a copy of your medical records. You can request a copy of your medical records that will be sent to the doctor.

If you do not make an appointment within 60 days of receiving the regional provider list, you will not be allowed to have a second or third opinion with regard to this disputed diagnosis or treatment of this treating physician.

If the second opinion doctor feels that your injury is outside of the type of injury he or she normally treats, the doctor's office will notify your employer or insurer and you. You will get another list of MPN doctors or specialists so you can make another selection.

If you disagree with the second opinion, you may ask for a third opinion. If you request a third opinion, you will go through the same process you went through for the second opinion. Remember that if you do not make an appointment within 60 days of obtaining another MPN provider list, then you will not be allowed to have a third opinion with regard to this disputed diagnosis or treatment of this treating physician.

If you disagree with the third-opinion doctor, you may ask for an MPN Independent Medical Review (IMR). Your employer or MPN Contact will give you information on requesting an Independent Medical Review and a form at the time you select a third-opinion physician.

If either the second or third-opinion doctor or Independent Medical Reviewer agrees with your need for a treatment or test, you may be allowed to receive that medical service from a provider within the MPN, or if the MPN does not contain a physician who can provide the recommended treatment, you may choose a physician outside the MPN within a reasonable geographic area.

- **What if I am already being treated for a work-related injury before the MPN begins?**

Your employer or insurer has a “*Transfer of Care*” policy which will determine if you can continue being temporarily treated for an existing work-related injury by a physician outside of the MPN before your care is transferred into the MPN.

If your current doctor is not or does not become a member of the MPN, then you may be required to see an MPN physician. However, if you have properly predesignated a primary treating physician, you cannot be transferred into the MPN. (If you have questions about predesignation, ask Personnel Services.)

If your employer decides to transfer you into the MPN, you and your primary treating physician must receive a letter notifying you of the transfer.

If you meet certain conditions, you may qualify to continue treating with a non-MPN physician for up to a year before you are transferred into the MPN. The qualifying conditions to postpone the transfer of your care into the MPN are set forth in the box below.

### ***Can I Continue Being Treated By My Doctor?***

You may qualify for continuing treatment with your non-MPN provider (through transfer of care or continuity of care) for up to a year if your injury or illness meets any of the following conditions:

- **(Acute)** The treatment for your injury or illness will be completed in less than 90 days;
- **(Serious or Chronic)** Your injury or illness is one that is serious and continues for at least 90 days without full cure or worsens and requires ongoing treatment. You may be allowed to be treated by your current treating doctor for up to one year, until a safe transfer of care can be made.
- **(Terminal)** You have an incurable illness or irreversible condition that is likely to cause death within one year or less.
- **(Pending Surgery)** You already have a surgery or other procedure that has been authorized by your employer or insurer that will occur within 180 days of the MPN effective date, or the termination of contract date between the MPN and your doctor.

You can disagree with your employer’s decision to transfer your care into the MPN. If you don’t want to be transferred into the MPN, ask your primary treating physician for a medical report on whether you have one of the four conditions stated above to qualify for a postponement of your transfer into the MPN.

Your primary treating physician has 20 days from the date of your request to give you a copy of his/her report on your condition. If your primary treating physician does not give you the report within 20 days of your request, the employer can transfer your care into the MPN, and you will be required to use an MPN physician.

You will need to give a copy of the report to your employer if you wish to postpone the transfer of your care. If you or your employer disagrees with your doctor’s report on your condition, you or your employer can dispute it. See the complete Transfer of Care policy for more details on the dispute resolution process.

For a copy of the Transfer of Care policy, in English or Spanish, ask your MPN Contact.

- **What if I am being treated by an MPN doctor who decides to leave the MPN?**

Your insurer has a written “*Continuity of Care*” policy that will determine whether you can temporarily continue treatment for an existing work injury with your doctor if your doctor is no longer participating in the MPN.

If your employer decides that you do not qualify to continue your care with the non-MPN provider, you and your primary treating physician must receive a letter notifying you of this decision.

If you meet certain conditions, you may qualify to continue treating with this doctor for up to a year before you must choose an MPN physician. These conditions are set forth in the, **“Can I Continue Being Treated By My Doctor?”** box above.

You can disagree with your employer’s decision to deny you Continuity of Care with the terminated MPN provider. If you want to continue treating with the terminated doctor, ask your primary treating physician for a medical report on whether you have one of the four conditions stated in the box above to see if you qualify to continue treating with your current doctor temporarily.

Your primary treating physician has 20 days from the date of your request to give you a copy of his/her medical report on your condition. If your primary treating physician does not give you the report within 20 days of your request, your employer’s decision to deny you Continuity of Care with your doctor who is no longer participating in the MPN will apply, and you will be required to choose an MPN physician.

