

Knights Ferry Elementary School District

12726 Dent Street; P.O. Box 840; Knights Ferry, CA 95361

REGULAR MEETING OF THE BOARD OF TRUSTEES

Thursday, August 11, 2016

School Multipurpose Room

Persons wishing to address the Board on any school related issue are invited to do so, either when the item is presented on the agenda, or under the "Public Comment" section. In the interest of time and order, presentations from the public are limited to three (3) minutes per person, and the total time shall not exceed twenty (20) minutes. An individual speaker's allotted time may not be increased by a donation of time from members of the public in attendance. If you wish to speak under Public Comment, please complete a public comment card and turn it in to the Superintendent's Assistant. The Board requests that complaints or charges against an employee be held in Closed Session. Please note that Government Code Section 54954.2(a) limits the ability of Board Members to respond to public comments. More specifically, Board Members are limited, but not required, to give a brief response to public statement or questions regarding non-agenda items. Individuals who require disability-related accommodations or modifications to participate in the Board meeting should contact the Superintendent in writing.

1.0 PUBLIC MEETING - Preliminary Proceedings 5:30PM

1.1 Call to order with the Flag Salute

2.0 APPROVAL OF AGENDA

2.1 Opportunity for the Board and Administration to adjust the published agenda.

3.0 HEARING SECTION

3.1 *Public Comments* Opportunity for the Public to Address Items Not on the Agenda

Persons wishing to address the Board on any school related issue not listed elsewhere on the agenda are invited to do so now under the "Public Comment" item. Please note that Government Code Section 54954.2(a) limits the ability of the Board Members to respond to public comments. More specifically, Board Members are limited, but not required, to give a brief response to public statements or questions regarding non-agenda items.

4.0 CONSENT AGENDA - Consolidated Motion

The purpose of Consent Agenda (Consolidated Motion) is to expedite action on routine agenda items. These items will be acted upon with one motion, second and approval of the Board, unless a member of the Board or public wishes to pull the item for individual discussion and action. All matters listed under Consent agenda are those on which the board has previously deliberated or that can be classified as routine items of business. An administrative recommendation on each item is contained in the agenda supplements. There will be no separate discussion of these items prior to the time the Board trustees votes on the motion unless members of the Board, staff, or public request specific items to be discussed or pulled from the Consent items.

4.1 Approval of the Minutes

Explanatory Statement: (Policy and Judicial Review).

Attachment: The Minutes of Regular Board Meeting of June 23, 2016- Item #4.1.

Recommended Action: Approve, as presented, the Minutes of June 23, 2016.

4.2 Ratification of Bills and Warrants

Explanatory Statement: (Finance/Facilities)

Attachment: Warrant Lists from June 23, 2016 to August 11, 2016 – Item #4.2.

Recommended Action: Approve the ratification of warrants from June 23, 2016 to August 11, 2016.

4.3 Interdistrict Transfer Agreements

Explanatory Statement: (Student Attendance)

Attachment: Item #4.3

Recommended Action: Approve recommendations for Interdistrict Attendance Agreements.

4.4 Approval of ASCSB Membership

Explanatory Statement: The Board of Trustees has been a member of ASCSB for many years and needs to approve maintaining the membership.

Attachment: Item #4.4

Recommendation: Approve ongoing membership.

Public Comment

4.5 Human Relations/Personnel

Explanatory Statement: Approve the employment contract with certificated staff, Jennifer DeHart, as the new 5th and 6th grade teacher.

Attachment: Item #4.5

Recommendation: Approve the employment contract for Jennifer Dehart.

Public Comment

5.0 DISCUSSION ITEMS

5.1 ASCSB Dinner

Explanatory Statement: Opportunity for the Board to attend the Association of Stanislaus County School Boards Dinner on September 29th.

Attachment: Item #5.1

Recommended Action: Receive information.

Public Comment

5.2 Continued Discussion of AR4261.1

Explanatory Statement: The Board will choose option 1 or 2 for future adoption.

Attachment: Item #5.2

Recommendation: To choose option 1 or 2 for implementation.

Public Comment.

