

LOS ANGELES UNIFIED SCHOOL DISTRICT



Summary of Policies and Rules for Classified Employees

August 2010

LOS ANGELES UNIFIED SCHOOL DISTRICT
Personnel Commission

Please read the following information concerning the District's legal requirements, policy and rules regarding child abuse, code of conduct with students, employment discrimination, drug and alcohol use, nepotism, sexual harassment, and your rights relating to the Family and Medical Leave Act, workers compensation, and requests for reasonable accommodations. All District employees MUST be familiar with the requirements imposed by these policies and rules.

When you are finished reading the information, please complete and sign the "Legal Requirement, Policy, and Rule Acknowledgment Form." This signed form will become a permanent part of your personnel file.

The complete text of the reference bulletins for each summary can be located on our web site, at <https://lausdjobs.lausd.k12.ca.us/appv1/main/processing/Process.htm>. Hard copy references are also available at each of our employment offices.

EMPLOYMENT DISCRIMINATION COMPLAINT PROCEDURES

Los Angeles Unified School District is committed to providing a working and learning environment free of harassment and discrimination. District policy prohibits harassment or discrimination based on race, sex, religion, color, national origin, ancestry, physical or mental disability, medical condition (cancer-related), pregnancy, childbirth or related medical condition, status as Vietnam-era veteran or special disabled veteran, marital status, age (40 and above), sexual orientation or any other basis protected by federal, state or local law or ordinance or regulation.

All such harassment is unlawful. The District prohibits harassment by any employee of the District, including supervisors, co-workers, and parents or by persons doing business with or for the District. The District prohibits retaliation against anyone who files a complaint or any participant in the complaint investigation process.

Any employee of the District who believes that she or he has been a target of discrimination should first bring the problem to the attention of the site administrator or designee so that appropriate action may be taken to resolve the problem. Formal discrimination complaints may be filed if the site administrator is not able to adequately address the problems.

The link below provides you with access to forms and instructions for filing a formal discrimination complaint.

Relevant Information:

Link to Bulletin S-27 – 12/3/2001

<https://lausdjobs.lausd.k12.ca.us/appv1/main/processing/Employee%20Discrimination%20Bulletin.pdf>

NEPOTISM POLICY SUMMARY

The purpose of this Rule is to prevent close relatives or cohabitants from working in the same organizational unit. For the purpose of this Rule, “close relatives” is defined as spouse, brother, sister, parent, child, or grandchild; “cohabitants” is defined as persons living together.

Key provisions of this Rule require that:

- 1) All administrators responsible for the assignment of employees shall avoid assigning close relatives or cohabitants to work in situations where conflicts of interest could arise.
- 2) In no case will an assignment be allowed that will establish a supervisor/subordinate relationship at the first or second level of supervision between two employees who are close relatives or cohabitants.
- 3) Employees and applicants must disclose to the Employment Transaction Services Branch, (213) 241-6300, any relationship which may be covered by this Rule prior to appointment to a position.

Relevant Information:

Link to Nepotism Policy – Personnel Commission Rule 720 – 9/27/2006
https://lausdjobs.lausd.k12.ca.us/appv1/main/processing/Nepo_Rule.pdf

REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES – POLICY SUMMARY

The Los Angeles Unified School District is committed to providing equal employment and educational opportunities for individuals with disabilities and does not discriminate on the basis of a disability in its employment, programs, or activities. The reasonable accommodation policy provides guidance to the District to ensure that individuals with a disability are given the accommodations necessary to perform the essential functions of their job and receive the benefits and privileges of employment.

For further information, please contact the Office of Risk Management and Insurance Services, Reasonable Accommodations Program, at (213) 241-1319.

Relevant Information:

Link to Full Reasonable Accommodations Policy – Bulletin 4569.0 – Office of the Chief Operating Officer – 11/24/2008
<https://lausdjobs.lausd.k12.ca.us/appv1/main/processing/Reasonable%20Accommodation.pdf>

**FAMILY AND MEDICAL LEAVE ACT (FMLA)
CALIFORNIA FAMILY RIGHTS LEAVE ACT (CFRA)
PREGNANCY DISABILITY LEAVE –
SUMMARY AND REFERRAL TO GENERAL NOTICE**

The Family and Medical Leave Act (FMLA) requires the Los Angeles Unified School District (LAUSD) to provide up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for incapacity due to pregnancy, care of an immediate family member, or a serious health condition.

Under the California Family Rights Act of 1993 (CFRA), if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to an unpaid family care or medical leave (CFRA leave). This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of your child, parent or spouse.

