



Annual Notifications 2018-2019



Human Resources

"Our Community, Our Children, Our Commitment, Our Future"

Annual Notifications 2018

Table of Contents

1. Memo from Hector Macias, Assistant Superintendent, Human Resources
2. OMSD Calendar 2018-2019
3. Mandated Reporter
4. Disaster Service Worker
5. UCP Annual Notice
6. Civility Conduct of Parents, Other Visitors and District BP 1313
7. Nonschool Employment BP 4136
8. Memo – Employee Absence Reporting
9. Family Care and Medical Care Leave – AR 4161.8
10. OMSD Substitute Sick Leave Notice
11. Drug and Alcohol Free Workplace – BP 4020
12. Drug and Alcohol Free Workplace – Exhibit 4020
13. Nondiscrimination in Employment – BP 4030
14. Complaints Concerning Discrimination in Employment – AR 4031
15. Sexual Harassment – BP 4119.11
16. Sexual Harassment – AR 4119.11
17. Controversial Issues – BP 6144
18. Use of Private Vehicle
19. Tobacco-Free District BP - 3513.3
20. Tobacco-Free District AR - 3513.3
21. Business and Noninstructional Operations BP 3515.7
22. Blood Borne Pathogens Exposure Control Plan
23. Injury and Illness Prevention Program (IIPP)
24. Procedure for Reporting Worker’s Compensation
25. Company Nurse On-Call Flyer
26. Annual Notification of Planned Pesticide Use
27. AHERA
28. Key Security Memo
29. Medicaid and the Children’s Health Insurance Program (CHIP)
30. 2018 HIPAA Notice of Privacy Practices
31. Notice of Special Enrollment Rights
32. Women’s Health and Cancer Rights Act of 1998
33. Prescription Drug Coverage and Medicare
34. COBRA – Continuation Coverage Rights
35. DOL Electronic Distribution Safe Harbor
36. Electronic Fund Transfer (EFT) Memo
37. BEST NET Employee Self Service Site
38. Classified and Certificated Timecard Deadlines
39. Memo Regarding Leaving Your Worksite Number
40. Memo Regarding Personal Mail
41. Human Resources Phone Number and Edjoin Website



MISSION

Ontario-Montclair School District (OMSD) is committed to providing a world-class education to our students in safe, respectful and welcoming school environments that empowers students, staff, and families to be successful in a dynamic global society and cultivates college, career, and community partnerships.

"Our Community, Our Children, Our Commitment, Our Future"

Ontario-Montclair

School District

BOARD OF TRUSTEES

Samuel Crowe
Michael C. Flores
Sarah S. Galvez
Elvia M. Rivas
Alfonso Sanchez

950 West D Street, Ontario, California 91762 • (909) 459-2500 • Fax (909) 459-2544

James Q. Hammond, Ed.D.
Superintendent

HUMAN RESOURCES

Hector Macias
Assistant Superintendent
Human Resources

Robert F. Gallagher
Executive Director, Human Resources

Dear Colleagues,

As we prepare to enter into the 2018–2019 school year, there is so much to look forward to at our school sites and departments. However, our primary attention is building customer service and loyalty. We are in organization of over 3000 employees, 18,000 families, and 21,000 students. With so much human capital, it truly is our obligation to focus on how we can provide excellent service to one another as colleagues and to each of our student, parent/guardian, and community stakeholders.

This year, I challenge all of us to choose to provide an amazing customer service experience in each of our interactions with our clients and one another. I ask you to develop a clear vision of what that client interaction will look like, feel like, and the desired outcome that will manifest because you were inspired to be great. I encourage each one of you to have the heart and desire to serve in such a way that you make a difference in the lives of others. I assure you that this will come back tenfold to positively affect you in the work environment that we collectively will create.

The attached booklet is an annual notification, which contains updated laws and regulations that will enhance your knowledge and guide your decision in both the professional and personal arenas. It is meant to educate all personnel who will interact in a variety of work situations on how to proceed. It is critical that you make appropriate decisions that are based on board policy and law. Please ensure that you review the contents to understand new laws and reacquaint yourself with established policies. This information will remain available on the website at:

MYOMSD/Human Resources/Annual Notifications Booklet

Thank you for all you do and let us make it an amazing service oriented year.

Hector Macias
Assistant Superintendent-Human Resources

ONTARIO-MONTCLAIR SCHOOL DISTRICT

2018-2019 District Calendar

July						
S	M	T	W	T	F	S
1	2	3	X	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
Student Days	0	To Date:				

2018

August						
S	M	T	W	T	F	S
			1	△	③	4
5	⑥	⑦	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
Student Days	18	To Date:	18			

September						
S	M	T	W	T	F	S
						1
2	X	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						
Student Days	19	To Date:	37			

October						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	△	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			
Student Days	22	To Date:	59			

November						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	X	13	14	15	16	17
18	19	20	21	X	X	24
25	26	27	28	29	30	
Student Days	16	To Date:	75			

December						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	△	22
23	X	X	X	X	X	29
30	X					
Student Days	14	To Date:	89			

January						
S	M	T	W	T	F	S
		X	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	X	22	23	24	25	26
27	28	29	30	31		
Student Days	18	To Date:	107			

2019

February						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	X	16
17	X	19	20	21	22	23
24	25	26	27	28		
Student Days	18	To Date:	125			

March						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	X	30
31						
Student Days	16	To Date:	141			

April						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				
Student Days	22	To Date:	163			

May						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	②④	25
26	X	28	29	30	31	
Student Days	17	To Date:	180			

June						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						
Student Days	0	To Date:	180			

July 2018

July 4 Independence Day

August 2018

August 2 Non-School Day
 August 3, 6, 7 Teacher Preparation Days
 August 8 First Day for Students

September 2018

Sept 3 Labor Day

October 2018

Oct 1-5 Parent Conferences-Middle School
 Oct 8 Non-School Day

November 2018

Nov 9-16 Parent Conferences-Elementary School
 Nov 12 Veterans Day (Observed)
 Nov 19-23 Thanksgiving Holidays

December 2018

Dec 21 Non-School Day
 Dec 24-31 Winter Break

January 2019

Jan 1-4 Winter Break
 Jan 21 Martin Luther King's Day

February 2019

Feb 15 Lincoln's Birthday
 Feb 18 Presidents' Day
 Feb 25-Mar 1 Parent Conferences-Middle School

March 2019

March 4-8 Parent Conferences-Elementary School
 March 25-29 Spring Break

April 2019

No Holidays

May 2019

May 23 Last Day for Students
 May 24 Teacher Preparation Day
 May 27 Memorial Day

June 2019

No Holidays

Elementary Schools	1st Trimester: Aug 8 - Oct 26	56 days
	2nd Trimester: Oct 29 - Feb 14	61 days
	3rd Trimester: Feb 19 - May 23	63 days

Middle Schools	1st Progress Report	Sept. 21
	2nd Progress Report	Nov. 2
	1st Semester: Aug 8 - Dec 20	89 days
	1st Progress Report	Feb. 14
	2nd Semester: Jan 7 - May 23	91 days



First Day for Students
 All Schools and Offices Closed
 All Schools Closed/Non Work Days
 Non-School Day
 Teacher Preparation Days
 Last Day for Students



ANNUAL MANDATED REPORTER TRAINING

ATTENTION: OMSD CONTRACTED EMPLOYEES

California Education Code requires all district personnel to complete an **annual** Mandated Reporter Training.

- ◆ This training is to be completed online unless your school site/department arranges a facilitated training.
- ◆ We encourage you to complete the online training using the process outlined below.
- ◆ The **deadline** to complete the training is as follows:
 - 260 day employees-**Friday, August 10, 2018.**
 - All other employees-**Wednesday, September 5, 2018.**

How to register for the online training

- Do **not** complete the online training prior to July 1, 2018.
- To complete the training online, visit and login to the California Department of Social Services (CDSS) website at **<http://educators.mandatedreporterca.com>**.
- When registering with the CDSS to begin the training, you will be prompted to enter your work/district email address, please type in **mandatedreporter@omsd.net** to ensure that OMSD receives your results. If you wish to retain a copy for yourself, please enter a personal email address then forward the certificate of completion to the email address above.
- You will be required to complete the training and pass an exam with a minimum score of 80%.
- Upon request by school site/department, facilitated trainings may be held.
- This training must be completed **annually** by **all** district personnel.

For further information, contact Human Resources at (909)418-6307



ANNUAL MANDATED REPORTER TRAINING

ATTENTION: RETURNING SUBSTITUTE EMPLOYEES

California Education Code requires all district personnel to complete an **annual** Mandated Reporter Training.

- ◆ We encourage you to complete the online training using the process outlined below.
- ◆ This training must be completed on your own time as a condition of hire.
- ◆ The deadline to complete the training is Wednesday, September 5, 2018.
- ◆ Failure to complete the training will result in substitute employee being removed from the substitute list.
- ◆ If you have completed the training after July 1, 2018 for another district, please send proof of completion to mandatedreporter@omsd.net.

How to register for the online training

- To complete the training online, visit and login to the California Department of Social Services (CDSS) website at <http://educators.mandatedreporterca.com>.
- When registering with the CDSS to begin the training, you will be prompted to enter an email address, please type in mandatedreporter@omsd.net to ensure that OMSD receives your results. If you wish to retain a copy for yourself, please enter a personal email address then forward the certificate of completion to the email address above.
- You will be required to complete the training and pass an exam with a minimum score of 80%.
- This training must be completed **annually** by **all** district personnel.

For further information, contact Human Resources at (909)418-6307

As a California city, county, or state agency or public district employee, you may be called upon as a disaster service worker in the event of an emergency. The information contained in this pamphlet will help you understand your role and obligation.

California Public Employee DISASTER SERVICE WORKERS

California Government Code
Section 3100-3109

For more information, please visit the following websites:

California Emergency Services Act

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=go&group=08001-09000&file=8550-8551>

California Government Code 3100-3109

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=03001-04000&file=3100-3109>

The California Constitution Oath or Affirmation

http://www.leginfo.ca.gov/.const/.article_20

Governors Office of Emergency Services

[http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/Laws&RegsCalCodePDFs/\\$file/Ch2.3_%20DSW.pdf](http://www.oes.ca.gov/Operational/OESHome.nsf/PDF/Laws&RegsCalCodePDFs/$file/Ch2.3_%20DSW.pdf)



WILLIAM M. HABERMEHL
County Superintendent of Schools

Did you know?



Public Employee Disaster Service Worker Status

California Government Code Section 3100-3109

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*.

Who is included in the disaster service worker status?

All public employees are included in the disaster service worker status which are all persons employed by any county, city, state agency or public district.

What are 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 affects 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?

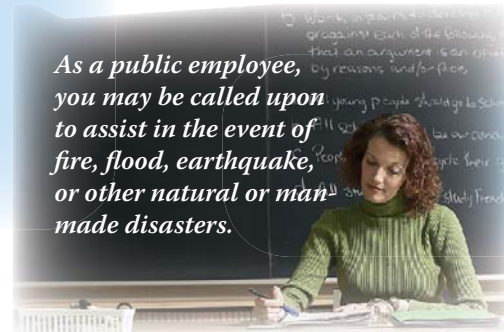
Public employees acting as disaster service workers get paid only if they have taken and subscribed to the oath or affirmation.

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 Emergency Services Act

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=08001-09000&file=8550-8551>

For further information, please visit the websites listed on the back.



ONTARIO-MONTCLAIR SCHOOL DISTRICT

Uniform Complaint Procedures Annual Notice (UCP)

2018 – 2019

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

The *Ontario-Montclair School District* annually notifies its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials, and other interested parties of the Uniform Complaint Procedures (UCP) process.

The *Ontario-Montclair School District* is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP in:

The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:

After School Education And Safety	Local Control Accountability Plans (including Charter Schools as described in EC §§ 47606.5 & 47607.3 (LCAP)
Bilingual Education	
English Learner Program	Education of Pupils in Foster Care & Pupils who are Homeless
Child Care and Development	Physical Education Instructional Minutes
Child Nutrition	Every Student Succeeds Act / No Child Left Behind
Compensatory Education	School Safety Plans
Consolidated Categorical Aid	Special Education
Unlawful Pupil Fees	State Preschool

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 complaint may be filed with the principal of a school or our superintendent or his or her designee. A pupil fees and/or an LCAP complaint may be filed anonymously, however, the complaint must provide evidence or information leading to evidence to support the complaint.

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

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

We shall post a standardized notice of the educational rights of pupils in foster care, pupils who are homeless, and former juvenile court pupils now enrolled in a school district as specified in EC Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2. This notice shall include complaint process information, as applicable.

J. Steve Garcia, Director
Child Welfare, Attendance & Records
950 West "D" Street
Ontario, CA 91762
(909) 418-6477
steve.garcia@omsd.net

Complaints will be investigated and a written report with a Decision 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 our UCP policies and procedures.

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

We advise any complainant 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.

Copies of our Uniform Complaint Procedures process shall be available free of charge at www.omsd.net.

Ontario-Montclair SD

Board Policy

Civility Conduct Of Parents, Other Visitors And District

BP 1313

Community Relations

It is the intent of the Board of Trustees to promote mutual respect, civility and orderly conduct among district employees, parents and the public. It is not the intent of the Board of Trustees to deprive any person of his or her right to freedom of expression. The intent of this policy is to maintain, to greatest extent reasonably possible, a safe and orderly workplace for teachers, students, administrators, staff, parents and other members of the community. In the interest of presenting teachers and other employees as positive role models, the Board of Trustees encourages positive communications and discourages volatile, hostile or aggressive communications or actions. This policy seeks to promote a school and workplace culture of mutual respect, civility, and orderly conduct. One of the primary goals of this policy is to ensure a learning environment that is safe, productive, and nurturing for all students and staff. Ontario-Montclair School District seeks public cooperation with this endeavor.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1000 - Concepts and Roles)

1. Expected level of behavior:

School and district personnel will treat parents and other members of the public with courtesy and respect;

Parents and visitors will treat teachers, administrators, other district employees, and site visitors with courtesy and respect.

(cf. 1250 - Visitors/Outsiders)

(cf. 5020 - Parent Involvement)

2. Unacceptable/disruptive behavior:

Disruptive behavior includes, but is not necessarily limited to:

Behavior which interferes with or threatens to interfere with the operation of a classroom, an employee's office or office area, areas of school or facility open to parents/guardians and the general public. It also cover areas of a school or facility, which are not open to parents/guardians and general public

(cf. 3515.2 - Disruptions)

(cf. 6116 - Classroom Interruptions)

Using loud and/or offensive language, swearing, cursing or display of temper;

COMMUNITY RELATIONS (continued)

Threatening to do bodily or physical harm to a teacher, school administrator, school employee, student, or visitor to the site regardless of whether or not the behavior constitutes or may constitute a criminal violation

Damaging or destroying school or district property

Abusive, threatening or obscene e-mail or voice mail messages

Taunting, jeering, inciting others to taunt or jeer at a person

Using epithets referring to ones ethnic/racial, religion, gender, color, sexuality, or disability

Invading the personal space of a person after being directed to move away

Repeatedly and aggressively interrupting another person who is speaking at an appropriate time and place

Any other behavior that disrupts the orderly operation of a school, classroom or any other district facility

3. Parent recourse:

Any parent who believes he/she was subject to unacceptable/disruptive behavior on the part of any staff member should bring such behavior to the attention of the staff member's immediate supervisor or appropriate director. The parent may report verbally or in writing using the district's uniform complaint form. Parents are encouraged to work out issues of concern promptly. No retaliation will be permitted against persons for working in good faith under this policy to resolve conflicts.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

4. Authority of school personnel (as referenced in BP 3515.5):

Authority to direct persons to leave school or Board of Trustees premises: Any individual who (1) disrupts or threatens to disrupt school or district operations; (2) threatens or attempts to do or does physical harm to district personnel, students or others lawfully on a school or district premises; (3) threatens the health or safety of students, district personnel or others lawfully on a school or district premises; (4) intentionally causes damage to schools, district property or property of others lawfully on a school campus or district premises; (5) uses loud or offensive language or who, without authorization, comes on a school or other district facility may be directed to leave the school or district premises by a school's principal or assistant principal, or in their absence a person who is lawfully in charge of the school or any district level administrator. If the person refuses to leave the premises or returns before the applicable period of time as directed, the administrator or other authorized personnel shall seek the assistance of law enforcement and request that law enforcement take such action as is deemed necessary.