You will need to give a copy of the report to your employer if you wish to postpone the selection of an MPN doctor treatment. If you or your employer disagrees with your doctor’s report on your condition, you or your employer can dispute it. See the complete Continuity of Care policy for more details on the dispute resolution process.

For a copy of the Continuity of Care policy, in English or Spanish, ask your MPN Contact.

- **What if I have questions or need help?**

- **MPN Contact:** You may always contact the MPN Contact if you have questions about the use of the MPN and to address any complaints regarding the MPN.
- **Medical Access Assistants:** You can contact the Medical Access Assistant if you need help finding MPN physicians and scheduling and confirming appointments.
- **Division of Workers’ Compensation (DWC):** If you have concerns, complaints or questions regarding the MPN, the notification process, or your medical treatment after a work-related injury or illness, you can call the DWC’s Information and Assistance office at 1-800-736-7401. You can also go to the DWC’s website at [www.dir.ca.gov/dwc](http://www.dir.ca.gov/dwc) and click on “medical provider networks” for more information about MPNs.
- **Independent Medical Review:** If you have questions about the MPN Independent Medical Review process contact the Division of Workers’ Compensation’s Medical Unit at:

DWC Medical Unit  
P.O. Box 71010  
Oakland, CA 94612  
(510) 286-3700 or (800) 794-6900

### **WORKERS’ COMPENSATION FRAUD IS A FELONY**

Anyone who makes or causes to be made any knowingly false or fraudulent material statement for the purpose of obtaining or denying workers’ compensation benefits or payments is guilty of a felony. Fines can be up to \$150,000 and imprisonment up to five years.



# WORKPLACE SECURITY: PREVENTING VIOLENCE IN THE DISTRICT WORKPLACE

## INTRODUCTION

The District's program for Workplace Security addresses the hazards known to be associated with the three major types of workplace violence. **Type I** workplace violence involves a violent act by an assailant with no legitimate relationship to the workplace who enters the workplace to commit a robbery or other criminal act. **Type II** involves a violent act or threat of violence by a recipient of a service provided by our company, such as a client, customer, passenger or a criminal suspect. **Type III** involves a violent act or threat of violence by a current or former employee, supervisor or manager, or another person who has some employment-related involvement with our District, such as an employee's spouse or lover, an employee's relative or friend, or another person who has a dispute with one of our employees.

## RESPONSIBILITY

We have decided to assign responsibility for the security in our workplace. The Safety Coordinator is the administrator for workplace security and has the authority and responsibility for implementing the provisions of this program.

## COMPLIANCE

We have established the following policy to ensure compliance with our rules on workplace security.

Management of the District is committed to ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by all employees.

All employees are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment.

Our system of ensuring that all employees, including supervisors and managers, comply with work practices that are designed to make the workplace more secure, and do not engage in threats or physical actions that create a security hazard for others in the workplace, these include:

1. Informing employees, supervisors and managers of the provisions for IIP Program for Workplace Security.
2. Evaluating the performance of all employees in complying with our District's workplace security measures.
3. Recognizing employees who perform work practices which promote security in the workplace.
4. Providing training and/or counseling to employees whose performance is deficient in complying with work practices designed to ensure workplace security.
5. Disciplining employees for failure to comply with workplace security practices.

## COMMUNICATION

The District recognizes that to maintain a safe, healthy and secure workplace, we must have open, two-way communications between all employees, including managers and supervisors, on all workplace safety, health and security issues. Our District has a communication system designed to encourage a continuous flow of safety, health and security information between management and our employees without fear of reprisal and in a form that is readily understandable. Our communication system consists of the following items:

- New employee orientation on our District's workplace security policies, procedures and work practices
- Periodic review of our IIP Program for Workplace Security with all personnel
- Training programs designed to address specific aspects of workplace security unique to our District
- Regularly scheduled safety meetings with all personnel that include workplace security discussions
- A system to ensure that all employees, including managers and supervisors, understand the workplace security policies
- Posted or distributed workplace security information
- A system for employees to inform management about workplace security hazards or threats of violence
- Procedures for protecting employees who report threats from retaliation by the person making the threats
- Addressing security issues at our workplace security team meetings
- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## HAZARD ASSESSMENT

We will be performing workplace hazard assessment for workplace security in the form of periodic inspections. These inspections are intended to identify and evaluate workplace security hazards and threats of workplace violence. The following observer(s) in the following areas are:

Observer	Area
_____	_____
_____	_____
_____	_____
_____	_____

Periodic inspections are performed to the following schedule:

1. \_\_\_\_\_ (Frequency: daily, weekly, monthly).
2. When we initially established our IIP Program for Workplace Security.
3. When new, previously unidentified security hazards are recognized.
4. When occupational injuries or threats of injury occur.
5. Whenever workplace security conditions warrant an inspection.