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

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

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

Taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date. For additional information about your rights under the Family and Medical Leave Act, please refer to the link below. You may also visit our website at <http://fmla/lausd.net>, or contact our contact (213) 241-3954.

Relevant Information:

Link to Policy Summary provided by the Office of Risk Management and Insurance Division (ORMIS) – 03/2009

LOS ANGELES UNIFIED SCHOOL DISTRICT CHILD ABUSE REPORTING INFORMATION SHEET

The Los Angeles Unified School District has policies and procedures regarding the reporting of suspected child abuse to an appropriate child protective agency. The purpose of this summary is to serve as a reference guide to those policies and procedures pertinent to the identification and reporting of suspected child abuse. In addition to this summary, the District *strongly recommends that employees familiarize themselves with the District's "Child Abuse and Neglect Reporting Requirements" Bulletin No. BUL-1347.1*. Please review this summary and the Child Abuse Reporting Bulletin carefully, as each employee will be expected to adhere to the District's policies and procedures identified.

PLEASE NOTE: All District employees are required to complete yearly Child Abuse Reporting Awareness Training. This training can be completed online. Please have your new supervisor refer you to the appropriate resource to sign up for training as soon as you have started your assignment.

I. California Law

All District employees are mandated by law to report child abuse. Therefore, District employees are "mandated reporters".

A District employee who, "... in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom . . . [the employee] knows or reasonably suspects has been the victim of child abuse or neglect . . . shall report the known or suspected instance of child abuse to a child protective agency immediately, or as soon as practically possible, by telephone. The District employee must then prepare and send a written report within 36 hours of receiving the information concerning the incident to the child protective agency.

Each District employee is individually responsible for reporting suspected child abuse.

Reporting suspected child abuse to a school principal, site administrator, supervisor, school nurse/doctor, school counselor, co-worker, Los Angeles School Police Department (LASPD), or other person *does not substitute for making a mandated report to an appropriate child protective agency*.

Contents of a suspected child abuse report shall remain confidential. Only individuals directly involved in a specific case may have access and/or be privy to information regarding the report and its contents.

II. Definitions – "Child Abuse" includes the following:

- Life Endangerment – any act by a person who willfully causes, inflicts or permits any child to endure cruel and inhumane corporal punishment, mental suffering, etc.
- Neglect – negligent treatment, maltreatment, or failure to provide adequate clothing, food, medical care, shelter, or supervision.
- Physical Abuse – actual physical injury.
- Sexual Abuse – sexual assault, sexual exploitation, molestation of child, etc.

III. Child Abuse Reporting Procedures

- An employee suspecting child abuse/neglect must immediately, or as soon as practically possible, make their mandated suspected child abuse telephone report to an appropriate child protective agency, either the Department of Children and Family Services (DCFS) or the local law enforcement department serving the school:
 - ☎ Department of Children and Family Services (DCFS) – (800) 540-4000
 - ☎ Los Angeles Police Department (LAPD) – Child Abuse Unit – (213) 486-0530
 - ☎ Los Angeles County Sheriff’s Department
- A written report must be completed and sent to the same child protective agency called within 36 hours of receiving the information concerning the incident. The report must be submitted to the same agency that received the telephone report.
- Additional copies of “Suspected Child Abuse Report,” Department of Justice form SS 8572 can be printed off the LAUSD website: http://www.schoolsafety.lausd.net/report_child_abuse or the DCFS website: dcfs.co.la.ca.us.
- The identity of a District employee who reports suspected child abuse shall remain confidential and disclosed only between designated child protective agencies, by court order, when needed for specified court actions, or if the employee waives his/her confidentiality.

IV. Prohibited Actions

- Never contact the child’s or the alleged perpetrator’s parent/guardian if indicators point to possible abuse or if abuse is suspected prior to making a report.
- Never conduct an investigation of any kind once abuse or neglect is suspected or prior to making a report.
- Never report suspected child abuse to the Los Angeles School Police Department (LASPD). The law provides that the *LASPD is not a child protective agency*.
- No removal or arranging of any clothing to provide a visual inspection of the underclothing, breast, buttocks, or genitalia of a pupil is permitted.

V. District Employee Named as Alleged Perpetrator

- District officials may temporarily relocate an employee who has been named as an alleged perpetrator in a report of suspected child abuse.
- A District employee who is temporarily transferred or relocated will be presumed innocent pending the outcome of the investigation and will have all appropriate due process rights.
- * Any employee who has reasonable suspicion that another District employee has committed child abuse must file a report with a local child protective services agency (such as LAPD or LA County Sheriff’s Department) **and** must report the suspected conduct to the appropriate supervising District administrator.