5. Appeal procedure (as referenced in BP 3515.5):

COMMUNITY RELATIONS (continued)

Any person who is asked to leave a school district grounds may appeal to the Superintendent or designee. This appeal shall be no later than the second school day after the person has been directed to leave the school building or grounds. After reviewing the matter with the principal or designee and the person making the appeal, the Superintendent or designee shall render his/her decision within 24 hours after the appeal is made, and this decision shall be binding.

The decision of the Superintendent or designee may be appealed to the Board of Trustees. Such an appeal shall be made no later than the second school day after the Superintendent or designee has rendered his/her decision. The Board shall consider and decide the appeal at its next scheduled regular or adjourned regular public meeting. The Board's decision shall be final.

Authority To Deal With Persons Who Are Verbally Abusive

If any member of the public uses obscenities or speaks in a demanding, loud, insulting and/or demeaning manner, the employee to whom the remarks are directed shall calmly and politely warn the speaker to communicate civilly. If the verbal abuse continues, the employee to whom the remarks are directed may, after giving appropriate notice to the speaker, terminate the meeting, conference or telephone conversation. If the meeting or conference is on district premises, any employee may request that an administrator or other authorized person direct the speaker to promptly leave the premises. If the person refuses to leave, the administrator or other authorized personnel shall seek the assistance of law enforcement and request that law enforcement take such action as is deemed necessary. If the employee is threatened with personal harm, the employee may contact law enforcement.

Legal Reference:**EDUCATION CODE**

32210-32212 Willful disturbance of public school or meeting

35160 Authority of governing boards

44810

44811 Disruption of public school activities

PENAL CODE

627-627.10 Access to school premises

Management Resources:**WEB SITES**CSBA: <http://www.csba.org>California Attorney General's Office: <http://www.caag.state.ca.us>

Policy
adopted:

ONTARIO-MONTCLAIR SCHOOL DISTRICT
June 30, 2011 Ontario, California

Ontario-Montclair SD

Board Policy

Nonschool Employment

BP 4136, 4236, 4336

Personnel

The Board of Trustees recognizes that district employees may receive compensation for outside activities as long as these activities are not inconsistent, incompatible, in conflict with, or inimical to the employee's duties or to the duties, functions or responsibilities of the district.

Outside paid activities are incompatible with district employment if they require time periods that interfere with the proper, efficient discharge of the employee's duties, if they entail compensation from an outside source for activities which are part of the employee's regular duties, or if they involve using for private gain the district's name, prestige, time, facilities, equipment or supplies.

(cf. 1321 - Solicitation of Funds from and by Students)

(cf. 4119.21/4219.21/4319.21 - Code of Ethics)

(cf. 4135/4235/4335 - Soliciting and Selling)

(cf. 4137 - Tutoring)

District employees shall not perform, without prior Board approval, any paid service which will be wholly or in part subject to the approval or control of another district employee or a district officer.

(cf. 4132/4232/4332 - Publication or Creation of Materials)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

(cf. 9270 - Conflict of Interest)

Upon determining that an employee's outside job is incompatible with district employment, the Superintendent or designee shall so inform the employee. An employee who continues to pursue an incompatible activity may be subject to disciplinary action.

Legal Reference:

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

51520 Prohibited solicitation on school premises

GOVERNMENT CODE

1126 Incompatible activities of employees

Policy
adopted:

ONTARIO-MONTCLAIR SCHOOL DISTRICT
September 17, 1998 Ontario, California

Employee Absence Reporting
Certificated and
Certificated Management Employees

Anna Guerrero - Human Resources Dept.
(909) 418-6318 email: anna.guerrero@omsd.net

Fax: (909) 459-2544

For Certificated Employees – Human Resources is the main office

Please complete the **Weekly Absence Report – Certificated**. Please list only ***Certificated and Certificated Management Employees*** on this report. Weekly Absence Reports can be accessed on MYOMSD, Human Resources / Employee Absence Report.

Certificated Weekly Absence Reports are due to [Anna Guerrero](#) in [Human Resources](#) each Tuesday following the end of the reporting week with original administrator signatures.

Submit the half-sheet **Employee Absence Report Form** (white copy) with the Employee's signature, attached to the Weekly Absence Report. The half-sheet must include the employee's full name (legal name) – (no nick names or middle names allowed), the last 4 digits of employee's social security number, employee's signature and administrator's signature. If the employee is unavailable for signature, submit the absence report and complete the employee signature section with the statement **“employee unavailable for signature”**. **Do not leave the line blank and make every effort to obtain the signature before writing that the employee is unavailable.**

Sick Leave/Medical Leave

- On the third day of an employee's absence, Human Resources will send the employee a copy of the district's Family Medical Leave Act (FMLA) policy.
- A physician's off-work order must accompany the hard copy of the Absence Report for all employee absences of at least 10 days. Please notify Human Resources if employee is going to be absent for at least 10 days.
- Employees returning to work after an extended medical absence (at least 10 days) must report to Human Resources (for certificated employees) or Payroll (for classified employees) with a physician's return to work order. Upon review of the return to work order, Human Resources will determine the employee's ability to return to their work site, with or without restrictions and notify the site/department.

Employee Absence Reporting

Classified and

Classified Management Employees

Annette Sierra (A-L) - Payroll Dept.
(909) 418-6461 email: annette.sierra@omsd.net

Mayra Lomeli (M-Z) - Payroll Dept.
(909) 418-6486 email: mayra.lomeli@omsd.net

Fax (909) 459-2536

For Classified Employees - Payroll is the main office

Please complete the **Weekly Absence Report - Classified**. Please list only **Classified and Classified Management Employees** on this report. Weekly Absence Reports can be accessed on MYOMSD, Human Resources / Employee Absence Report.

Classified Weekly Absence Reports are due to [Annette Sierra](#) or [Mayra Lomeli](#) in Payroll each Tuesday following the end of the reporting week with original administrator signatures.

Submit the half-sheet **Employee Absence Report Form** (white copy) with the Employee's signature, attached to the Weekly Absence Report. The half-sheet must include the employee's full name (legal name) - (no nick names or middle names allowed), the last 4 digits of employee's social security number, employee's signature and administrator's signature. If the employee is unavailable for signature, submit the absence report and complete the employee signature section with the statement "**employee unavailable for signature**". **Do not leave the line blank and make every effort to obtain the signature before writing that the employee is unavailable.**

Sick Leave/Medical Leave

- On the third day of an employee's absence, Payroll will send the employee a copy of the district's Family Medical Leave Act (FMLA) policy.
- A physician's off-work order must accompany the hard copy of the Absence Report for all employee absences of at least seven (7) consecutive days. Please notify Payroll if employee is going to be absent for at least seven (7) consecutive days.
- Employees returning to work after an extended medical absence (at least 10 days) must report to Payroll with a physician's return to work order. Upon review of the return to work order, Payroll will determine the employee's ability to return to their work site, with or without restrictions and notify the site/department.

Ontario-Montclair SD

Administrative Regulation

Family Care And Medical Leave

AR 4161.8

Personnel

The district shall not deny any eligible management, administrative or confidential employee his/her right to family care, medical, or pregnancy disability leave (PDL) pursuant to the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), or the Fair Employment and Housing Act (FEHA) or restrain or interfere with the employee's exercise of such right. In addition, the district shall not discharge an employee or discriminate or retaliate against him/her for taking such leave or for his/her opposition to or challenge of any unlawful district practice in relation to any of these laws or for his/her involvement in any related inquiry or proceeding. (Government Code 12945, 12945.2; 2 CCR 11094; 29 USC 2615)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4033 - Lactation Accommodation)

Definitions

The words and phrases defined below shall have the same meaning throughout this administrative regulation except where a different meaning is otherwise specified.

Child (son or daughter) means a biological, adopted, or foster child; a stepchild; a legal ward; or a child to whom the employee stands in loco parentis, as long as the child is under 18 years of age or an adult dependent child. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611)

Eligible employee for FMLA and CFRA purposes means a management, administrative or confidential employee who has been employed with the district for at least 12 months and who has at least 1,250 hours of service with the district during the previous 12-month period. However, these requirements shall not apply when an employee applies for PDL. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.110) The requirement that the employee have 1,250 hours of service shall not apply when an employee is otherwise eligible for paid parental leave. (Education Code 44977.5, 45196.5)

Employee disabled by pregnancy means an individual who, in the opinion of her health care provider, is: (2 CCR 11035)

1. Unable because of pregnancy to perform any one or more of the essential functions of her job or to perform any of them without undue risk to herself, her pregnancy's successful completion, or to other persons

2. Suffering from severe "morning sickness" or needs to take time off for prenatal or

PERSONNEL (continued)

postnatal care, bed rest, gestational diabetes, pregnancy-induced hypertension, preeclampsia, postpartum depression, childbirth, loss or end of pregnancy, recovery from childbirth or loss or end of pregnancy, or any other pregnancy-related condition

Parent means a biological, foster, or adoptive parent; a stepparent; a legal guardian; or another person who stood in loco parentis to the employee when the employee was a child. Parent does not include a spouse's parents. (Government Code 12945.2; 2 CCR 11087; 29 USC 2611; 29 CFR 825.122)

Serious health condition means an illness, injury (including, but not limited to, on-the-job injuries), impairment, or physical or mental condition of the employee or his/her child, parent, or spouse, including, but not limited to, treatment for substance abuse, that involves either of the following: (Government Code 12945.2; 2 CCR 11087, 11097; 29 USC 2611; 29 CFR 825.113-825.115)

1. Inpatient care in a hospital, hospice, or residential health care facility, any subsequent treatment in connection with such inpatient care, or any period of incapacity

A person is considered an inpatient when a health care facility formally admits him/her to the facility with the expectation that he/she will remain overnight and occupy a bed, even if it later develops that the person can be discharged or transferred to another facility and does not actually remain overnight.

Incapacity means the inability to work, attend school, or perform other regular daily activities due to a serious health condition, its treatment, or the recovery that it requires.

2. Continuing treatment or continuing supervision by a health care provider, including one or more of the following:

a. A period of incapacity of more than three consecutive full days

b. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition

c. Any period of incapacity due to pregnancy or for prenatal care under FMLA

d. Any period of incapacity which is permanent or long term due to a condition for which treatment may not be effective

e. Any period of absence to receive multiple treatments, including recovery, by a health care provider

Spouse means a partner in marriage as defined in Family Code 300, including same sex partners

PERSONNEL (continued)

in marriage, or a registered domestic partner within the meaning of Family Code 297-297.5. (Family Code 297, 297.5, 300; 2 CCR 11087; 29 CFR 825.122)

Eligibility

The district shall grant FMLA or CFRA leave to eligible employees for any of the following reasons: (Government Code 12945.2; 29 USC 2612; 29 CFR 825.112)

1. The birth of a child of the employee or placement of a child with the employee in connection with the employee's adoption or foster care of the child (baby bonding)
2. To care for the employee's child, parent, or spouse with a serious health condition
3. The employee's own serious health condition that makes him/her unable to perform one or more essential functions of his/her position
4. Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a military member on covered active duty or call to covered active duty (or has been notified of an impending call or order to covered active duty)
5. To care for a covered servicemember with a serious injury or illness if the covered servicemember is the employee's spouse, child, parent, or next of kin, as defined

In addition, the district shall grant PDL to any female employee who is disabled by pregnancy, childbirth, or other related medical condition. (Government Code 12945; 2 CCR 11037)

Terms of Leave

An eligible employee shall be entitled to a total of 12 work weeks of FMLA or CFRA leave during any 12-month period, except in the case of leave to care for a covered servicemember as provided under "Military Caregiver Leave" below. To the extent allowed by law, CFRA and FMLA leaves shall run concurrently. (Government Code 12945.2; 29 USC 2612)

This 12-month period shall be a rolling period measured backward from the date an employee uses any family care and medical leave, as defined in 29 CFR 825.200. (29 CFR 825.200)

In addition, for each pregnancy, any female employee who is disabled by pregnancy, childbirth, or other related condition shall be entitled to PDL for the period of the disability not to exceed four months. For a part-time employee, the four months shall be calculated on a proportional basis. (Government Code 12945; 2 CCR 11042)

PDL shall run concurrently with FMLA leave for disability caused by an employee's pregnancy. At the end of the employee's FMLA leave for disability caused by pregnancy, or at the end of

PERSONNEL (continued)

four months of PDL, whichever occurs first, a CFRA-eligible employee may request to take CFRA leave of up to 12 work weeks, for the reason of the birth of her child or to bond with or care for the child. (Government Code 12945, 12945.2; 2 CCR 11046, 11093)

Leave taken for the birth or placement of a child must be concluded within the 12-month period beginning on the date of the birth or placement of the child. Such leave does not need to be taken in one continuous period of time. (2 CCR 11090; 29 USC 2612)

If both parents of a child work for the district, their family care and medical leave related to the birth or placement of the child shall be limited to a combined total of 12 work weeks. This restriction shall apply regardless of the legal status of both parents' relationship. (Government Code 12945.2; 2 CCR 11088; 29 USC 2612)

Use/Substitution of Paid Leave

During the period of PDL or any FMLA or CFRA leave for the employee's own health condition, the employee shall substitute accrued paid sick leave for any unpaid leave. The employee may elect to use his/her accrued vacation leave or any other paid time off negotiated with the district that he/she is eligible to use. (Government Code 12945, 12945.2; 2 CCR 11044; 2 CCR 11092; 29 USC 2612)

(cf. 4161/4261/4361 - Leaves)

(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)

(cf. 4261.1 - Personal Illness/Injury Leave)

Intermittent Leave/Reduced Work or Leave Schedule

PDL and family care and medical leave for the serious health condition of an employee or his/her child, parent, or spouse may be taken intermittently or on a reduced work or leave schedule when medically necessary, as determined by the health care provider of the person with the serious health condition.