5.3 Continued Discussion of PTC Approval of 1 Hour Per Week of Salary for a Second Grade Teacher (Reading).

Explanatory Statement: The Board will receive information regarding the second grade reading teacher.

Attachment: None

Recommendation: Information Only

Public Comment.

6.0 ACTION ITEMS

6.1 Resolution #20162017001

Explanatory Statement: Kindness, empathy, and compassion are everyday skill that our students need to become successful. The Everyday Kindness program is a free and easy way of recognizing everyday kindness in students, staff, and community members.

Attachment: Item #6.1

Recommendation: Approve Resolution #20162017001

Public Comment.

6.2 Approval of Bid to Renovate Playground

Explanatory Statement: Due to age and environmental factors the lower playground footing needs to be replaced. The bid includes removal, weed and gopher screens, and installation.

Attachment: Item #6.2

Recommendation: Approve the Bid to Renovate Playground

Public Comment.

7.0 REPORTS & ANNOUNCEMENTS

- 7.1 Community Members
- 7.2 Parent-Teacher Club
- 7.3 Teachers
- 7.4 Paraprofessionals
- 7.5 Custodian/Maintenance
- 7.6 Administration
- 7.7 Superintendent/Principal
- 7.8 Board of Trustees
- 7.9 Good 'n' Plenty
- 7.10 Planning Ahead

Next Board of Trustees Meeting: Thursday, September 8, 2016 at 5:30pm.

8.0 ADJOURNMENT

8.1 In compliance with Brown Act regulations, this agenda was legally posted no later than:
August 5, 2016 at 12726 Dent St., Knights Ferry, CA 95361.

Knights Ferry Elementary School District

12726 Dent Street; P.O. Box 840; Knights Ferry, CA 95361

REGULAR MEETING OF THE BOARD OF TRUSTEES

Thursday June 23, 2016

MEETING BEFORE THE PUBLIC

Minutes

- | | |
|--|---|
| 1.0 Call to Order | This meeting of the Knights Ferry Elementary School District Board of Trustees was called to order at 5:30 PM by Mrs. Kym Cassaretto. |
| Establishment of Quorum | A quorum was established with Mrs. Lisa Frymire, Mrs. Kym Cassaretto, and Mr. John Sturgis present. Mrs. Andrea Wever-Gonzalez and Mrs. Diane Noon were absent. |
| Personnel Present: | Dr. Janet Skulina and Mrs. Anita Ivaschenko |
| Guests Present | None |
| 1.0 Public Meeting | The public meeting was called to order by Mrs. Kym Cassaretto at 5:30pm with the flag salute. |
| 2.0 Approval of the Agenda | Mr. John Sturgis motions to approve the agenda, Mrs. Frymire seconds.
Ayes-KC, JS, LF
No- 0
Absent – DN, AGW
Public Comment: None |
| 3.0 Hearing Section | No Public Present
No Public Comment |
| 4.0 Consent Agenda | |
| 4.1 Approval of Amended Minutes | Dr. Skulina explained the changes and clarifications to the Minutes from June 9, 2016. Mr. John Sturgis motions to approve the Consent Agenda and Mrs. Frymire seconds. |
| 4.2 Ratification of Bills and Warrants | Public Comment: None |
| 4.3 Interdistrict Transfer Agreements | Ayes-KC, JS, LF
No- 0 |
| 4.4 Williams Quarterly Report | Absent – DN, AGW |