Periodic inspections for security hazards consist of identification and evaluation of workplace security hazards and changes in employee work practices and may require assessing for more than one type of workplace violence by using the methods specified below to identify and evaluate workplace security hazards.

Inspections for **Type I** workplace security hazards include assessing:

1. The exterior and interior of the workplace for its attractiveness to robbers.
2. The need for security surveillance measures, such as mirrors and cameras.
3. Posting of signs notifying the public that no cash is kept on premises.
4. Procedures for employee response during a robbery or other criminal act.
5. Procedures for reporting suspicious persons or activities.
6. Posting an emergency telephone numbers for law enforcement, fire and medical services.
7. Other: \_\_\_\_\_  
\_\_\_\_\_

## **INCIDENT INVESTIGATIONS**

We have established the following policy for investigating incidents of workplace violence.

Our procedure for investigating incidents of workplace violence, which includes threats and physical injury include:

1. Reviewing all previous incidents.
2. Visiting the scene of an incident as soon as possible.
3. Interviewing threatened or injured employees and witnesses.
4. Examining the workplace for security risk factors associated with the incident, including any previous reports of inappropriate behavior by the perpetrator.
5. Determining the cause of the incident.
6. Taking corrective action to prevent the incident from recurring.

7. Recording the findings and corrective actions taken.
8. Other: \_\_\_\_\_  
\_\_\_\_\_

## HAZARD CORRECTION

Hazards, which threaten the security of employees, shall be corrected in a timely manner based on severity when they are first observed or discovered.

Corrective measures for **Type I** workplace security hazards can include:

1. Making the workplace unattractive to robbers.
2. Utilizing surveillance measures, such as cameras or mirrors, to provide information as to what is going on outside and inside the workplace.
3. Procedures for the reporting suspicious persons or activities.
4. Posting of emergency telephone numbers of law enforcement, fire, medical services where employees have access to a telephone with an outside line.
5. Posting of signs notifying the public that no cash is kept on premises.
6. Employee, supervisor and management training on emergency action procedures.
7. Other: \_\_\_\_\_  
\_\_\_\_\_

Corrective measures for **Type II** workplace security hazards include:

1. Controlling access to the workplace and freedom of movement within it, consistent with business necessity
2. Insuring the adequacy of workplace security systems, such as door locks, security windows, physical barriers and restraint systems.
3. Providing employee training in recognizing and handling threatening or hostile situations that may lead to violent acts by persons who are service recipients of our company.
4. Placing effective systems to warn others of a security danger or to summon assistance, e.g., alarms or panic buttons.
5. Providing procedures for a "buddy" system for specified emergency events.
6. Ensuring adequate employee escape routes.
7. Other: \_\_\_\_\_

Corrective measures for **Type III** workplace security hazards include:

1. Effectively communicating our District's anti-violence policy to all employees, supervisors or managers.
2. Improving how well our District's management and employees communicate with each other.
3. Increasing awareness by employees, supervisors and managers of the warning signs of potential workplace violence
4. Controlling access to, and freedom of movement within, the workplace by non-employees, including recently discharged employees or persons with whom one of our employee's is having a dispute
5. Providing counseling to employees, supervisors or managers who exhibit behavior that presents strain or pressure which may lead to physical or verbal abuse of co-employees.
6. Ensure that all reports of violent acts, threats of physical violence, verbal abuse, property damage or other signs of strain or pressure in the workplace are handled effectively by management and that the person making the report is not subject to retaliation by the person making the threat.
7. Ensure that employee disciplinary and discharge procedures address the potential for workplace violence.
8. Other: \_\_\_\_\_

## **TRAINING AND INSTRUCTION**

We have established the following policy on training all employees with respect to workplace security:

All employees, including managers and supervisors, shall have training and instruction on general and job-specific workplace security practices. Training and instruction shall be provided when the IIP Program for Workplace Security is first established and periodically thereafter.

Training shall also be provided to all new employees and to other employees for whom training has not previously been provided and to all employees, supervisors and managers given new job assignments for which specific workplace security training for that job assignment has not previously been provided. Additional training and instruction will be provided to all personnel whenever the employer is made aware of new previously unrecognized security hazards.

General workplace security training and instruction includes, but is not limited to, the following:

1. Explanation of the IIP Program for Workplace Security including measures for reporting any violent acts or threats of violence.
2. Recognition of workplace security hazards including the risk factors associated with the three types of workplace violence.
3. Measures to prevent workplace violence, including procedures for reporting workplace security hazards or threats to managers and supervisors.
4. Ways to defuse hostile or threatening situations.



5. Measures to summon others for assistance.
6. Employee routes of escape.
7. Notification of law enforcement authorities when a criminal act may have occurred.
8. Emergency medical care provided in the event of any violent act upon an employee.
9. Post-event trauma counseling for those employees desiring such assistance.

In addition, we provide specific instructions to all employees regarding workplace security hazards unique to their job assignment, to the extent that such information was not already covered in other training.