However, the district shall limit leave increments to the shortest period of time that the district's payroll system uses to account for absences or use of leave provided it is not to be greater than one hour. (2 CCR 11042, 11090; 29 USC 2612)

The basic minimum duration of leave for the birth or placement of a child shall be two weeks. However, the district shall grant a request for such leave of less than two weeks on any two occasions. (2 CCR 11090; 29 USC 2612)

The district may require an employee to transfer temporarily to an available alternative position if the employee is pregnant and provides medical certification from her health care provider of a medical need for intermittent leave or leave on a reduced work or leave schedule or if the employee's need for the intermittent leave or leave on a reduced work or leave schedule is AR

PERSONNEL (continued)

foreseeable based on his/her planned medical treatment or that of a family member. This alternative position must have equivalent pay and benefits and must better accommodate recurring periods of leave than the employee's regular job, and the employee must be qualified for the position. Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work or leave schedule. (2 CCR 11041, 11090; 29 USC 2612)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

Request for Leave

The district shall consider an employee's request for PDL or family care and medical leave only if the employee provides at least verbal notice sufficient to make the district aware of the need to take the leave and the anticipated timing and duration of the leave. (2 CCR 11050, 11091)

For family care and medical leave, the employee need not expressly assert or mention FMLA/CFRA to satisfy this requirement. However, he/she must state the reason the leave is needed (e.g., birth of child, medical treatment). If more information is necessary to determine whether the employee is eligible for family care and medical leave, the Superintendent or designee shall inquire further and obtain the necessary details of the leave to be taken. (2 CCR 11091)

The district shall respond to requests for leave as soon as practicable, but no later than five business days after receiving the employee's request. (2 CCR 11091)

Based on the information provided by the employee, the Superintendent or designee shall designate the leave, paid or unpaid, as FMLA/CFRA qualifying leave and shall give notice of such designation to the employee. Failure of an employee to respond to permissible inquiries regarding the leave request may result in denial of CFRA protection if the district is unable to determine whether the leave is CFRA qualifying. (2 CCR 11091; 29 CFR 825.300)

When an employee is able to foresee the need for the PDL or family care and medical leave at least 30 days in advance of the leave, the employee shall provide the district with at least 30 days advance notice before the leave. When the 30 days notice is not practicable because of a lack of knowledge of when leave will be required to begin, a change in circumstances, a medical emergency, or other good cause, the employee shall provide the district with notice as soon as practicable. Failure of an employee to provide required notice may result in a denial of leave. (2 CCR 11050, 11091)

In all instances, the employee shall consult with the Superintendent or designee and make a reasonable effort to schedule, subject to the health care provider's approval, any planned appointment or medical treatment or supervision so as to minimize disruption to district operations. (Government Code 12945.2; 2 CCR 11050, 11091)

PERSONNEL (continued)

Certification of Health Condition

Within five business days of an employee's request for family care and medical leave for his/her own or his/her child's, parent's, or spouse's serious health condition, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave. Upon receiving the district's request, the employee shall provide the certification within 15 days, unless either the Superintendent or designee provides additional time or it is not practicable under the particular circumstances, despite the employee's diligent, good faith efforts. (2 CCR 11091; 29 CFR 825.305)

The certification shall include the following: (Government Code 12945.2; 2 CCR 11087; 29 USC 2613)

1. The date on which the serious health condition began
2. The probable duration of the condition
3. If the employee is requesting leave to care for a child, parent, or spouse with a serious health condition, both of the following:
 - a. Statement that the serious health condition warrants the participation of the employee to provide care, such as by providing psychological comfort, arranging for third party care, or directly providing or participating in the medical care of the child, parent, or spouse during a period of the treatment or supervision
 - b. Estimated amount of time the health care provider believes the employee needs to care for the child, parent, or spouse
4. If the employee is requesting leave because of his/her own serious health condition, a statement that due to the serious health condition, he/she is unable to work at all or is unable to perform one or more essential functions of his/her job
5. If the employee is requesting leave for intermittent treatment or on a reduced work or leave schedule for planned medical treatment, a statement of the medical necessity for the leave, the dates on which treatment is expected to be given, the duration of such treatment, and the expected duration of the leave

When an employee has provided sufficient medical certification to enable the district to determine whether the employee's leave request is FMLA/CFRA-eligible, the Superintendent or designee shall notify the employee within five business days whether the leave is FMLA/CFRA-eligible. The Superintendent or designee may also retroactively designate leave as FMLA/CFRA leave as long as appropriate notice is given to the employee and there is no harm or injury to the employee. (2 CCR 11091; 29 CFR 825.301)

PERSONNEL (continued)

If the Superintendent or designee doubts the validity of a certification that accompanies a request for leave for the employee's own serious health condition, he/she may require the employee to obtain a second opinion from a district-approved health care provider, at district expense. If the second opinion is contrary to the first, the Superintendent or designee may require the employee to obtain a third medical opinion from a third health care provider approved by both the employee and the district, again at district expense. The opinion of the third health care provider shall be final and binding. (Government Code 12945.2; 2 CCR 11091; 29 USC 2613)

For PDL, the Superintendent or designee shall request that the employee provide certification by a health care provider of the need for leave at the time the employee gives notice of the need for PDL, or within two business days of giving the notice. If the need for PDL is unforeseen, the Superintendent or designee shall request the medical certification within two business days after the leave commences. The Superintendent or designee may request certification at some later date if he/she has reason to question the appropriateness of the leave or its duration. (2 CCR 11050)

For PDL that is foreseeable and for which at least 30 days notice has been given, the employee shall provide the medical certification before the leave begins. When this is not practicable, the employee shall provide the certification within the time frame specified by the Superintendent or designee which must be at least 15 days after the request, unless it is not practicable under the particular circumstances despite the employee's diligent, good faith efforts. (2 CCR 11050)

Medical certification for PDL purposes shall include a statement that the employee needs to take the leave because she is disabled by pregnancy, childbirth, or a related medical condition, the date on which the employee became disabled because of pregnancy, and the estimated duration of the leave. (2 CCR 11050)

If additional PDL or family care and medical leave is needed when the time estimated by the health care provider expires, the district may require the employee to provide recertification in the manner specified for the leave. (Government Code 12945.2; 2 CCR 11050; 29 USC 2613)

The Superintendent or designee shall not request any genetic information related to an employee except as authorized by law in accordance with the California Genetic Information Nondiscrimination Act of 2011.

Release to Return to Work

Upon expiration of an employee's PDL or family care and medical leave taken for his/her own serious health condition, the employee shall present certification from the health care provider that he/she is able to resume work.

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

PERSONNEL (continued)

The certification from the employee's health care provider shall address the employee's ability to perform the essential functions of his/her job.

Rights to Reinstatement

Upon granting an employee's request for PDL or FMLA/CFRA leave, the Superintendent or designee shall guarantee to reinstate the employee in the same or a comparable position when the leave ends. (Government Code 12945.2; 2 CCR 11043, 11089; 29 USC 2614)

However, the district may refuse to reinstate an employee returning from FMLA or CFRA leave to the same or a comparable position if all of the following apply: (Government Code 12945.2; 2 CCR 11089; 29 USC 2614)

1. The employee is a salaried "key employee" who is among the highest paid 10 percent of district employees who are employed within 75 miles of the employee's worksite.
2. The refusal is necessary to prevent substantial and grievous economic injury to district operations.
3. The district informs the employee of its intent to refuse reinstatement at the time it determines that the refusal is necessary, and the employee fails to immediately return to service.

(cf. 4117.3 - Personnel Reduction)
(cf. 4217.3 - Layoff/Rehire)

The district may also refuse to reinstate an employee to the same or a comparable position if the FMLA/CFRA leave was fraudulently obtained by the employee. (2 CCR 11089; 29 CFR 825.216)

The district may refuse to reinstate an employee to the same position after taking PDL if, at the time the reinstatement is requested, the employee would not otherwise have been employed in that position for legitimate business reasons unrelated to the employee's PDL. (2 CCR 11043)

Maintenance of Benefits/Failure to Return from Leave

During the period when an employee is on PDL or family care and medical leave, he/she shall maintain his/her status with the district and the leave shall not constitute a break in service for purposes of longevity, seniority under any collective bargaining agreement, or any employee benefit plan. (Government Code 12945.2; 2 CCR 11092; 29 USC 2614)

For up to a maximum of four months for PDL and 12 work weeks for other family care and medical leave, the district shall continue to provide an eligible employee the group health plan coverage that was in place before he/she took the leave. The employee shall reimburse the district for premiums paid during the leave if he/she fails to return to district employment after

PERSONNEL (continued)

the expiration of all available leaves and the failure is for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstances beyond his/her control. (Government Code 12945.2; 2 CCR 11044, 11092; 29 USC 2614; 29 CFR 825.213)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

In addition, during the period when an employee is on PDL or family care and medical leave, the employee shall be entitled to continue to participate in other employee benefit plans including life insurance, short-term or long-term disability insurance, accident insurance, pension and retirement plans, and supplemental unemployment benefit plans to the same extent and under the same conditions as would apply to an unpaid leave taken for any other purpose. However, for purposes of pension and retirement plans, the district shall not make plan payments for an employee during any unpaid portion the leave period and the leave period shall not be counted for purposes of time accrued under the plan. (Government Code 12945.2; 2 CCR 11044, 11092)

Military Family Leave Resulting from Qualifying Exigencies

An eligible employee may take up to 12 work weeks of unpaid FMLA leave, during each 12-month period established by the district in the section entitled "Terms of Leave" above, for one or more qualifying exigencies while his/her child, parent, or spouse who is a military member is on covered active duty or on call to covered active duty status. (29 USC 2612; 29 CFR 825.126)

Covered active duty means duty during the deployment of a member of the regular Armed Forces to a foreign country or duty during the deployment of a member of the National Guard or Reserves to a foreign country under a call or an order to active duty in support of a contingency operation pursuant to law. (29 USC 2611; 29 CFR 825.126)

Qualifying exigencies include time needed to: (29 CFR 825.126)

1. Address issues arising from short notice deployment of up to seven calendar days from the date of receipt of call or order of short notice deployment
2. Attend military events and related activities, such as any official ceremony or family assistance program related to the covered active duty or call to covered active duty status
3. Arrange child care or attend school activities arising from the covered active duty or call to covered active duty, such as arranging for alternative child care, enrolling or transferring a child to a new school, or attending meetings
4. Make or update financial and legal arrangements to address a military member's absence
5. Attend counseling provided by someone other than a health care provider

PERSONNEL (continued)

6. Spend time (up to 15 days of leave per instance) with a military member who is on short-term, temporary, Rest and Recuperation leave during deployment
7. Attend to certain post-deployment activities, such as arrival ceremonies or reintegration briefings
8. Care for a military member's parent who is incapable of self-care when the care is necessitated by the military member's covered active duty
9. Address any other event that the employee and district agree is a qualifying exigency

The employee shall provide the Superintendent or designee with notice of the need for the qualifying exigency leave as soon as practicable, regardless of how far in advance such leave is foreseeable. (29 CFR 825.302)

An employee who is requesting leave for qualifying exigencies shall provide the Superintendent or designee with a copy of the military member's active duty orders, or other documentation issued by the military, and the dates of the service. In addition, the employee shall provide the Superintendent or designee with certification of the qualifying exigency necessitating the leave. The certification shall contain the information specified in 29 CFR 825.309.

The employee's qualifying exigency leave may be taken on an intermittent or reduced work or leave schedule basis. (29 CFR 825.302)

During the period of qualified exigency leave, the district's rule regarding an employee's use of his/her accrued vacation leave and any other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Military Caregiver Leave

The district shall grant an eligible employee up to a total of 26 work weeks of leave during a single 12-month period, measured forward from the first date the leave is taken, to care for a covered servicemember with a serious illness or injury. In order to be eligible for such military caregiver leave, the employee must be the spouse, son, daughter, parent, or next of kin of the covered servicemember. This 26-week period is not in addition to, but rather is inclusive of, the 12 work weeks of leave that may be taken for other FMLA qualifying reasons. (29 USC 2611, 2612; 29 CFR 825.127)

Covered servicemember may be: (29 CFR 825.127)

1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy; is otherwise in

PERSONNEL (continued)

outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness

2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran

Son or daughter of a covered servicemember means the biological, adopted, or foster child, stepchild, legal ward, or a child of any age for whom the covered servicemember stood in loco parentis. (29 CFR 825.127)

Parent of a covered servicemember means the covered servicemember's biological, adopted, step, or foster parent, or any other individual who stood in loco parentis to the covered servicemember (except "parents in law"). (29 CFR 825.127)

Next of kin means the nearest blood relative to the covered servicemember, or as designated in writing by the covered servicemember. (29 USC 2611, 2612)

Outpatient status means the status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. (29 USC 2611; 29 CFR 825.127)

Serious injury or illness means: (29 USC 2611; 29 CFR 825.127)

1. For a current member of the Armed Forces, an injury or illness incurred by the member in the line of duty on active duty, or that existed before the beginning of the member's active duty and was aggravated by the member's service in the line of duty while on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

2. For a veteran, an injury or illness incurred or aggravated by the member's service in the line of duty on active duty in the Armed Forces, including the National Guard or Reserves, that manifested itself before or after the member became a veteran and that is at least one of the following:

a. A continuation of a serious injury or illness incurred or aggravated while the veteran was a member of the Armed Forces and rendered him/her unable to perform the duties of his/her office, grade, rank, or rating

b. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs (VA) Service-Related Disability Rating of 50 percent or greater, based wholly or partly on that physical or mental condition

PERSONNEL (continued)

c. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of one or more disabilities related to his/her military service or that would do so but for treatment received by the veteran

d. An injury, including a psychological injury, on the basis of which the veteran has been enrolled in the VA's Program of Comprehensive Assistance for Family Caregivers

The employee shall provide reasonable and practicable notice of the need for the leave in accordance with the procedures in the section entitled "Request for Leave" above.

An employee requesting leave to care for a covered servicemember with a serious injury or illness shall provide the Superintendent or designee with certification from an authorized health care provider of the servicemember that contains the information specified in 29 CFR 825.310.

The leave may be taken intermittently or on a reduced work or leave schedule when medically necessary. An employee taking military caregiver leave in combination with other leaves pursuant to this administrative regulation shall be entitled to a combined total of 26 work weeks of leave during a single 12-month period. When both spouses work for the district and both wish to take such leave, the spouses are limited to a maximum combined total of 26 work weeks during a single 12-month period. (29 USC 2612)

During the period of military caregiver leave, the district's rule regarding an employee's use of his/her accrued vacation leave and other accrued paid or unpaid time off, as specified in the section "Use/Substitution of Paid Leave" above, shall apply.

Notifications

The Superintendent or designee shall provide the following notifications regarding state and federal law related to PDL or FMLA/CFRA leave:

1. **General Notice:** Information explaining the provisions of the FEHA/PDL and FMLA/CFRA and employee rights and obligations shall be posted in a conspicuous place on district premises, or electronically, and shall be included in employee handbooks. (2 CCR 11049, 11095; 29 USC 2619)

The general notice shall also explain an employee's obligation to provide the Superintendent or designee with at least 30 days notice of the need for the requested leave, when the need is reasonably foreseeable at least 30 days prior to the start of the leave. (2 CCR 11050, 11091)

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

2. **Eligibility Notice:** When an employee requests leave, including PDL, or when the

PERSONNEL (continued)

Superintendent or designee acquires knowledge that an employee's leave may be for an FMLA/CFRA qualifying reason, the Superintendent or designee shall, within five business days, provide notification to the employee of his/her eligibility to take such leave. (2 CCR 11049, 11091; 29 CFR 825.300)

3. Rights and Responsibilities Notice: Each time the eligibility notice is provided to an employee, the Superintendent or designee shall provide written notification explaining the specific expectations and obligations of the employee, including any consequences for a failure to meet those obligations. Such notice shall include, as applicable: (29 CFR 825.300)

a. A statement that the leave may be designated and counted against the employee's annual FMLA/CFRA leave entitlement and the appropriate 12-month entitlement period, if qualifying

b. Any requirements for the employee to furnish medical certification of a serious health condition, serious injury or illness, or qualifying exigency arising out of active duty or call to active duty status and the consequences of failing to provide the certification

c. The employee's right to use paid leave, whether the district will require use of paid leave, conditions related to any use of paid leave, and the employee's entitlement to take unpaid leave if the employee does not meet the conditions for paid leave

d. Any requirements for the employee to make premium payments necessary to maintain health benefits, the arrangement for making such payments, and the possible consequences of failure to make payments on a timely basis

e. The employee's status as a "key employee" if applicable, potential consequence that restoration may be denied following the FMLA leave, and explanation of the conditions required for such denial

f. The employee's right to maintenance of benefits during the leave and restoration to the same or an equivalent job upon return from leave

g. The employee's potential liability for health insurance premiums paid by the district during the employee's unpaid FMLA leave should the employee not return to service after the leave

Any time the information provided in the above notice changes, the Superintendent or designee shall, within five business days of his/her receipt of an employee's first notice of need for leave, provide the employee with a written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

4. Designation Notice: When the Superintendent or designee has information (e.g., sufficient medical certification) to determine whether the leave qualifies as FMLA/CFRA leave,

PERSONNEL (continued)

he/she shall, within five business days, provide written notification designating the leave as FMLA/CFRA qualifying or, if the leave will not be so designated, the reason for that determination. (2 CCR 11091; 29 CFR 825.300)

If the amount of leave needed is known, the notice shall include the number of hours, days, or weeks that will be counted against the employee's FMLA/CFRA entitlement. If it is not possible to provide that number at the time of the designation notice, notification shall be provided of the amount of leave counted against the employee's entitlement upon request by the employee and at least once in every 30-day period if leave was taken in that period. (29 CFR 825.300)

If the district requires paid leave to be used during an otherwise unpaid family care and medical leave, the notice shall so specify. If the district requires an employee to present a release to return to work certification that addresses the employee's ability to perform the essential functions of the job, the notice shall also specify that requirement. (2 CCR 11091, 11097; 29 CFR 825.300)

Any time the information provided in the designation notice changes, the Superintendent or designee shall, within five business days, provide the employee with written notice referencing the prior notice and describing any changes to the notice. (29 CFR 825.300)

Records

The Superintendent or designee shall maintain records pertaining to an individual employee's use of family care and medical leave in accordance with law. (Government Code 12946; 29 USC 2616; 42 USC 2000ff-1; 29 CFR 825.500)

Legal Reference:**EDUCATION CODE**

44965 Granting of leaves of absence for pregnancy and childbirth

44977.5 Parental leave

45196.5 Parental leave

FAMILY CODE

297-297.5 Rights, protections, and benefits under law; registered domestic partners

300 Validity of marriage

GOVERNMENT CODE

12926 Fair employment and housing act, definitions

12940 Unlawful employment practices

12945 Pregnancy; childbirth or related medical condition; unlawful practice

12945.1-12945.2 California Family Rights Act

12946 Fair Employment and Housing Act: discrimination prohibited

CODE OF REGULATIONS, TITLE 2

11035-11051 Sex discrimination: pregnancy, childbirth and related medical conditions

PERSONNEL (continued)

11087-11098 California Family Rights Act

UNITED STATES CODE, TITLE 1

7 Definition of marriage

UNITED STATES CODE, TITLE 29

2601-2654 Family and Medical Leave Act of 1993, as amended

UNITED STATES CODE, TITLE 42

2000ff-1-2000ff-11 Genetic Information Nondiscrimination Act of 2008

CODE OF FEDERAL REGULATIONS, TITLE 29

825.100-825.800 Family and Medical Leave Act of 1993

Management Resources:

U.S. DEPARTMENT OF LABOR PUBLICATIONS

Military Family Leave Provisions of the FMLA Frequently Asked Questions and Answers

WEB SITES

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

U.S. Department of Labor, FMLA: <http://www.dol.gov/whd/fmla>

Regulation
approved:

ONTARIO-MONTCLAIR SCHOOL DISTRICT
August 17, 2017 Ontario, California

Ontario-Montclair

School District

BOARD OF TRUSTEES

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HUMAN RESOURCES

Hector Macias
*Assistant Superintendent
Human Resources*

Robert F. Gallagher
Executive Director, Human Resources

To: Substitutes
From: Human Resources
Subject: Personal Illness/Personal Sick Leave

Ontario-Montclair School District, in compliance with the Healthy Workplace/Healthy Family Act, will ensure employees that are not part of a bargaining unit can address their own health needs and those of their families. Effective July 1, 2015, any substitute employee who works for 30 or more days within a year is entitled to paid sick days for a prescribed purpose after working their initial 90 days from the date of hire. Employees will accrue one hour of sick leave for every 30 hours worked, up to a maximum of 24 hours in a school year.