- Ayes-KC, LF, JS
No- 0
Absent – DN, AGW
- 6.4 Approval of the Amended 2016-2017 Calendar
Dr. Skulina explained that the week off in February has been moved to the following week in order to accommodate the February 20th mandatory federal holiday. Mrs. Frymire motions to approve the amended 2016-2017 calendar, Mr. Sturgis seconds.
Ayes-KC, JS, LF
No- 0
Absent – DN, AGW
- 6.5 Approval of the Amended Superintendent's Contract (Health Care Cap)
Dr. Skulina explained that the Superintendent's contract needed to be amended so that the Superintendent's health care benefit was the same as the other employees that receive health care.
-\$1000 health care cap increase to the current \$9000 cap, will apply retroactively as a cash payment for July 2015-May 2016. The monthly health cap will increase as of June 2016.
Mrs. Frymire motions to approve the amended Superintendent's Contract (Health Care Cap), Mr. Sturgis seconds.
Ayes-KC, JS, LF
No- 0
Absent – DN, AGW
- 6.6 Approval of Change in Step for Units
Dr. Skulina clarified that due to error Kindergarten teacher, Kimberly McCarthy, was placed on an incorrect column on the salary schedule. Once approved by the Board, Kim would receive the difference between what she was paid for the 2015-2016 school year and what she should have received, which would be a total of \$872. Mr. Sturgis motions to approve the change in step for units for Kimberly McCarthy, Mrs. Frymire seconds.
Ayes-KC, JS, LF
No- 0
Absent – DN, AGW
- 6.7 Authorization for Employees to Sign Checks for the Revolving Cash Fund
Dr. Skulina explained that the form presented to the Board authorizes Mrs. Ivaschenko and Dr. Skulina to sign checks for the Revolving Cash Fund. Mrs. Frymire motions to approve the authorization for employees to sign checks for the Revolving Cash Fund, Mr. Strugis seconds.

8.9 Planning Ahead

Dr. Skulina noted that the office looks very nice.

9.0 Adjournment

Dr. Skulina asked if there was anything that the Board would like to see on the August Agenda. Mrs. Frymire brought up the Ed code regarding exhausted sick leave for Classified staff, and summarized the research that she has done on her own. The Board would like this policy to be on the August agenda.

The next Board meeting will be Thursday, August 11, 2016 at 5:30pm.

Mr. Sturgis motioned to adjourn the meeting, Mrs. Frymire seconds.

Ayes – KC, JS, LF

No – 0

Absent – DN, AGW.

Adjourned at 7:06pm.

Respectfully,

Anita Ivaschenko

Administrative Assistant

Item # 4.2

WARRANTS: August 11, 2016

COMPANY NAME	AMOUNT	DESCRIPTION	ACCOUNT CODES
1st Security and Sound	\$ 144.95	August Alarm	01/0000/0/5500/0000/8100/000/0000
A&A Portables	\$ 1,150.00	Septic Tank Pumping	14/0001/0/5600/0000/8100/000/0000
Ace Hardware	\$ 143.17	Custodial Supplies	01/0000/0/4300/0000/8100/000/0000
Amerine Systems, Inc	\$ 472.61	Sprinkler Repairs	14/0001/0/5600/0000/8100/000/0000
Clark	\$ 732.00	July Pest Control/Gopher Serv.	01/0000/0/5500/0000/8100/000/0000
CRSIG	\$ 6,322.00	Property/Liability Contribution	01/0000/0/5452/0000/2700/000/0000
CRSIG	"	Property/Liability Contribution	01/0000/0/5452/0000/7200/000/0000
Double J Electric	\$ 2,109.00	Electrical Repairs	14/0001/0/5600/0000/8100/000/0000
Gilton	\$ 102.69	Garbage Service	01/0000/0/5500/0000/8100/000/0000
Highlands Energy Solutions	\$ 46,241.55	Implementing Prop 39 Meas.	40/6230/0/6200/0000/8500/000/0000
K.F. Revolving Acct	\$ 65.75	Mailing/Stamps	01/0000/0/5900/0000/7200/000/0000
K.F. Revolving Acct	\$ 12.00	June Service Fee	01/0000/0/5800/0000/7200/000/0000
KF Community Services D.	\$ 315.66	June/July Water Bill	01/0000/0/5500/0000/8100/000/0000
PG&E	\$ 3,256.21	June/July Electric Bill	01/0000/0/5500/0000/8100/000/0000
Promote	\$ 171.66	Gold Ribbon Banner	01/0000/0/5802/0000/7100/000/0000
Ricoh	\$ 1,070.46	June/July Copier Rent	01/1100/0/5600/1110/1000/000/0000
Rosetta Stone	\$ 2,533.00	Language Program	01/4045/0/4400/1110/1000/000/0000
Spray and Sons	\$ 1,300.00	Floor Cleaning	01/0000/0/5500/0000/8100/000/0000
Total Compensation Syst	\$ 1,100.00	Valuation Services	01/0000/0/5800/0000/7100/000/0000
US Bank - Abebooks	\$ 179.46	Textbooks	01/1100/0/4300/1110/1000/000/0000
US Bank - Academic Therap	\$ 82.87	Speech Protocols	01/6500/0/4300/1110/1000/000/0000
US Bank - Amazon	\$ 85.24	Reception Chairs for Office	12/0004/0/5800/0000/8500/000/0000
US Bank - Amazon	\$ 206.10	Instructional Materials	01/1100/0/4300/1110/1000/000/0000
US Bank - Home Depot	\$ 14.21	Masking Tape for Office	12/0004/0/5800/0000/8500/000/0000
US Bank - Pearson	\$ 61.66	Speech Protocols	01/6500/0/4300/1110/1000/000/0000
US Bank - Perfection Learn	\$ 641.63	Textbooks	01/1100/0/4300/1110/1000/000/0000
US Bank - School Fix	\$ 38.65	Crosswalk Sign	01/0000/0/4300/0000/7200/000/0000
US Bank - Sherwin Williams	\$ 175.00	Painting Supplies for Office	12/0004/0/5800/0000/8500/000/0000
US Bank - USPS	\$ 47.00	Stamps	01/0000/0/5900/0000/7200/000/0000
US Bank - Vista Print	\$ 50.81	Business Cards	01/0000/0/5802/7100/0000/000/0000
VTD	\$ 7,330.00	May 2016 Audit	01/0000/0/5800/0000/7191/000/0000
TOTAL	\$ 76,155.34		
GENERAL		Account 0000	
LOTTERY		Account 1100	
EETT	\$ -	Account 01/4045	
TQI	\$ -	Account 4035	
DEF. MAINT.	#REF!	Account 14/0001	
SP. ED.	-	Account 6500	
TOTAL	\$ 76,155.34		