VI. Consequences for Reporting/Failure to Report

- Generally, District employees are immune from civil and criminal liability when reporting suspected child abuse as required by law.
- Failure to report suspected child abuse is a misdemeanor punishable by imprisonment in the county jail for a maximum of six months, a fine up to \$1,000, or both.
- A violation of District policies and the law may lead to disciplinary action, up to and including suspension, demotion, and/or termination from the District.

Link to Policy bulletin: Bulletin 1347 – Office of the General Counsel – 11/15/04
https://lausdjobs.lausd.k12.ca.us/appv1/main/processing/CHILD_ABUSE.pdf

Link to California State Penal Code, Sections 11165.7, 11166, 11167

**FOR FURTHER ASSISTANCE, PLEASE CONTACT THE
OFFICE OF GENERAL COUNSEL AT (213) 241-7600**

SEXUAL HARASSMENT PREVENTION (Employee-to-Employee)
Los Angeles Unified School District
Equal Opportunity Section

POLICY: “It is the policy of the Los Angeles Unified School District that harassment or discrimination in employment is prohibited on the basis of sex; race; color; ancestry; religious creed; national origin; physical disability (including HIV and AIDS); mental disability; medical condition (cancer); age; marital status; sexual orientation; political belief or affiliation; status as a Vietnam era veteran or special disabled veteran; or the denial of family care leave, pursuant to federal and state laws.”

Inherent in this policy statement is the understanding that sexual harassment is a form of sex discrimination, and a violation of the District’s Sexual Harassment Policy (Bulletin 1893.1 – Office of the General Counsel – 8/01/05), and applicable state and federal laws.

WHAT IS SEXUAL HARASSMENT? Unwelcome sexual advances, requests for sexual favors, and other physical verbal, or visual conduct of a sexual nature when (1) submission to the conduct is made either explicitly or implicitly a term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment. Potential perpetrators can include any employee, whether a supervisor or co-worker; or independent contractors, vendors, or other nonemployees.

Examples of sexual harassment may include:

- Explicit sexual propositions, innuendoes, or comments
- Sexually-oriented kidding, teasing or jokes
- Foul or obscene language or gestures
- Displays or sexually suggestive printed or visual material
- Physical conduct, e.g. patting, pinching, or brushing up against another employee
- Actual or attempted rape or assault

IF YOU ARE SEXUALLY HARASSED?

Your Options:

- Tell the offender in person and/or in writing that his/her behavior is unwelcome and must stop or you will take further action; OR
- Advise your supervisor that you are being harassed and request his/her assistance in resolving the problem. If your supervisor is the alleged harasser, contact his/her superior or call the Los Angeles Unified School District Equal Opportunity Section at (213) 241-7685 for assistance; OR
- Contact the Equal Opportunity Section directly at (213) 241-7685 regarding filing a complaint; OR
- Contact the U.S. Equal Employment Opportunity Commission at <http://www.eeoc.gov>, or (800) 669-4000; or the California Department of Fair Employment and Housing at <http://www.dfeh.ca.gov>, or (800) 884-1684.
- Whatever action you take, you should keep a written record of any and all incidents of harassment.

DO NOT TOLERATE SEXUAL HARASSMENT
YOU HAVE A RIGHT TO WORK IN AN ENVIRONMENT FREE OF SEXUAL HARASSMENT

All LAUSD employees are expected to behave in a manner which maintains a working environment free of harassment. Sexual harassment, whether directed toward men or women, by employees at any level will be subject to disciplinary action.

When the District receives a complaint or otherwise learns of alleged sexual harassment in the workplace, a thorough and prompt investigation will be conducted. When warranted, the District will take immediate and appropriate corrective action by doing whatever is necessary to end the harassment and remedy the complainant's loss. Moreover, in cases where violation of the District's sexual harassment policy is found, appropriate disciplinary action will be taken. The corrective action will take into consideration the severity of the misconduct and may include discipline ranging from reprimand to discharge. The District's policy also prohibits retaliation against those who oppose or complain about harassment.

It is the intention of the District to prevent the harassment from recurring and ensure that the victim is not subject to retaliation.