The District is providing a maximum of 24 hours of sick leave to all non-represented employees. It should be noted, sick leave cannot be used prior to the 90th day worked from the initial hire date. Unused sick leave shall carry over to the following year of employment.

A Substitute may use accrued sick leave for absences due to the following conditions:

- Diagnosis, care, or treatment of an existing health condition, or preventative care for the employee or his/her family member (Labor Code 245.5).
- Need of the employee to obtain or seek any relief or medical attention specified in Labor Codes 230 (c) and 230.1 (a) for the health, safety or welfare of the employee, or his/her child, when that child has been a victim of domestic violence, sexual assault, or stalking.

A Substitute may not use accrued sick leave in the following instances:

- Bereavement or any reason other than those prescribed above
- In lieu of accepting a job for a given day
- In lieu of working a job previously cancelled by a site/department

Note: Retired active employees are not eligible to receive sick leave.

Sick Leave Process

Should a Substitute employee have previously accepted a job, need to use their sick leave for the above prescribed purposes, you must:

- Decline the assignment on AESOP (call respective site/department for non-AESOP subs/AVID Tutors)
 - (AESOP) Save your Job # for the assignment before you decline, as you will need the job# for the Blue Absence Form. Once you decline the assignment, the job# will disappear.
 - (Non-AESOP) No job number is assigned. Verify with Department that they have noted your decline for the reasons above.
- Submit your timesheet to Payroll according to the current Payroll timesheet submission procedure
- When submitting the timesheet, complete the Blue Absence Form, and ensure the following:
 - (For AESOP) Job # on the appropriate line (not applicable to non-AESOP subs/AVID Tutors)
 - Indicate "Sick" on the proper date of absence
- Payroll will contact HR (For AESOP) or Site/Department (For non-AESOP subs/AVID Tutors) to verify job was accepted and then declined per the sick leave policy.
- Payroll will verify that you have sufficient sick leave hours to cover the absence and process payment accordingly.

Please contact the Payroll Department if you have further questions when completing your sick leave paperwork.

Ontario-Montclair SD

Board Policy

Drug And Alcohol-Free Workplace

BP 4020

Personnel

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

(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)
(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

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

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

(cf. 4032 - Reasonable Accommodation)

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

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

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

The Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited. A plea or verdict of guilty, a finding of guilt by a court in a trial without a jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction. (Education Code 44836, 45123)

PERSONNEL (continued)

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

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

A classified employee may be reemployed after conviction of such an offense if the Board determines, from the evidence presented, that the person has been rehabilitated for at least five years. (Education Code 45123)

The Board may take appropriate disciplinary action, up to and including termination, or require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state or local health, law enforcement or other appropriate agency.

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

Drug-Free Awareness Program

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

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

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

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

Legal Reference:
EDUCATION CODE
44011 Controlled substance offense

PERSONNEL (continued)

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

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Schedule of controlled substances

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

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

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

Management Resources:

WEB SITES

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

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

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

Policy
adopted:

ONTARIO-MONTCLAIR SCHOOL DISTRICT
February 17, 2011 Ontario, California

Ontario-Montclair SD

Exhibit

Drug And Alcohol-Free Workplace

E 4020

Personnel

NOTICE TO EMPLOYEES

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at the workplace to unlawfully manufacture, distribute, dispense, possess or use any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance, as defined in the Drug-Free Workplace Act of 1988.

"Workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; and any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction.

As a condition of your continued employment with the district, you will comply with the district's policy on Drug-Free Workplace and will, any time you are convicted of any criminal drug or alcohol statute violation occurring in the workplace, notify your supervisor of this conviction no later than five days after such conviction.

Pursuant to California Education Code 44836 and 45123, the Board may not employ or retain in employment persons convicted of a controlled substance offense as defined in Education Code 44011. If any such conviction is reversed and the person acquitted in a new trial or the charges dismissed, his/her employment is no longer prohibited.

Pursuant to Education Code 45123, the district may employ for classified service a person who has been convicted of a controlled substance offense only if it determines, from evidence presented, that the person has been rehabilitated for at least five years. The Board shall determine the type and manner of presentation of the evidence, and the Board's determination as to whether or not the person has been rehabilitated is final.

Pursuant to Education Code 44425, whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted of a controlled substance offense as defined in Education Code 44011, the commission shall forthwith suspend the credential. Pursuant to Education Code 44065, the district may not employ noncertificated persons in positions requiring a certificate. When the conviction becomes final or when imposition of sentence is suspended, the commission shall revoke the credential. (Education Code 44425)

PERSONNEL (continued)

Pursuant to Education Code 44940 and 45304, the district must immediately place on compulsory leave of absence any employee charged with involvement in the sale, use or exchange to minors of certain controlled substances.

Pursuant to Education Code 44940 and 45304, the district may immediately place on compulsory leave of absence any employee charged with certain controlled substance offenses.

Exhibit:
version:

ONTARIO-MONTCLAIR SCHOOL DISTRICT
February 17, 2011 Ontario, California

Ontario-Montclair SD

Board Policy

Nondiscrimination In Employment

BP 4030

Personnel

The Board of Trustees is determined to provide district employees, interns, volunteers, and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. This policy shall apply to all district employees and, to the extent required by law, to interns, volunteers, and job applicants.

(cf. 1240 - Volunteer Assistance)

(cf. 4111/4211/4311 - Recruitment and Selection)

No district employees shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation or his/her association with a person or group with one or more of these actual or perceived characteristics.

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

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of an adverse employment action such as termination or the denial of employment, promotion, job assignment, or training.

(cf. 4151/4251/4351 - Employee Compensation)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment

4. Actions and practices identified as unlawful or discriminatory pursuant to Government

PERSONNEL (continued)

Code 12940 or 2 CCR 11006-11086, such as:

a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status

(cf. 4033 - Lactation Accommodation)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

b. Religious creed discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement.

c. Disability discrimination based on a district requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity

(cf. 4119.41/4219.41/4319.41 - Employees with Infectious Disease)

d. Disability discrimination based on the district's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or mental disability or medical condition

(cf. 4032 - Reasonable Accommodation)

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any

PERSONNEL (continued)

employee who reports such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment, discrimination, or other related conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

In addition, the Superintendent or designee shall post in a conspicuous place on district premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment

11013 Recordkeeping

11019 Terms, conditions and privileges of employment

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

PERSONNEL (continued)

1681-1688 Title IX of the Education Amendments of 1972
UNITED STATES CODE, TITLE 29
621-634 Age Discrimination in Employment Act
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended
2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended
2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age discrimination in federally assisted programs
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 34
100.6 Compliance information
104.7 Designation of responsible employee for Section 504
104.8 Notice
106.8 Designation of responsible employee and adoption of grievance procedures
106.9 Dissemination of policy
110.1-110.39 Nondiscrimination on the basis of age
COURT DECISIONS
Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863
Shepard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS
California Law Prohibits Workplace Discrimination and Harassment, December 2014
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Notice of Non-Discrimination, August 2010
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS
Questions and Answers: Religious Discrimination in the Workplace, 2008
New Compliance Manual Section 15: Race and Color Discrimination, April 2006
Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors,
June 1999
WEB SITES
California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>
U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

Policy
adopted:

ONTARIO-MONTCLAIR SCHOOL DISTRICT
March 9, 2017 Ontario, California

Ontario-Montclair SD

Administrative Regulation

Complaints Concerning Discrimination In Employment

AR 4031

Personnel

Complaint Procedure

Any complaint by an employee or job applicant alleging discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** Any employee or job applicant (the "complainant") who believes he/she has been subjected to prohibited discrimination or harassment shall promptly inform his/her supervisor, the district's Coordinator for Nondiscrimination in Employment, or the Superintendent.

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the Coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

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

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4032 - Reasonable Accommodation)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

2. **Investigation Process:** The Coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five school days of receiving notice of the behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The Coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation.

PERSONNEL (continued)

The Coordinator shall inform the complainant that the allegations will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

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

If the Coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the Coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

When necessary to carry out his/her investigation or to protect employee or student safety, the Coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The Coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents do not occur. The Coordinator shall ensure that such interim measures do not constitute retaliation.

3. **Written Report on Findings and Corrective Action:** No more than 30 days after receiving the complaint, the Coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Coordinator shall notify the complainant and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, correct the effect on the complainant, and ensure that retaliation or further discrimination or harassment does not occur.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

4. **Appeal to the Board of Trustees:** The complainant or the person accused may appeal any findings to the Board within 10 working days of receiving the written report of the Coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 working days.

PERSONNEL (continued)

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 9321 - Closed Session Purposes and Agendas)

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may also file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000E-5)

Legal Reference:**EDUCATION CODE**

200-262.4 Prohibition of discrimination

GOVERNMENT CODE

12920-12921 Nondiscrimination

12940-12948 Discrimination prohibited; unlawful practices, generally

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2001d-2001d-7 Title VI, Civil Rights Act of 1964

2001e-2001e-17 Title VII, Civil Rights Act of 1964, as amended

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

2001h-2-2001h-6 Title IX of the Civil Rights Act of 1964

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

106.8 Designation of responsible employee for Title IX

PERSONNEL (continued)

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, October 2002

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

WEB SITES

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

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

Regulation
approved:

ONTARIO-MONTCLAIR SCHOOL DISTRICT
February 18, 2016 Ontario, California

Ontario-Montclair SD

Board Policy

Sexual Harassment

BP 4119.11

Personnel

The Board of Trustees prohibits sexual harassment of district employees. 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 accompanying administrative regulation. This policy shall apply to all district employees and, when applicable, to interns, volunteers, and job applicants.

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

(cf. 4030 - Nondiscrimination in Employment)

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

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

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

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

Any district employee who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee 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 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the

PERSONNEL (continued)

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 in violation of this policy is subject to disciplinary action, up to and including dismissal.

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

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

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

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

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

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

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

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

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

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

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

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

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

PERSONNEL (continued)

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS
GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

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

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

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

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

Policy
adopted:

ONTARIO-MONTCLAIR SCHOOL DISTRICT
March 9, 2017 Ontario, California

Ontario-Montclair SD

Administrative Regulation

Sexual Harassment

AR 4119.11

Personnel

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

Examples of actions that might constitute sexual harassment in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects

PERSONNEL (continued)

3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4030 - Nondiscrimination in Employment)
(cf. 5145.7 - Sexual Harassment)

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

(cf. 4300 - Administrative and Supervisory Personnel)

The district's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability

2. Types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources

3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of

PERSONNEL (continued)

which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment

4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint

5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed

6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received

7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted

2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired

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

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

PERSONNEL (continued)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Regulation
approved:

ONTARIO-MONTCLAIR SCHOOL DISTRICT
March 9, 2017 Ontario, California

Ontario-Montclair SD

Board Policy

Controversial Issues

BP 6144

Instruction

The Board of Trustees recognizes that the district's educational program may sometimes include instruction related to controversial issues that may arouse strong reactions based on personal values and beliefs, political philosophy, culture, religion, or other influences. Instruction concerning such topics shall be relevant to the adopted course of study and curricular goals and should be designed to develop students' critical thinking skills, ability to discriminate between fact and opinion, respect for others, and understanding and tolerance of diverse points of view.

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)
(cf. 6142.3 - Civic Education)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6142.94 - History-Social Science Instruction)
(cf. 6143 - Courses of Study)

The Board expects administrators and teachers to exercise professional judgment when deciding whether or not a particular issue is suitable for study or discussion. They shall consult with the Superintendent or designee as necessary to determine the appropriateness of the subject matter, guest speakers, and/or related instructional materials or resources.

(cf. 6141 - Curriculum Development and Evaluation)
(cf. 6161.1 - Selection and Evaluation of Instructional Materials)
(cf. 6161.11 - Supplementary Instructional Materials)

When providing instruction related to a controversial issue, the following guidelines shall apply:

1. The topic shall be suitable to the age and maturity of the students.
2. Instruction shall be presented in a balanced manner, addressing all sides of the issue without bias or prejudice and without promoting any particular point of view.
3. In the classroom, teachers act on behalf of the district and are expected to follow the adopted curriculum. In leading or guiding class discussions about issues that may be controversial, a teacher may not advocate his/her personal opinion or viewpoint. When necessary, the Superintendent or designee may instruct teachers to refrain from sharing personal views in the classroom on controversial topics.
4. Students shall be assured of their right to form and express an opinion without jeopardizing their grades or being subject to discrimination, retaliation, or discipline, provided the viewpoint does not constitute harassment, threats, intimidation, or bullying or is otherwise unlawful.

INSTRUCTION (continued)

(cf. 5022 - Student and Family Privacy Rights)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 5145.2 - Freedom of Speech/Expression)
(cf. 6145.5 - Student Organizations and Equal Access)

5. Students shall be informed of conduct expected during such instruction and the importance of being courteous and respectful of the opinions of others.

(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)

6. Adequate factual information shall be provided to help students objectively analyze and evaluate the issue and draw their own conclusions.

7. The instruction shall not reflect adversely upon persons because of their race, ethnicity, national origin, sex, sexual orientation, gender identity or expression, disability, religion, or any other basis prohibited by law.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.9 - Hate-Motivated Behavior)

8. The subject matter of the instruction shall not otherwise be prohibited by state or federal law.

When a guest speaker is invited to make a presentation related to a controversial issue, the Superintendent or designee shall notify him/her of this policy and the expectations and goals regarding the instruction. If the guest speaker is presenting only one point of view on an issue, the teacher shall be responsible for ensuring that students also receive information on opposing viewpoints.

(cf. 6145.8 - Assemblies and Special Events)

When required by law, such as in regards to comprehensive sexual health and HIV prevention education, parents/guardians shall be notified prior to instruction that they may request in writing that their child be excused from the instruction. Students whose parents/guardians decline such instruction may be offered an alternative activity of similar educational value.