We have chosen the following checked items for **Type I** training and instruction for managers, supervisors and employees:

- Crime awareness
- Location and operation of alarm systems
- Communication procedures
- Proper work practices for specific workplace activities, occupations or assignments, such as night work.
- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

We have chosen the following checked items for **Type II** training and instruction for managers, supervisors and employees:

- Self-protection
- Dealing with angry, hostile or threatening individuals
- Location, operation, care, and maintenance of alarm systems and other protective devices
- Communication procedures
- Determination of when to use the “buddy” system or other assistance from co-employees
- Awareness of indicators that lead to violent acts by service recipients
- Other: \_\_\_\_\_  
\_\_\_\_\_

We have chosen the following checked items for **Type III** training and instruction for managers, supervisors and employees:

- Pre-employment screening practices
- Employee Assistance Programs
- Awareness of situational indicators that lead to violent acts
- Managing with respect and consideration for employee well being
- Review of anti-violence policy and procedures
- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# TUSTIN UNIFIED LACTATION ACCOMMODATION POLICY

## Introduction

The Tustin Unified School District recognizes the immediate and long-term health advantages of breastfeeding for infants and mothers and desires to promote a work environment that is supportive of breastfeeding employees who wish to continue to express milk upon their return to work following the birth of their child.

## Statement of Policy

Tustin Unified encourages employees and supervisors to have a positive, accepting attitude of working women and breastfeeding. The District's Lactation Accommodation Policy shall be disseminated to new employees at the time of hire, when an employee makes an inquiry about or requests parental leave and included in Annual Notices. In accordance with Federal and California State laws, it is the policy of the District to accommodate nursing employees' lactation needs by providing:

- Time to Express Milk (lactation time)
  - The lactation time shall, if possible, run concurrently with and break time already provided to the employee.
  - The worksite must make separate time available if an employee needs extra or different time than their regularly scheduled breaks. Any time beyond the employee's regular break time will be unpaid.
- An Appropriate Private Location
  - Appropriate private space shall be provided with reasonable efforts made for the location to be in close proximity to the employees' work area. The space should be equipped with an electrical outlet and comfortable seating.
  - The location may be the place where the lactating employee normally works if there is adequate privacy (e.g., the employee's private office, a supervisor's private office, or a conference room that can be secured).
  - Areas such as restrooms, closets or storage rooms are usually not appropriate spaces for lactation purposes. However, a separate space such as a women's lounge or a separate changing area within or next to a bathroom is permissible.
- Notice/Information
  - Personnel Services shall provide a copy of this policy to employees when an inquiry about or a request for parental leave is made.

Personnel Services shall be the lead for lactation accommodation and shall monitor and provide guidance to departments and worksites for compliance with this directive and other non-discrimination laws, policies and procedures, and recommended training. Personnel Services may revise and update this policy on an as-needed basis.

## Lactation Accommodation Request Procedure

1. An employee who has need for lactation accommodation should inform her supervisor and/or the Personnel Services and discuss any relevant workload or scheduling issues.

2. Supervisors and/or Personnel Services who receive a lactation accommodation request are advised to do the following:
  - a. Review available space at the worksite and prepare to provide appropriate nearby space and break time.
  - b. Contact Personnel Services for advice and assistance if you are unable to locate appropriate space to meet an employee's request.

### Zero Tolerance

Lactation time should not constitute a source of discrimination in employment or in access to employment. It is prohibited under this policy to harass an employee who chooses to express milk and any incident of discrimination, harassment, or retaliation will be addressed in accordance with the District's policies and procedures for discrimination and harassment.

### Filing a Complaint

- Nursing mothers who feel they have been denied appropriate accommodation are encouraged to contact Personnel Services. Investigations will be conducted in accordance with the District's complaint process.
- Complaints may also be filed with the Labor Commissioner's Bureau of Field Enforcement (BOFE): <http://www.dir.ca.gov/dlse/HowToReportViolationtoBOFE.htm>



## **Guidelines for School Site Employees' Children in the Workplace**

**The Tustin Unified School District is committed to ensuring each student optimizes their individual achievement through dynamic and personalized instruction. In order to achieve that mission, our employees must be fully available for their crucial roles in the workplace.**

- The Tustin Unified School District cannot accommodate employees' children during working hours because of contractual, job responsibility, safety, and liability issues.
- Children in grades four and higher may assist in a classroom during regular working hours IF they participate in an organized activity (i.e., tutoring, library, maker lab, etc.) in a classroom other than their parent's. Prior written approval of the principal/supervisor and the approval of the cooperating teacher are required.
- Children in grades three and under may not be brought with the employee to work during regular working hours.
- A child of an employee may not be in an employee lounge or on a playground during regular working hours.
- A school/district workplace may not be used for babysitting/child care purposes.