ANY DISCIPLINARY ACTION TAKEN AGAINST AN EMPLOYEE WHO HAS ENGAGED IN SEXUAL HARASSMENT WILL BECOME PART OF HIS/HER PERSONNEL FILE

Relevant Information:

Link to Policy Bulletin – Bulletin 1893.1 – Office of the General Counsel – 08/01/05

https://lausdjobs.lausd.k12.ca.us/appv1/main/processing/SEXUAL_HARASSMENT.pdf

WORKERS COMPENSATION RIGHTS NEW HIRE NOTICE – INJURIES CAUSED BY WORK

You may be entitled to workers' compensation benefits if you are injured or become ill because of your job. Workers compensation benefits include medical care, temporary disability, permanent disability, supplemental job displacement voucher, and death benefits.

Labor Code Section 3551 mandates that employers provide every new employee with written notice of the information contained in Labor Code Section 3550 regarding workers compensation rights and benefits. These notices are provided in the links below in English and in Spanish (as required by law). They include information about how to obtain appropriate medical care for a job injury, and forms for Physician Pre-designation and Medical Provider Network Employee Notification.

Relevant Information:

Link to New Hire Notice – Injuries Caused by Work (English)

<https://lausdjobs.lausd.k12.ca.us/appv1/main/processing/New%20Hire%20Notice%20Revised.pdf>

Enlace a Nota de Nuevo Empleado – Lesiones Causadas por el Trabajo (Spanish)

<https://lausdjobs.lausd.k12.ca.us/appv1/main/processing/New%20Hire%20Notice%20Spanish.pdf>

ETHICS POLICY STATEMENT AND CODE OF ETHICS

Our *Code of Ethics* helps develop trust by describing what the public can expect from us, and what we can expect from each other and our District. It plays a central role in our District's commitment to help District personnel achieve the highest ethical standards in their professional activities and relationships. Our goal is to create a culture that fosters trust, commitment to excellence and responsibility, personal and institutional integrity, and avoids conflicts of interest and appearances of impropriety.

The *Code of Ethics* applies to all District personnel, including Board Members. Provisions of this *Employee Code of Ethics* are supported by State law, District Board and Personnel Commission Rules, and related regulations, bulletins, and collective bargaining agreements.

All District employees are expected to act in the highest ethical manner and preserve the public trust in carrying out their duties as an employee of the Los Angeles Unified School District. To that end, District employees are bound by the terms of LAUSD's *Code of Ethics* (Board Rule No. 1900). Violations of this *Code of Ethics* may result in administrative or disciplinary actions under those laws, rules, regulations, bulletins, and agreements.

For further information, please visit our web site at www.lausd.net/ethics, or contact the Ethics Office at (213) 241-3330.

Relevant Information:

Link to Ethics Policy Statement provided by the Ethics Office – Board Rule No. 1900 – Rev. 2/03

https://lausdjobs.lausd.k12.ca.us/appv1/main/processing/Code_of_Ethics.pdf

IMPLEMENTING ZERO-TOLERANCE POLICIES FOR DRUG, ALCOHOL AND TOBACCO-FREE WORKPLACE

It is the policy of the District to maintain a drug and alcohol-free environment. As a condition of employment with the Los Angeles Unified School District, you must remain drug and alcohol free in the workplace during your course of employment.

As required by these regulations, the Los Angeles Unified School District hereby notifies you, a new employee, that:

1. The unlawful manufacture, sale, distribution, dispensing, possession or use of illicit drugs and alcohol is prohibited in any and all District workplaces. It is also the policy of the District that smoking and the use of all tobacco products is prohibited on all District property, including District-owned or leased buildings, and in District vehicles at all times, by all persons, including employees, students, and visitors at any school or District site, or attending any school-sponsored events.
2. Violation of paragraph 1 by any employee will result in appropriate administrative or disciplinary action, including, but not limited to, written reprimand, suspension, termination, and/or the requirement for satisfactory participation in and completion of a drug and alcohol abuse assistance or rehabilitation program.
3. Current employees are required to report any criminal drug or alcohol statute conviction for a violation occurring in the workplace no later than five (5) days after a conviction. Such reports shall be made to the Employee Relations/Services Section, Human Resources Division, at (213) 241-6591.
4. Any administrative or disciplinary actions shall be taken within thirty (30) days of notice of conviction as described in Paragraph 3, and shall be in accordance with Board policies, Federal and State law, Personnel Commission Rules and Regulations, and applicable collective bargaining agreements.

Relevant Information:

Link to Bulletin 3630 – Office of the Chief Operating Officer – 3/28/2007

https://lausdjobs.lausd.k12.ca.us/appv1/main/processing/Zero_Tolerance.pdf