A student or parent/guardian with concerns regarding instruction about controversial issues may communicate directly with the teacher or principal and/or use appropriate district complaint procedures.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)

INSTRUCTION (continued)

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination

48950 Freedom of speech

51240 Excuse from health instruction due to religious beliefs

51500 Prohibited instruction or activity

51510 Prohibited study or supplemental materials

51511 Religious matters properly included in courses of study

51513 Materials containing questions about beliefs or practices

51530 Prohibition and definition regarding advocating or teaching communism with intent to indoctrinate

51930-51939 California Healthy Youth Act; comprehensive sexual health and HIV prevention education

60040 Portrayal of cultural and racial diversity

60044 Prohibited instructional materials

60045 Criteria for instructional materials

COURT DECISIONS

Johnson v. Poway Unified School District, (2011) 658 F.3d 954 (9th Cir.)

Mayer v. Monroe County Community School Corporation, (2007) 474 F.3d 477 (7th Cir.)

Garcetti v. Ceballos, (2006) 547 U.S. 410

Policy **ONTARIO-MONTCLAIR SCHOOL DISTRICT**

adopted: May 4, 2017 Ontario, California



ONTARIO-MONTCLAIR SCHOOL DISTRICT

RISK MANAGEMENT

Memo

July 1, 2018

TO: All Employees

FROM: Craig Misso, Director, Facilities Planning and Operations

SUBJECT: Use of Private Vehicle Request Form

At the beginning of each school year, employees are to complete the District's Use Of Private Vehicle Request Form. This form is available on the District's website under the Risk Management Department. You will find this page accessible through the Administrative/Business Services tab located under Divisions on the District's webpage. A copy of the form has been provided for your information.

If you have any questions please do not hesitate to contact Terri Douglas at ext. 6454 or Lucia Garcia at ext. 6593.

ONTARIO-MONTCLAIR SCHOOL DISTRICT
USE OF PRIVATE VEHICLE REQUEST FORM



DRIVER INFORMATION: (please print)

Name: _____

Address: _____
Street City State Zip Code

Driver's License Number: _____ Date of Birth _____ / _____ / _____
Number State Month Day Year

Driver's License Expiration Date: _____

Please attach a current copy of Driver's License, if available.

VEHICLE INFORMATION: (please print)

Make: _____ Model: _____ Year: _____

Vehicle License Number: _____

Registered Owner: _____ Phone number: () _____

Address: _____
Street City State Zip Code

INSURANCE INFORMATION: (please print)

Insurance Carrier: _____

Insurance Agent: _____ Phone Number: () _____

Address: _____
Street City State Zip Code

Polity Number: _____

Date Issued: _____ Expiration Date: _____

Limits of Liability: _____

I certify that the information given on this form is true and correct to the best of my knowledge. I understand that as a volunteer driver, I must possess a valid driver's license, have the proper and current license and vehicle registration, and have at least the minimum insurance coverage in effect as specified in the California Vehicle Code operational condition and I have no knowledge of mechanical defects that could impose a danger while transporting students.

I give my permission to allow the Ontario-Montclair School District to obtain my motor vehicle record from the Department of Motor Vehicles.

(Signature)

(Date)

(Name – Please Print)

Ontario-Montclair Exhibit

Business

Tobacco-Free Workplace

NOTICE TO EMPLOYEES

YOU ARE HEREBY NOTIFIED that it is a violation of Board policy for any employee at the workplace to unlawfully use tobacco or tobacco products on any part of the district's property, in the district's buildings or vehicles, whether owned or leased. This includes smoking by all students, staff, parents/guardians, and/or other individuals while in or on district property, or at any instructional program or athletic event.

"Workplace" is defined as any place where school district work is performed, including a school building or other school premises; any school-owned or school-approved vehicle used to transport students to and from school or school activities; and any off-school sites when accommodating a school-sponsored or school-approved activity or function, such as a field trip or athletic event, where students are under district jurisdiction.

As required by law, the district provides instructional programs designed to discourage students from using tobacco products. District employees are expected to serve as models for good health practices that are consistent with these instructional programs.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

In the best interest of students, employees and the general public, the Board, therefore, prohibits the use of tobacco products at all times in district-owned or leased buildings, on district property and in district vehicles. (Health and Safety Code [104420](#); Labor Code 404.3; 20 USC [6083](#)) This prohibition applies to all students, staff, parents/guardians, and/or other individuals at any school or school-sponsored activity or athletic event.

The Superintendent or designee shall inform students, parents/guardians, employees and the public about this policy upon request. All individuals on the district premises and the district's vehicles share in the responsibility of adhering to this policy.

Persistent violation of this policy by employees shall result in progressive disciplinary procedures which include informal discussion, verbal warning, written warning, written reprimand, and suspension without pay.

The district's Coordinator shall maintain a list of clinics and community resources which may assist students who wish to stop using tobacco products. Similar information to assist employees is available through the district's employee assistance plan as overseen by the Risk Management Department. Information about these programs shall be made available upon request and whenever an employee violates the district's policy.

Ontario-Montclair SD

Board Policy

Tobacco-Free District

BP 3513.3

Business and Noninstructional Operations

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

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

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

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

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

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

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

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah

BUSINESS AND NONINSTRUCTIONAL OPERATIONS (continuation)

3. Any component, part, or accessory of a tobacco product, whether or not sold separately

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

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

Legal Reference:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

HEALTH AND SAFETY CODE

39002 Control of air pollution from nonvehicular sources

104350-104495 Tobacco use prevention, especially:

104495 Prohibition of smoking and tobacco waste on playgrounds

104559 Tobacco use prohibition

119405 Unlawful to sell or furnish electronic cigarettes to minors

LABOR CODE

3300 Employer, definition

6304 Safe and healthful workplace

6404.5 Occupational safety and health; use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services

7111-7122 Student Support and Academic Enrichment Grants

CODE OF FEDERAL REGULATIONS, TITLE 21

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

PUBLIC EMPLOYMENT AND RELATIONS BOARD RULINGS

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

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

Management Resources:

WEB SITES

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

BUSINESS AND NONINSTRUCTIONAL OPERATIONS (continuation)

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

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

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

California Department of Public Health, Tobacco Control:

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

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

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

Policy
adopted:

ONTARIO-MONTCLAIR SCHOOL DISTRICT
January 19, 2017 Ontario, California

Ontario-Montclair SD

Administrative Regulation

Tobacco-Free District

AR 3513.3

Business and Noninstructional Operations

Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

(cf. 1113 - District and School Web Sites)

The Superintendent or designee shall ensure that signs stating "Tobacco use is prohibited" are prominently displayed at all entrances to school property. (Health and Safety Code 104420, 104559)

Enforcement/Discipline

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from

BUSINESS AND NONINSTRUCTIONAL OPERATIONS (continuation)

entering district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)
(cf. 3515.2 - Disruptions)

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

Regulation
approved:

ONTARIO-MONTCLAIR SCHOOL DISTRICT
January 19, 2017 Ontario, California

Ontario-Montclair SD

Board Policy

Firearms on School Grounds

BP 3515.7

Business and Noninstructional Operations

The Board of Trustees is committed to providing a safe environment for students, staff, and visitors on campus. The Superintendent or designee shall consult with local law enforcement and other appropriate individuals and agencies to address the security of school campuses.

(cf. 3515 - Campus Security)
(cf. 3515.2 - Disruptions)
(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5131.4 - Student Disturbances)
(cf. 5131.7 - Weapons and Dangerous Instruments)

Possession of a firearm on or within 1,000 feet of school grounds is prohibited, except under the limited circumstances specified in Penal Code 626.9. *School grounds* include, but are not limited to, school buildings, fields, storage areas, and parking lots. (Penal Code 626.9)

If a district employee observes or suspects that any unauthorized person is in possession of a firearm on or near school grounds or at a school activity, he/she shall immediately notify the principal or designee and law enforcement.

The prohibition against the possession of firearms on school grounds shall be included in the district's comprehensive safety plan and shall be communicated to district staff, parents/guardians, and the community.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1112 - Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

Legal Reference:

EDUCATION CODE

32281 *Comprehensive safety plan*
38001.5 *District security officers; requirements if carry firearm*

PENAL CODE

626.9 *Gun Free School Zone Act*
830.32 *District police department; district decision to authorize carrying of firearm*
16150 *Definition of ammunition*
16520 *Definition of firearm*
26150-26225 *Concealed weapons permit*
30310 *Prohibition against ammunition on school grounds*

UNITED STATES CODE, TITLE 18

921 *Definitions, firearms and ammunition*
922 *Firearms, unlawful acts*
923 *Firearm licensing*

UNITED STATES CODE, TITLE 20

7961 *Gun-Free Schools Act; student expulsions for possession of firearm*

Policy
Adopted:

CSBA MANUAL MAINTENANCE SERVICE
April 19, 2018



ONTARIO-MONTCLAIR SCHOOL DISTRICT

Ontario, California

RISK MANAGEMENT

Memo

July 1, 2018

TO: All Employees

FROM: Craig Misso, Director, Facilities Planning and Operations

SUBJECT: **Bloodborne Pathogens Exposure Control Plan**

The District's Bloodborne Pathogens Exposure Control Plan is posted at each site. Training regarding Bloodborne Pathogens is mandated for certain at-risk employee groups, but is available upon request to any employee. To request this training, please have your administrator complete the Online Professional Development Registration form on the Human Resources *Staff Training* webpage of My OMSD.

If you have any questions please do not hesitate to contact Terri Douglas at ext. 6454 or Lucia Garcia at ext. 6593.



ONTARIO-MONTCLAIR SCHOOL DISTRICT

Ontario, California

RISK MANAGEMENT

Memo

July 1, 2018

TO: All Employees

FROM: Craig Misso, Director, Facilities Planning and Operations

SUBJECT: INJURY AND ILLNESS PREVENTION PROGRAM (IIPP)

The District's Injury and Illness Prevention Program (IIPP) is available for review in the Risk Management office.

If you have any questions please do not hesitate to contact Terri Douglas at ext. 6454 or Lucia Garcia at ext. 6593.

ONTARIO – MONTCLAIR SCHOOL DISTRICT

To: ONTARIO-MONTCLAIR SCHOOL DISTRICT EMPLOYEES
From: RISK MANAGEMENT
Re: PROCEDURE FOR REPORTING EMPLOYEE WORK RELATED INJURIES

July 1, 2018

Company Nurse on Call Workplace Injury Hotline: 1-888-770-0929

- When an injury or incident does occur you Must Call Company Nurse On Call!
- You DO NOT need to seek medical attention if you feel you don't need to, but you must make the phone call.
- The **Company Nurse on Call** is to be called for work-related injuries only. They use a triage process that will guide the employee to the correct level of care for treatment based upon information obtained in the phone call. It also allows Risk Management and the claims adjuster immediate awareness of an injury or problem.
- The employee and the department or site, are required to complete the **Injury/Illness Exposure Report** and the **Employee's Claim for Worker's Compensation Benefits** to be completed and submitted to Risk Management within **24** hours of the injury taking place. After the call has been made to Company Nurse on Call complete the forms and fax them into Risk Management at (909) 459-2565.
- After the reporting process has been completed, Risk Management's normal procedures will continue in assisting any employees who receive an off work order or modified/transitional duty as ordered by their treating physician for the injury.

Your assistance with this matter is appreciated. If you have any questions or concerns please contact Risk Management at (909) 418-6454.

IN CASE OF WORKPLACE INJURY:

ACCION a seguir en caso de un accidente en el trabajo



1-888-770-0929

▶ **AVAILABLE 24 HOURS A DAY**

- 1** **Injured worker notifies supervisor.**
Empleado lesionado notifica a su supervisor.
- 2** **Supervisor / Injured worker immediately calls injury hotline.**
Supervisor / Empleado lesionado llama inmediatamente a la línea de enfermeros/as.
- 3** **Company Nurse gathers information over the phone and helps injured worker access appropriate medical treatment.**
Profesional Médico obtiene información por teléfono y asiste al empleado lesionado en localizar el tratamiento médico adecuado.

EMPLOYER NAME
(NOMBRE DE COMPANIA)

SEARCH CODE
(CÓDIGO DEL BÚSQUEDA)

Ontario-Montclair
School District

ONMSD

Notice to Employer/Supervisor:

Please post copies of this poster in multiple locations within your worksite. If the injury is non-life threatening, please call Company Nurse prior to seeking treatment. Minor injuries should be reported prior to leaving the job site when possible.

Visit us online: www.CompanyNurse.com

Ontario-Montclair School District

BOARD OF TRUSTEES

Samuel Crowe
Michael C. Flores
Sarah S. Galvez
Elvia M. Rivas
Alfonso Sanchez

950 West D Street, Ontario, California 91762 • (909) 418-6366 • FAX (909) 459-2550
Facilities Planning and Operations

May 25, 2018

JAMES Q. HAMMOND, Ed.D.
Superintendent

Phil Hillman
Chief Business Official

CRAIG MISSO
Director, Facilities Planning and Operations

Dear Parents or Guardians,

In accordance with the Healthy Schools Act of 2000, each year at this time, the Ontario-Montclair School District sends an annual update of the chemicals that may be used for the control of pests at the District's schools during the upcoming school year. Information on pesticides and pesticide use reduction is available on the California Department of Pesticide Regulations (CDPR) website at www.cdpr.ca.gov/index.htm. You may also obtain this information by contacting the CDPR at:

California Department of Pesticide Regulation
830 "K" Street
Sacramento, CA 95814-3510
(916) 445-4300

A warning notification will be posted at the application site of your child's school 24-hours in advance of any pesticide application. The warning notification will remain posted for 72-hours after the application. A copy of the warning notification will be on file in the school office. The pest management product list, indicating the names of the pesticides and its active ingredients that may be used by the District, is attached to this communication.

To register for the 72-hour advance notification, complete and return the registry application form below.

Sincerely,
Doug Jones

Doug Jones
Supervisor/Regulatory Compliance
DPR Pest Control Advisor, License # 07077

REGISTRY OF 72-HOUR NOTIFICATION OF REGULATED PEST MANAGEMENT CHEMICALS

There are various chemicals, including pesticides that could be used within the school environment to control pests. Certain individuals may have conditions that may be aggravated by the use of these products. As a result, the Ontario-Montclair School District has established a registry for those students who have medical conditions requiring notification prior to the use of such products.

A list of these students will be maintained at the Facilities Planning and Operations' Environmental Department office, with a copy on file at each child's respective school site. A notice will be sent to all parents listed on your child's school registry 72-hours prior to a pesticide application.

If you wish to receive written notice of planned pesticide applications at your child's school complete the form below.

(Detach and Return)

72-Hour Notice of Application of Regulated Pest Management Chemicals Registry Form

Date: _____ School _____

Student's Name: _____

Name of Parent/Guardian: _____

Address: _____

Telephone Number: _____

Parent/Guardian Signature: _____

Ontario-Montclair School District

950 West D Street, Ontario, California 91762 • (909) 418-6366 FAX: (909) 459-2550

FACILITIES PLANNING AND OPERATIONS

May 25, 2018

RE: AHERA NOTIFICATION

In 1986, Congress passed the Asbestos Hazard Emergency Response Act (AHERA). This Act required inspection and testing of building materials suspect for containing asbestos and those materials found to contain asbestos be reported in the District's AHERA Management Plan. These materials are to be reinspected every three years by an outside company to ensure its condition has not changed and to update the plan to account for any materials abated. In addition to these inspections, the District also conducts semi-annual inspections of these materials. The District is committed to ensuring a safe environment exists for its students, staff, and visitors.

The AHERA Management Plan is available for their inspection, between the hours of 7:30 a.m. and 4:00 p.m., Monday through Friday in the District's Operations Department located at 950 West D Street, Ontario, CA.

Doug Jones

Doug Jones
Operations Supervisor/Regulatory Compliance

BOARD OF TRUSTEES

Samuel Crowe
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Phil Hillman
Chief Business Official

Craig Misso
*Director
Facilities Planning & Operations*

Facilities Planning and Operations Department MEMO

To: All Employees
From: Craig Misso, Director, Facilities Planning and Operations
Date: 05/25/2018
Re: **KEY SECURITY**

Listed below are seven common practices for maintaining proper key security:

1. Familiarize yourself with the District's Board Policy and Administrative Regulation (#3515) regarding key security.
2. Keep your District-issued keys secured at all times.
3. Never loan your keys to another person.
4. Never leave your keys in an unsecured place or in your vehicle.
5. Avoid taking a site master and other nonessential keys home. Take only those gate and/or door keys needed for access into your workplace. Store your remaining District-issued keys at your school site in a key lock box or lockable desk drawer.
6. Report lost/stolen keys immediately to your supervisor. A police report is to be completed as soon as possible following discovery.
7. Submit a Lost/Stolen Key form to the Operations Department.

If you have any questions, please contact The Operations Office extension 6366.

ATTN.:

ALL BENEFIT ELIGIBLE
EMPLOYEES

Premium Assistance Under Medicaid and the Children's Health Insurance Program (CHIP)

If you or your children are eligible for Medicaid or CHIP and you're eligible for health coverage from your employer, your state may have a premium assistance program that can help pay for coverage, using funds from their Medicaid or CHIP programs. If you or your children aren't eligible for Medicaid or CHIP, you won't be eligible for these premium assistance programs but you may be able to buy individual insurance coverage through the Health Insurance Marketplace. For more information, visit www.healthcare.gov.

If you or your dependents are already enrolled in Medicaid or CHIP and you live in a State listed below, contact your State Medicaid or CHIP office to find out if premium assistance is available.

If you or your dependents are NOT currently enrolled in Medicaid or CHIP, and you think you or any of your dependents might be eligible for either of these programs, contact your State Medicaid or CHIP office or dial **1-877-KIDS NOW** or www.insurekidsnow.gov to find out how to apply. If you qualify, ask your state if it has a program that might help you pay the premiums for an employer-sponsored plan.

If you or your dependents are eligible for premium assistance under Medicaid or CHIP, as well as eligible under your employer plan, your employer must allow you to enroll in your employer plan if you aren't already enrolled. This is called a "special enrollment" opportunity, and **you must request coverage within 60 days of being determined eligible for premium assistance**. If you have questions about enrolling in your employer plan, contact the Department of Labor at www.askebsa.dol.gov or call **1-866-444-EBSA (3272)**.



Attn.:
All Benefit Eligible
Employees

Ontario-Montclair School District

2018 HIPAA NOTICE OF PRIVACY PRACTICES

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

Health Information Privacy

This Notice is required by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and is intended to describe how **Ontario-Montclair School District** health plan, the Group Benefits Plans of **Ontario-Montclair School District** ("Health Plan") will protect your health information with respect to its self-insured health benefits. References below to Health Plan shall mean the medical, dental, health care flexible spending account and employee assistance program benefits provided by the Health Plan. The fully insured options will provide you with a separate notice explaining how it will treat your Protected Health Information under HIPAA.

"Health information" for this purpose means information that identifies you and either relates to your physical or mental health condition, or relates to the payment of your health care expenses. This individually identifiable health information is known as "protected health information" ("PHI"). Your PHI will not be used or disclosed without a written authorization from you, except as described in this Notice or as otherwise permitted by federal or state health information privacy laws.

Health Plan Privacy Obligations

The Health Plan is required by law to:

- Make sure that health information that identifies you is kept private;
- Give you this Notice of its legal duties and privacy practices with respect to health information about you; and
- Follow the terms of the Notice that are in effect.

How the Health Plan May Use and Disclose Health Information About You

The Health Plan may use health information or disclose it to others for a number of different reasons. The following are the different ways that the Health Plan may use and disclose your PHI without your authorization:

- **For Treatment.** The Health Plan may disclose your PHI to a health care provider who provides, coordinates or manages health care treatment on your behalf. For example, if you are unable to provide your medical history as a result of an accident, the Health Plan may advise an emergency room physician about the different medications that you may have been prescribed.



California Schools
Employee Benefits Association

- **For Payment.** The Health Plan may use and disclose your PHI so claims for health care treatment, services, and supplies that you receive from health care providers may be paid according to the Health Plan's terms. The Health Plan may also use your PHI for billing, reviews of health care services received, and subrogation. For example, the Health Plan may tell a doctor or hospital whether you are eligible for coverage or what percentage of the bill will be paid by the Health Plan.
- **For Health Care Operations.** The Health Plan may use and disclose your PHI to enable it to operate more efficiently or to make certain that all of its participants receive the appropriate health benefits. For example, the Health Plan may use your PHI for case management, to refer individuals to disease management programs, for underwriting, premium rating, activities relating to the creation, renewal or replacement of a contract of health insurance or health benefits, to arrange for medical reviews, or to perform population-based studies designed to reduce health care costs. In addition, the Health Plan may use or disclose your PHI to conduct compliance reviews, audits, legal reviews, actuarial studies, and/or for fraud and abuse detection. The Health Plan may also combine health information about participants and disclose it to **Ontario-Montclair School District** in a non-identifiable, summary fashion so that CSM can decide, for example, what types of coverage the Health Plan should provide. The Health Plan may also remove information that identifies you from health information that is disclosed to CSM so that the health information that is used by HealthCare Partners does not identify the specific Health Plan participants.
- **To The Plan Sponsor.** The Health Plan is sponsored by **Ontario-Montclair School District**. The Health Plan may disclose your PHI to designated personnel at **Ontario-Montclair School District** so that they can carry out related administrative functions, including the uses and disclosures described in this Notice. Such disclosures will be made only to the individuals authorized to receive such information under the Health Plan. These individuals will protect the privacy of your health information and ensure that it is used only as described in this Notice or as permitted by law. Unless authorized by you in writing, your health information: (1) may not be disclosed by the Health Plan to any other employee or department of **Ontario-Montclair School District** and (2) will not be used by HealthCare Partners for any employment-related actions or decisions, or in connection with any other employee benefit plans sponsored by **Ontario-Montclair School District**.
- **To a Business Associate.** Certain services are provided to the Health Plan by third-party administrators known as "business associates." For example, the Health Plan may place information about your health care treatment into an electronic claims processing system maintained by a business associate so that your claim may be paid. In so doing, the Health Plan will disclose your PHI to its business associates so that the business associates can perform their claims payment functions. However, the Health Plan will require its business associates, through written agreements, to appropriately safeguard your health information.
- **For Treatment Alternatives.** The Health Plan may use and disclose your PHI to tell you about possible treatment options or health care alternatives that may be of interest to you.
- **For Health-Related Benefits and Services.** The Health Plan may use and disclose your PHI to tell you about health-related benefits or services that may be of interest to you.
- **To Individuals Involved in Your Care or Payment of Your Care.** The Health Plan may disclose PHI to a close friend or family member involved in or who helps pay for your health care. The Health



- Plan may also advise a family member or close friend about your condition, your location (for example, that you are in the hospital), or death, unless other laws would prohibit such disclosures.
- **As Required by Law.** The Health Plan will disclose your PHI when required to do so by federal, state, or local law, including those laws that require the reporting of certain types of wounds, illnesses or physical injuries.

Special Use and Disclosure Situations

The Health Plan may also use or disclose your PHI without your authorization under the following circumstances:

- **Lawsuits and Disputes.** If you become involved in a lawsuit or other legal action, the Health Plan may disclose your PHI in response to a court or administrative order, a subpoena, warrant, discovery request, or other forms of lawful due process.
- **Law Enforcement.** The Health Plan may release your PHI if asked to do so by a law enforcement official, for example, to report child abuse, to identify or locate a suspect, material witness, missing person or to report a crime, the crime's location or victims, or the identity, description, or location of the person who committed the crime.
- **Workers' Compensation.** The Health Plan may disclose your PHI to the extent authorized by and to the extent necessary to comply with workers' compensation laws and other similar programs.
- **Military and Veterans.** If you are or become a member of the U.S. armed forces, the Health Plan may release medical information about you as deemed necessary by military command authorities.
- **To Avert Serious Threat to Health or Safety.** The Health Plan may use and disclose your PHI when necessary to prevent a serious threat to your health and safety, or the health and safety of the public or another person.
- **Public Health Risks.** The Health Plan may disclose health information about you for public health activities. These activities include preventing or controlling disease, injury or disability; reporting births and deaths; reporting child abuse or neglect; or reporting reactions to medications or problems with medical products, or to notify people of recalls of products they have been using.
- **Health Oversight Activities.** The Health Plan may disclose your PHI to a health oversight agency for audits, investigations, inspections, and licensure necessary for the government to monitor the health care system and government programs.
- **Research.** Under certain limited circumstances, the Health Plan may use and disclose your PHI for medical research purposes.
- **National Security, Intelligence Activities, and Protective Services.** The Health Plan may release your PHI to authorized federal officials: (1) for intelligence, counterintelligence, and other national security activities authorized by law, and (2) to enable them to provide protection to the members of the U.S. government or foreign heads of state, or to conduct special investigations.



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- **Organ and Tissue Donation.** If you are an organ donor, the Health Plan may release medical information to organizations that handle organ procurement or organ, eye, or tissue transplantation, or to an organ donation bank to facilitate organ or tissue donation and transplantation.
- **Coroners, Medical Examiners, and Funeral Directors.** The Health Plan may release your PHI to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or to determine the cause of death. The Health Plan may also release your PHI to a funeral director, as necessary, to carry out his/her responsibilities.

Your Rights Regarding Your Health Information

You have the following rights regarding the health information that the Health Plan maintains about you:

- **Right to Inspect and Copy Your Personal Health Information.** You have the right to inspect and copy your PHI that is maintained in a “designated record set” for so long as the Health Plan maintains your PHI. A “designated record set” includes medical information about eligibility, enrollment, claim and appeal records, and medical and billing records maintained by the Health Plan, but does not include psychotherapy notes, information intended for use in a civil, criminal or administrative proceeding, or information that is otherwise prohibited by law.

To inspect and copy health information maintained by the Health Plan, submit your request in writing to the Privacy Official. The Health Plan may charge a fee for the cost of copying and/or mailing your request. The Health Plan must act upon your request for access no later than 30 days after receipt (60 days if the information is maintained off-site). A single, 30-day extension is allowed if the Health Plan is unable to comply by the initial deadline. In limited circumstances, the Health Plan may deny your request to inspect and copy your PHI. Generally, if you are denied access to your health information, you will be informed as to the reasons for the denial, and of your right to request a review of the denial.

You may request an electronic copy of your health information if it is maintained in an electronic health record. You may also request that such electronic health information be sent to another entity or person, so long as that request is clear, conspicuous and specific. Any change that is assessed to you for these copies, if any must be reasonable and based on the Health Plan’s cost.

- **Right to Amend Your Personal Health Information.** If you feel that the health information that the Health Plan has about you is incorrect or incomplete, you may ask the Health Plan to amend it. You have the right to request an amendment for so long as the Health Plan maintains your PHI in a designated record set.

To request an amendment, send a detailed request in writing to the Privacy Official. You must provide the reason(s) to support your request. The Health Plan may deny your request if you ask the Health Plan to amend health information that was: (1) accurate and complete; (2) not created by the Health Plan; (3) not part of the health information kept by or for the Health Plan; or (4) not information that you would be permitted to inspect and copy. The Health Plan has 60 days after the request is received to act on the request. A single, 30-day extension is allowed if the Health Plan cannot



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comply by the initial deadline. If the request is denied, in whole or in part, the Health Plan will provide you with a written denial that explains the basis for the denial. You may then submit a written statement disagreeing with the denial and, if permitted under HIPAA, have that statement included with any future disclosures of your PHI.

- **Right to An Accounting of Disclosures.** You have the right to request an “accounting of disclosures” of your PHI. This is a list of disclosures of your PHI that the Health Plan has made to others for the six (6) year period prior to the request, except for those disclosures necessary to carry out treatment, payment, or health care operations, disclosures previously made to you, disclosures that occurred prior to six years from the date on which the accounting is requested, or in certain other situations described under HIPAA.

To request an accounting of disclosures, submit your request in writing to the Privacy Official. Your request must state a time period, which may not be longer than six (6) years prior to the date the accounting was requested. If the accounting cannot be provided within 60 days, an additional 30 days is allowed if the Health Plan provides you with a written statement of the reasons for the delay and the date by when the accounting will be provided. If you request more than one accounting within a 12-month period, the Health Plan will charge a reasonable, cost-based fee for each subsequent accounting.

- **Right to Request Restrictions.** You have the right to request a restriction on the health information that the Health Plan uses or discloses about you for treatment, payment, or health care operations. You also have the right to request that the Health Plan limits the individuals (for example, family members) to whom the Health Plan discloses health information about you. For example, you could ask that the Health Plan not use or disclose information about a surgical procedure that you had. While the Health Plan will consider your request, it is not required to agree to it except in those situations where the requested restriction relates to the disclosure to the Health Plan for purposes of carrying out payment or health care operations (and not for treatment, and the PHI pertains solely to a health care item or service that was paid for out of pocket in full. If the Health Plan agrees to the restriction, it will comply with your request until such time as the Health Plan provides written notice to you of its intent to no longer agree to such restriction, or unless such disclosure is required by law.

To request a restriction or limitation, make your request in writing to the Privacy Official. In your request, you must state: (1) what information you want to limit; (2) whether you want to limit the Health Plan’s use, disclosure, or both; and (3) to whom you want the limit(s) to apply. Note: the Health Plan is not required to agree to your request.

- **Right to Request Confidential Communications.** You have the right to request that the Health Plan communicates with you about health matters using alternative means or at alternative locations. For example, you can ask that the Health Plan send your explanation of benefits (“EOB”) forms about your benefit claims to a specified address. To request confidential communications, make your request in writing to the Privacy Official. The Health Plan will make every attempt to accommodate all reasonable requests. Your request must specify how or where you want to be contacted.
- **State Privacy Rights.** You may have additional privacy rights under state laws, including rights in connection with mental health and psychotherapy reports, pregnancy, HIV/AIDS-related illnesses, and the health treatment of minors.



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- **Right to a Paper Copy of this Notice.** You have the right to a paper copy of this Notice upon request. This right applies even if you have previously agreed to accept this Notice electronically. You may write to the Privacy Official to request a written copy of this Notice at any time.

Changes to this Privacy Notice

The Health Plan reserves the right to change this Notice at any time and from time to time, and to make the revised or changed Notice effective for health information that the Health Plan already has about you, as well as any information that the Health Plan may receive in the future. The revised Notice will be provided to you in the same manner as this Notice, or electronically if you have consented to receive the Notice electronically.

Complaints

If you believe that your health information privacy rights as described under this Notice have been violated, you may file a written complaint with the Health Plan by contacting the person listed at the address under "Contact Information". You may also file a written complaint directly with the regional office of the U.S. Department of Health and Human Services, Office for Civil Rights. The complaint should generally be filed within 180 days of when the act or omission complained of occurred. Note: You will not be penalized or retaliated against for filing a complaint.

Other Uses and Disclosures of Health Information

Other uses and disclosures of health information not covered by this Notice or by the laws that apply to the Health Plan will be made only with your written authorization. If you authorize the Health Plan to use or disclose your PHI, you may revoke the authorization, in writing, at any time. If you revoke your authorization, the Health Plan will no longer use or disclose your PHI for the reasons covered by your written authorization; however, the Health Plan will not reverse any uses or disclosures already made in reliance on your prior authorization. The Health Plan will notify you in the event that there is a breach involving unsecured PHI.

Contact Information

To receive more information about the Health Plan's privacy practices or your rights, or if you have any questions about this Notice, please contact the Health Plan at the following address:

Contact Office or Person: **Member Services**

Health Plan Names: **CSEBA Blue Shield or CSEBA Kaiser Permanente**

Telephone: **Blue Shield (855) 724-7698 or Kaiser Permanente (800) 464-4000**

Email: www.blueshieldca.com or www.kp.org

Copies of this Notice are also available **on our web site** <http://www.omsd.net> > **MyOMSD > Payroll/Benefits Department**. This Notice is also available by sending an e-mail to the above address.

ATTN.:

ALL BENEFIT ELIGIBLE
EMPLOYEES



California Schools
Employee Benefits Association

Special Enrollment Rights

If you are declining enrollment for yourself or your dependents (including your spouse) because of other health insurance or group health plan coverage, you may be able to enroll yourself and your dependents in this plan if you or your dependents lose eligibility for that other coverage (or if the employer stops contributing towards your or your dependents' other coverage). However, you must request enrollment within "30 days" after your or your dependents' other coverage ends (or after the employer stops contributing toward the other coverage).

If you have a new dependent as a result of marriage, birth, adoption, or placement for adoption, you may be able to enroll yourself and your dependents. However, you must request enrollment within "30 days" after the marriage, birth, adoption, or placement for adoption.

If you decline enrollment for yourself or for an eligible dependent (including your spouse) while Medicaid coverage or coverage under a state children's health insurance program is in effect, you may be able to enroll yourself and your dependents in this plan if you or your dependents lose eligibility for that other coverage.

However, you must request enrollment within 60 days after your or your dependents' coverage ends under Medicaid or a state children's health insurance program.

If you or your dependents (including your spouse) become eligible for a state premium assistance subsidy from Medicaid or through a state children's health insurance program with respect to coverage under this plan, you may be able to enroll yourself and your dependents in this plan. However, you must request enrollment within 60 days after your or your dependents' determination of eligibility for such assistance.

To request special enrollment or obtain more information, contact:

Sula Ferrer A – L at (909) 418-6403

Glenda Figueroa M – Z at (909) 418-6409



ATTN.:
ALL BENEFIT ELIGIBLE
EMPLOYEES

Women's Health and Cancer Rights Act of 1998

As required by the *Women's Health and Cancer Rights Act of 1998*, Covered Services are provided for mastectomy, including reconstruction and surgery to achieve symmetry between the breasts, prostheses, and complications resulting from a mastectomy (including lymphedema).

If you are receiving Covered Services in connection with a mastectomy, benefits are also provided for the following Covered Services, as you determine appropriate with your attending Physician:

- All stages of reconstruction of the breast on which the mastectomy was performed;
- Surgery and reconstruction of the other breast to produce a symmetrical appearance; and
- Prostheses and treatment of physical complications of the mastectomy, including lymphedema.

The amount you must pay for such Covered Services (including Copayments and any annual deductible) are the same as are required for any other Covered Service. Limitations on benefits are the same as for any other Covered Service.



Attn.:

All Benefit Eligible
Employees

Important Notice from **Ontario-Montclair School District** About Your 2018 Prescription Drug Coverage and Medicare

Please read this notice carefully and keep it where you can find it. This notice has information about your current prescription drug coverage with **Ontario-Montclair School District** and about your options under Medicare's prescription drug coverage. This information can help you decide whether or not you want to join a Medicare drug plan. If you are considering joining, you should compare your current coverage, including which drugs are covered at what cost, with the coverage and costs of the plans offering Medicare prescription drug coverage in your area. Information about where you can get help to make decisions about your prescription drug coverage is at the end of this notice.

There are two important things you need to know about your current coverage and Medicare's prescription drug coverage:

1. Medicare prescription drug coverage became available in 2006 to everyone with Medicare. You can get this coverage if you join a Medicare Prescription Drug Plan or join a Medicare Advantage Plan (like an HMO or PPO) that offers prescription drug coverage. All Medicare drug plans provide at least a standard level of coverage set by Medicare. Some plans may also offer more coverage for a higher monthly premium.
2. **CSEBA Blue Shield and CSEBA Kaiser** has determined that the prescription drug coverage offered by the **Ontario-Montclair School District** is, on average for all plan participants, expected to pay out as much as standard Medicare prescription drug coverage pays and is therefore considered Creditable Coverage. Because your existing coverage is Creditable Coverage, you can keep this coverage and not pay a higher premium (a penalty) if you later decide to join a Medicare drug plan.

When Can You Join A Medicare Drug Plan?

You can join a Medicare drug plan when you first become eligible for Medicare and each year from October 15th to December 7th.

However, if you lose your current creditable prescription drug coverage, through no fault of your own, you will also be eligible for a two (2) month Special Enrollment Period (SEP) to join a Medicare drug plan.



What Happens To Your Current Coverage If You Decide to Join A Medicare Drug Plan?

If you decide to join a Medicare drug plan, your current **Ontario-Montclair School District** coverage may be affected.

If you do decide to join a Medicare drug plan and drop your current **CSEBA Blue Shield, or CSEBA Kaiser** coverage, be aware that you and your dependents may not be able to get this coverage back until annual enrollment.

When Will You Pay A Higher Premium (Penalty) To Join A Medicare Drug Plan?

You should also know that if you drop or lose your current coverage with **Ontario-Montclair School District** and don't join a Medicare drug plan within 63 continuous days after your current coverage ends, you may pay a higher premium (a penalty) to join a Medicare drug plan later.

If you go 63 continuous days or longer without creditable prescription drug coverage, your monthly premium may go up by at least 1% of the Medicare base beneficiary premium per month for every month that you did not have that coverage. For example, if you go nineteen months without creditable coverage, your premium may consistently be at least 19% higher than the Medicare base beneficiary premium. You may have to pay this higher premium (a penalty) as long as you have Medicare prescription drug coverage. In addition, you may have to wait until the following October to join.

For More Information About This Notice Or Your Current Prescription Drug Coverage...

Contact the person listed below for further information. **NOTE:** You'll get this notice each year. You will also get it before the next period you can join a Medicare drug plan, and if this coverage through **Ontario-Montclair School District** changes. You also may request a copy of this notice at any time.



For More Information About Your Options Under Medicare Prescription Drug Coverage...

More detailed information about Medicare plans that offer prescription drug coverage is in the “Medicare & You” handbook. You’ll get a copy of the handbook in the mail every year from Medicare. You may also be contacted directly by Medicare drug plans.

For more information about Medicare prescription drug coverage:

- Visit www.medicare.gov
- Call your State Health Insurance Assistance Program (see the inside back cover of your copy of the “Medicare & You” handbook for their telephone number) for personalized help
- Call 1-800-MEDICARE (1-800-633-4227). TTY users should call 1-877-486-2048.

If you have limited income and resources, extra help paying for Medicare prescription drug coverage is available. For information about this extra help, visit Social Security on the web at www.socialsecurity.gov, or call them at 1-800-772-1213 (TTY 1-800-325-0778).

Remember: Keep this Creditable Coverage notice. If you decide to join one of the Medicare drug plans, you may be required to provide a copy of this notice when you join to show whether or not you have maintained creditable coverage and, therefore, whether or not you are required to pay a higher premium (a penalty).

Date:	07/01/2018
Name of Entity/Sender:	Ontario-Montclair School District
Contact--Position/Office:	Payroll-Benefits Department
Address:	950 West D Street, Ontario, CA 91762
Phone Number:	A-L (909) 418-6403 M-Z (909) 418-6409



ATTN.:
ALL CERTIFICATED
EMPLOYEES

IMPORTANT INFORMATION ABOUT YOUR AB528 CONTINUATION COVERAGE RIGHTS

What is AB528 continuation coverage?

State law requires California schools and community college districts to allow certificated employees who lose their eligibility to continue their health care coverage upon retirement to enroll in health and welfare benefit plans or dental care benefit plans currently provided for its current certificated employees. Any former certificated employee, who retired from a CSEBA covered school district under any public retirement system, and his or her spouse, or any surviving spouse of a former certificated employee, may continue his or her health care benefits for life by paying the full premiums.

This law does not apply to either the new spouse upon the remarriage of a surviving spouse of a former certificated employee, or, the children of a certificated or former certificated employee.

AB528 continuation coverage is the same coverage that the CSEBA covered school district's Health Plans give to other participants under the Plan. Each qualified participant who elects continuation coverage will have the same rights under the Plan as other participants covered under the Plan, including open enrollment and special enrollment rights. Please note that this law does not create a vested retirement right in health and dental care benefits, nor should it be construed as requiring or permitting the impairment of any contract, board rule, or regulation affecting retired certificated personnel. Further, it is not intended to reduce or conflict with any benefit provided in the federal Consolidated Omnibus Reconciliation Act of 1986 (COBRA), nor mandate the provision of life insurance or vision care.

Disability

A member of the California State Teachers' Retirement System (Cal-STRS) or a school member of the California Public Employees' Retirement System (Cal-PERS) who is disabled as a result of an injury that is a direct consequence of a violent act perpetrated on his or her person while performing duties in the scope of employment, and upon qualifying for and while receiving an allowance for the disability, may continue in the



CSEBA covered school district's health care plan and dental care plan, by paying the entire premium and related administrative costs of CSEBA.

Medicare

Enrollment in Medicare is not a prerequisite for enrollment in the CSEBA covered school district's AB528 medical plans. However, if the retiree or survivor is eligible for Medicare, it is recommended that he or she enrolls in Medicare Part A and Part B. Some medical premiums are discounted by insurance carriers for those subscribers who are enrolled in Medicare Part A and Part B. Please be aware that there is a cost for Medicare Part B and it is based on the individual's income.

How can you elect continuation coverage?

CSEBA covered school districts must allow these retirees and their spouses to enroll in the coverage within 30 days of losing active employee coverage. If retired certificated employees and/or spouses do not enroll in the health or dental care plans during this initial enrollment period or drop coverage after their initial enrollment, the CSEBA covered school district is not obligated to offer them another opportunity to enroll. However, if retired certificated employees and/or their spouses lose other coverage and can provide documentation of that loss, they may be allowed to enroll in the health or dental plan if they do so within 31 days of losing their coverage.

A retired certificated employee or a surviving spouse of a former certificated employee may elect AB528 continuation coverage. Retired certificated employees may enroll their eligible spouses when completing the Election Form. Failure to elect AB528 continuation coverage within 30 days of retirement will result in the loss of the right to elect continuation coverage under the Plan.

How much does continuation coverage cost?

The CSEBA covered school districts may require that retired employees pay the entire cost of premiums (including any premium increases) as well as CSEBA's administrative costs. It is also allowable for CSEBA to develop an experience claims rating for these enrollees and may require those persons to pay different rates as a class. AB528 continuation coverage will be terminated if any required premium is not paid on time, if a qualified participant becomes covered under another group health plan that does not



impose any pre-existing condition exclusion for a pre-existing condition of the qualified participant, or if the employer ceases to provide any group health plan for its employees.

Generally, a retired certificated employee or surviving spouse of a retired certificated employee may be required to pay the entire cost of continuation coverage for himself or herself and his/her spouse, if applicable. Currently, the amount a participant is required to pay is up to 200 percent of the cost to the CSEBA covered school district's Group Health Plan.

When and how must payment for continuation coverage be made?

If you elect continuation coverage, send the first monthly payment due for AB528 continuation coverage along with your Election Form to the district's plan administrator. If you do not make your first payment for continuation coverage at the time you apply for coverage, you will lose all continuation coverage rights under the Plan following your 30-day initial enrollment period.

Your payment must cover the entire cost of monthly premiums due, otherwise your payment will be returned and you will lose your right to continuation coverage once your 30-day initial enrollment period ends. You are responsible for making sure that the amount of our first payment is enough to cover this entire period. You may contact your district's plan administrator to confirm the correct amount of your first payment.

Your first payment for continuation coverage should be sent to: **Ontario-Montclair School District.**

Periodic payments for AB528 continuation coverage

After you make your first payment for AB528 continuation coverage, you will be required to pay for continuation coverage for each subsequent month of coverage. Under the Plan, these periodic payments for continuation coverage are due on or before the 5th day of each month. If you make a periodic payment before its due date, your coverage under the Plan will continue for that coverage period without any break. The Plan will not send periodic notices of payments due for these coverage periods.

Monthly payments for continuation coverage should be sent to: **Ontario-Montclair School District.**



California Schools
Employee Benefits Association

Grace periods for periodic payments

Although periodic payments are due on the dates shown above, you will be given a grace period of 30 days to make each periodic payment. Your continuation coverage will be provided for each coverage period as long as payment for that coverage period is made before the end of the grace period for that payment. If you fail to make a periodic payment before the end of the grace period for that payment, you will lose all rights to AB528 continuation coverage under the Plan.

For more information

This notice does not fully describe AB528 continuation coverage or other rights under the Plan. More information about AB528 continuation coverage and your rights can be found in the California Education Code, Section 7000-7008.

Keep your plan informed of address changes

In order to protect your rights, you should keep your district informed of any changes in your address. You should also keep a copy, for your records, of any notices you send to your district.



ONTARIO-MONTCLAIR SCHOOL DISTRICT
Ontario, California

TO: All Employees

SUBJECT: CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

On April 7, 1986, a Federal Law was enacted (Public Law 990272, Title X) requiring that employers sponsoring group insurance plans offer employees and their families the opportunity for a temporary extension of coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end. This notice is intended to inform you of your rights and obligations under the continuation coverage provision of the new law. Both you and your spouse should read this notice carefully.

If you are an employee of the District and are covered by a medical, dental, or vision insurance plan, you have a right to choose continuation coverage if you lose your group health coverage because of either: 1) a reduction in your hours of employment, or 2) the termination of your employment for reasons other than gross misconduct on your part.

If you are the spouse of an employee covered by the district medical, dental, or vision insurance plan, you have the right to choose continuation coverage for yourself if you lose group coverage for ANY of the following four (4) reasons:

- 1) The death of your spouse;
- 2) A termination of your spouse's employment for reasons other than gross misconduct or reduction in your spouse's hours of employment;
- 3) Divorce or legal separation from your spouse; or
- 4) Your spouse becomes entitled to Medicare.

In the case of a dependent child of an employee covered by an Ontario-Montclair School District medical, dental or vision insurance plan, he or she has the right to continuation coverage if group coverage is lost for any of the following five (5) reasons:

- 1) The death of a parent;
- 2) The termination of a parent's employment for reasons other than gross misconduct or reduction in a parent's hours of employment;
- 3) Parents' divorce or legal separation;
- 4) A parent becomes entitled to Medicare; or
- 5) The dependent ceases to be a "dependent child" under the generally applicable requirements of the plan.

Under the law, the employee or a family member has the responsibility to inform the District of a divorce, legal separation, or if a child loses dependent status under a District medical, dental, or vision insurance plan. The District has the responsibility to notify the employee or spouse of eligibility due to the employee's death, termination of employment or reduction in hours, or Medicare entitlement. Under the law, you have 60 days from the date you would lose coverage because of one of the events described above to inform the District that you want continuation coverage.

If you do not choose continuation coverage: your group health, dental and/or vision insurance will end.

An employee's election to continue coverage will be deemed to include continuation for the employee's spouse and dependent children who have previously been covered, and for any dependents acquired after the qualifying event. The newly acquired dependent(s) may be added under the same rules governing active employees until the end of the COBRA period. A newly acquired dependent is not a qualified beneficiary for any subsequent events.

If you choose continuation coverage, the District is required to give you coverage which, at the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. The law required that you be afforded the opportunity to maintain continuation coverage for three (3) years unless you lost group coverage because of a termination of employment or reduction in hours. In case of termination or reduction in hours, the required continuation period is 18 months. Health care continuation coverage will be extended from 18 months to 29 months for individuals who are disabled (in accordance with Title II or XVI of the Social Security Act) at the time the individual is terminated or suffers a reduction in hours of employment. The Social Security definition of disability is a very restrictive one, generally requiring the individual to be unable to engage in any substantial gainful activity by reason of a medical determinable physical or mental impairment that has lasted or is expected to last 12 months or to result in death.

The law also provides that your continuation coverage may be cut short for any of the following five (5) reasons:

- 1) The District no longer provides group health coverage to any of its employees;
- 2) The premium for your continuation coverage is not paid;
- 3) You become an employee covered under another group health plan which does not contain any exclusion or limitation with respect to any pre-existing conditions;
- 4) You become eligible for Medicare;
- 5) You were divorced from a covered employee, and subsequently remarry and are covered under your new spouse's group insurance plan which does not contain any exclusion or limitation with respect to any pre-existing condition.

You do not have to show that you are insurable to choose continuation coverage. However under the law, you will have to pay the entire premium for your continuation coverage plus a two percent administration fee, or a fifty percent administration fee for the eleven (11) additional months of coverage provided to disabled beneficiaries. The law also says that at the end of the 18 months, 29 months, or three year continuation coverage period, you must be allowed to enroll in an individual conversion health plan provided under the terms of the insurance company.

IMPORTANT: To comply with the provisions of this law, an employee must notify, in writing the Benefits Clerk in the Payroll Office in the event of divorce, legal separation, or cessation of your child's dependent status. Your spouse and/or dependents will then be notified of their rights for continued coverage within 14 days.

This law applies to all employees who are eligible and enrolled in a medical, dental or vision insurance plan at the time of a qualifying event.

If you have questions about the Consolidated Omnibus Budget Reconciliation Act (COBRA), please call the Payroll/Benefits Office at extension 6459 or 6409.

C. DOL Electronic Distribution Safe Harbor

ATTN.:

ALL BENEFIT ELIGIBLE
EMPLOYEES

The DOL's safe harbor rules on the electronic delivery of disclosures required by ERISA apply to all employee benefit plans subject to ERISA's reporting and disclosure requirements.⁶²

**Disclosures
affected**

The rules apply to all disclosures required to be furnished by plans to plan participants or beneficiaries under Title I of ERISA, including.⁶³

- SPDs, SMMs, SARs, and summaries of material reductions (SMRs);
- Individual benefit statements;
- ERISA 404(c) investment-related information;
- Notices under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA);
- Qualified domestic relations order (QDRO) notices;
- Qualified medical child support order (QMCSO) notices;
- Participant loan information;
- Creditable coverage and disclosures under the Health Insurance Portability and Accountability Act of 1996 (HIPAA); and
- Suspension of benefits notices⁶⁴

The rules do not apply, however, to certain disclosures under the IRS's jurisdiction (e.g., benefit distribution notices and spousal consent notices).⁶⁵

**Who may
receive
electronic
documents**

The safe harbor creates two categories of individuals who may receive disclosure material electronically:

1. Participants who have the ability to effectively access documents furnished in electronic format at any location where they are reasonably expected to perform their duties as employees and with respect to whom access to the employer's or plan sponsor's electronic information system is an integral part of those duties (this would include employees who work at home or who may be

⁶² DOL Reg. § 2520.104b-1(c).

⁶³ DOL Reg. § 2520.104b-1; Preamble at 67 Fed. Reg. 17,266 (2002).

⁶⁴ IRS Reg. § 1.401(a)-21(a)(3)(i).

⁶⁵ DOL Reg. § 2520.104b-1(e).

traveling, provided they have ready access to the employer's information system);⁶⁶ and

2. Participants, beneficiaries, and other persons entitled to receive documents in electronic or nonelectronic format under ERISA and who have consented (and have not withdrawn their consent) to receive documents through electronic media under certain conditions.⁶⁷

Before consenting, the individual must be provided a clear and conspicuous statement in electronic or nonelectronic form indicating:⁶⁸

- The types of documents to which consent would apply;
- The consent can be withdrawn any any time without charge;
- The procedures for withdrawing consent and for updating recipients' addresses;
- The right to request a paper version of an electronically furnished copy;
- Any hardware and software requirements for assessing and retaining the documents.

If there is a change in hardware or software requirements after the individual consents that may make it impossible to receive or retain the information, the individual may renew consent after being given a statement of the new requirements and the right to withdraw without consequences.⁶⁹

General safe harbor conditions

Under the following conditions, a plan's use of electronic media would be deemed the equivalent of receiving the information in paper form:

- Each individual is notified, through electronic or other means at the time a document is furnished electronically, of the significance of the document when it is not otherwise reasonably evident as transmitted and that the individual has a right to request and receive a paper version of the document from the plan administrator.⁷⁰
- The plan administrator takes appropriate and necessary measures reasonably calculated to ensure that the system for furnishing

⁶⁶ DOL Reg. § 2520.104b-1(c)(2)(i).

⁶⁷ DOL Reg. § 2520.104b-1(c)(2)(ii).

⁶⁸ DOL Reg. § 2520.104b-1(c)(2)(ii)(C).

⁶⁹ *Id.*

⁷⁰ DOL Reg. §§ 2520.104b-1(c)(1)(iii), (iv).

C. DOL Electronic Distribution Safe Harbor

documents results in actual receipt of transmitted information and protects the confidentiality of personal information relating to the individual's accounts and benefits.⁷¹

- The disclosures in electronic format are consistent with the applicable style, format, and content requirements applicable to the particular document (although the paper and electronic versions of the same required disclosure may differ).⁷²
-

⁷¹ DOL Reg. § 2520.104b-1(c)(i)(A) and (B).

⁷² DOL Reg. § 2520.104b-1(c)(ii).



ONTARIO-MONTCLAIR SCHOOL DISTRICT

950 West D
Street Ontario,
CA 91762

TO: All Employees
FROM: Payroll Department
SUBJECT: Electronic Fund Transfer (EFT)

Electronic Fund Transfer (EFT) is a process by which automatic pay deposits are made to an employee's checking account or savings account.

To enroll, employees must complete an EFT authorization form. A voided check must be attached to the EFT authorization form in order to verify your account number and your bank's routing number. Please note that your warrant can only be designated to one account, either checking or savings.

It takes two (2) payroll cycles before the EFT becomes effective. The first cycle after the authorization is completed is the test month. This is called "Pre-note." During this time, all information is tested for accuracy. If the information submitted is correct, the EFT will be in effect the following month.

Employees who change banks will go through the "Pre-note" procedure again before the EFT becomes effective.

Employees may cancel their EFT at any time by completing a "Cancellation Form". This must be done by the 15th of the month, in order for it to be effective your next pay cycle.



ELECTRONIC FUND TRANSFER (EFT) IS IT FOR ME?

ADVANTAGES

- No hassle over rushing to deposit your paycheck, it will be in your account on payday.
- No waiting in long lines.
- No worries over someone intercepting your mail.
- No worry over losing or washing your warrant.
- No worries if you are out of town and need your check deposited to your account, even if school is not in session.

DISADVANTAGES

- You must have a checking or savings account which belongs to an approved clearing house.
- You won't get to hold your paycheck in your hand.

If you are interested in signing up, please contact the Payroll Office at (909) 459-2500, ext. 6455.

Overview:

The BESTNET Employee Self Service Site gives you direct access to your personal payroll data via the Web. You can review, print, or save your latest pay stub or annual W-2 tax form at your convenience from work or at home. In addition, pay information will continue to reside in the self service site for the current calendar year plus two historical years. W2 information will be available for five calendar years.



The Employee Self Service Site is a secure web site requiring authentication during the initial registration process as well as a logon and password validation every time the site is accessed.



Future enhancements will include integrating benefit information and leave information into the Employee Self Service Site.



Home

Main Menu

- Home
- Earnings
- Benefits
- Taxes
- Preferences
- Change Password
- User Guide
- Logout

News

- More News...

Recent Earning Statements

- July 31, 2009
- June 30, 2009
- May 29, 2009
- April 30, 2009
- March 31, 2009

Recent Tax Documents

- 2008 W-2

Each paystub is listed by the issue date and the W2 information is listed by the "year". Click on one of the records to open either a paystub or W2.

For assistance with your account or registration, contact your Payroll administrator.



601 North E Street
San Bernardino, CA 92410-3093

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and Network Consortium 2009-2010 All Rights Reserved

Business-Personnel Educational Software
Technology and Network Consortium
BEST NET

Introducing the

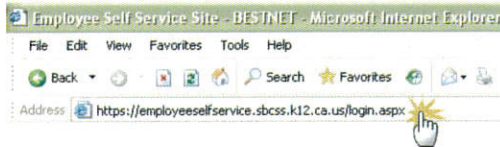
BEST NET Employee Self Service Site



<https://employeeselfservice.sbcss.k12.ca.us>

User Guide:

Accessing the Self Service Site: To access the BEST NET Employee Self Service Site, enter the following URL in the web address of the Internet Browser: <https://employeeselfservice.sbcss.k12.ca.us>



Registration Process: For the 'first time' user, to access the site you must go through the registration process. Start by selecting the "District" for which you work and click on the [Register] button.

1. Complete the Registration form and select the [Continue] button. **Note:** All fields must pass the authentication process to continue.

If you don't have a password, enter your District, then click Register to begin the registration process.

District:
San Bernardino County Superintendent of Schools



For assistance with your account or registration, contact your payroll administrator.

Register (Step 1 of 6)

To verify your identity, please enter the following information about yourself, then click Continue

First Name	John	(Must match what is currently displayed on Warrant or EFT Stub)
Last Name	Smith	(Must match what is displayed on Warrant or EFT Stub)
Social Security Number	111223333	(Example: 123-456789 (no hyphens))
Last Pay	\$,500.00	(From your most recent earnings statement)



Proceed with the registration process by entering an email address as their signature on the "Terms of Use" page

Signature:

I have read, understand, and agree to abide by the Terms of Use.

Enter your email address to indicate your consent: john_smith@sbcss.k12.ca.us



2. Once the email has been entered, the user will receive the confirmation below. User must proceed to the previously defined email account for the activation link.

This is an automated message acknowledging your successful registration into the Employee Self Service Site. This is the only notification you will receive. You have not been added to any email lists.

We will not be able to respond to any email sent in reply to this email as the message was automatically generated. For assistance with your account or registration, contact your Payroll Administrator.

To finalize the registration process, click on the link below. If you are unable to click on the link, copy & paste it into your browser's address bar. This will activate your Employee Self Service Site account and will open a web browser window for you to begin the login process.

https://employeeselfservice.sbcss.k12.ca.us/employee_selfservice?email=7E747C68MAC88F28117A0467E947F70C8&url=386233

2. Once the link has been activated, the next step is to choose the Opt In/Opt Out Feature.

Register (Step 4 of 6)

When you complete your registration, payroll information will be made available to you over the internet. The web site is secure and requires authentication. However, you may choose to "Opt Out" of this service and have your confidential data removed from the website.

Once you "Opt Out" of the system, you must contact your Payroll Administrator to reactivate your registration.

Opt Out - I do not wish to use the Employee Self Service Site.



3. If the Opt Out Box is NOT checked, the user will be taken to the "Create Login" page.

Register (Step 5 of 6)

Please choose a Login Name and Password, then click Continue.

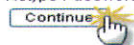
Password Policy:

- Password must be at least 4 characters long
- Password cannot be the first, last or login name or the word 'password'
- Password must contain at least 1 letter
- Password will expire in 180 days
- Password must not have been used in the last 400 days

Login Name: JSmith

Password: *****

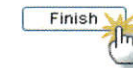
Retype Password: *****



If the Opt Out Box IS checked, the user will be logged out of the system and they will not be able to access the application. Employee must contact Payroll if they wish to use the service at a future time.

Register (Finalizing)

Thank you. You have reached the end of the registration process.



Login Process: Select "District" and enter Login name and Password and click on the [Login] button.

The Home Page displays the Menu items available for selection. **Note:** "Benefits" is currently unavailable at this time.

Welcome to the BEST NET Employee Self Service Site

Enter your District, Login Name and Password, then click Login to access the site.

District:

Cucamonga School District

Login Name:

ballitaz

Password:

[Forgot your login/password?](#)



Main Menu

Home
Earnings
Benefits
Taxes
Preferences
Change Password
User Guide
Logout

News

- More News...

Recent Earning Statements

- July 01, 2009
- June 01, 2009
- May 01, 2009
- April 01, 2009
- March 01, 2009

Recent Tax Documents

- 2008 W-2

CLASSIFIED AND CERTIFICATED TIMESHEET DEADLINES

It is ultimately the **Employees** responsibility to make sure that their timesheets are completed accurately and turned in by the 2nd of the following month (Contract) or the 17th (Substitutes) to the payroll dept. **Note: Timesheets are color coded for payroll processing; the wrong color timesheet for an employee will delay payment.**

SUBSTITUTES

Pay period is from the 16th of the month through the 15th of the following month. **ALL** timesheets need to be signed and submitted to Payroll by the 17th of the month. If the 17th falls on the weekend, please submit timesheets to Payroll on the next business day.

Blue – for Certificated Non-Contract Employees (Substitute Teachers)

Yellow – for Classified Non-Contract Employees (Substitute clerical etc.)

Payday for all substitute employees is on the 9th of the month. If the 9th falls on the weekend or a holiday, payday will be the next working day.

CONTRACT

ALL Certificated and Classified timesheets need to be submitted to Payroll by the 2nd of the month. If the 2nd falls on the weekend, please submit timesheets to Payroll on the next business day.

Green – for Certificated Contract Employees (Teachers/Management)

White – for Classified Contract Employees (Office Staff/Management)

Certificated timesheets (contract employees) pay period is from the 1st through the last day of each month. For hours worked during the previous month (e.g.) for pay period May 1st – May 31st, payday will be on July 1st, the first working day of the month.

Classified timesheets (contract employees) pay period is from the 1st through the last day of each month. For hours worked during the previous month (e.g.) for pay period May 1st – May 31st, payday will be on the last working day of June.

If any information is missing “they will be sent back” and it may cause a delay in payment.

CLASSIFIED / CERTIFICATED TIMESHEET (CONTRACT EEs) – WHITE or GREEN

FORM NAME: Classified / Certificated Timesheet (Contract EEs) – **White or Green timesheet.**
WHEN TO USE: Report on this timesheet all hours worked beyond the employee’s normal work schedule such as; overtime or extra duty.
PAY PERIOD: From the 1st through the last day of each month.
PAY DAY: The last working day of the following month for hours worked during the previous month (Classified Contract). The first working day of the second month (Certificated Contract).

- NOTES:**
1. Please write legibly.
 2. Fill out card completely. **if any information is missing “they will be sent back”.**
 3. Indicate the number of hours worked (rounded to the nearest quarter of an hour) in each appropriate box.
 4. An authorized party listed on the “timesheet signature form” **must sign timesheet. Stamped signatures are not acceptable.**
 5. It is ultimately the **Employees** responsibility to make sure that their timesheets are completed accurately and turned in by the 10th of the following month to the payroll dept.

CLASSIFIED / CERTIFICATED TIMESHEET (HOURLY EEs) – BLUE or YELLOW

FORM NAME: Classified / Certificated Timesheet (Hourly EEs) – **Blue or Yellow timesheet.**
WHEN TO USE: Report on this timesheet all hours or days worked.
PAY PERIOD: From the 16th through the 15th of the following month.
PAY DAY: The 9th of the month.

- NOTES :**
1. Please write legibly.
 2. Fill out card completely, **if any information is missing “they will be sent back”.**
 3. Indicate the number of hours worked (rounded to the nearest quarter of an hour) or days in each appropriate box.
 4. An authorized party listed on the “timesheet signature form” **must sign timesheet. Stamped signatures are not acceptable.**
 5. It is ultimately the **Employees** responsibility to make sure that their timesheets are completed accurately and turned in by the 17th of the following month to the payroll dept.

ONTARIO-MONTCLAIR SCHOOL DISTRICT
950 West D Street
Ontario, CA. 91762-3026
Phone: (909) 459-2500

July 1, 2018



To: All Employees
From: Purchasing Department/Switchboard
Re: YOUR WORK SITE/DEPARTMENT AND PHONE NUMBER/EXTENSION

We are asking for your assistance so that we can better serve your needs.

Each day, the district switchboard receives calls that we are unable to transfer because an employee has given the caller the school district's main phone number, 459-2500.

With approximately 2,300 employees in the district, it is difficult to assist the caller when location and or extension numbers are unknown. **Lack of this important information may result in calls being unable to be transferred to you.**

The district does not give callers home phone numbers of employees, nor does the district give out the name, phone number, or extension number of an employee's work site.

HELP US TO HELP YOU

When filling out forms for doctors, dentist, realtors, lawyers, banks, childcare providers, etc. or when giving your work number, please be sure to give your sit/department's direct phone number, and if applicable, your extension. This will in most cases, ensure that the caller reaches you. If you are housed at the Briggs Center, please be sure to supply your direct number (418-XXXX)

ONTARIO-MONTCLAIR SCHOOL DISTRICT
950 West D Street
Ontario, CA. 91762-3026
Phone: (909) 459-2500

July 1, 2018



To: All Employees
From: Purchasing Department/Mailroom
Re: **PERSONAL MAIL**

We are asking for your assistance so that we can better serve your needs.

Daily, the District mailroom receives mail that we are unable to forward because an employee has given the sender the School District's address instead of their home address.

With approximately 2,300 employees in the district, you must understand that the mailroom cannot be responsible for personal mail, including but not limited to credit card statements and prescription medications.

There will be NO exceptions. Items of this sort will be returned to sender.

**Ontario-Montclair School District
950 West D Street, Ontario, California 91762**

**HUMAN RESOURCES
909) 418-6307**

To view all current job openings, please go to www.edjoin.org

Type in “Ontario-Montclair” in the search field.

Please submit the required documents for each job posting. You will need to scan the documents and attach them to your on-line application. Incomplete applications will not be considered.

**If you need assistance, you may contact the
Edjoin Help Line (888) 900-8945
Monday – Friday 8:00am – 5:00pm
Fax (209) 468-9235
Call before faxing any document.**



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