July Payroll	TBD
June Variable Payroll	N/A
TOTAL PAYROLL	TBD

Item # 4.4

Association of Stanislaus County School Boards INVOICE

Name: Governing Board
District: Knights Ferry School District
Address: PO BOX 840
Knights Ferry, CA 95361

Date: July 1, 2016
Your P.O. No.: _____

Please Note:

PLEASE MAKE WARRANT PAYABLE TO: ASCSB (Association of Stanislaus County School Boards)
MAIL TO: Attn: Hilda Meneses, SCOE1100 H Street, Modesto, CA 95354

Quantity	Price per Unit	Description of Services Rendered or Goods Delivered	Amount
5	\$35.00	Workshop and Dinners	\$175.00
		Annual Dues 2016-2017	\$15.00

Formula: Dinner and Workshop @ \$35 each =\$105 (Three Board members)
\$175 (Five Board members)
\$245 (Seven Board members)

Dues Schedule: \$ 15 minimum for districts with less than 200 ADA
\$ 35 districts with ADA 200-899
\$ 75 districts with ADA 900-3999
\$100 districts with ADA 4000-8999
\$125 districts with ADA 9000 and over
\$125 Stanislaus County Board of Education

Administrators - white
Governing Board Clerk - yellow
County Superintendent - pink

Total Amount Due: \$190.00

Notice of Offer of Employment by the Knights Ferry Elementary School District -- Certificated Employee

Item # 4.5

School Year: 2016-2017 Job Classification: Certificated Date: 8/5/2016

Employee Name: Jennifer DeHart Social Security #: _____

Address: _____ Telephone Number: _____

Work Days: 183 # of Paid Holidays: 0 # Paid Vacation Days: 0 Total # Paid Days: 183

Regular Duty Hours per day: 7

School Day Times:

8:00 AM to 3:00 PM

Paid Sick Leave:	Accumulated From Previous School Years	<u>0</u> Hours
	Credited for This School Year	<u>70</u> Hours
	Total Sick Leave Hours Available	<u>70</u>

Summer/Non-School Day Times:

N/A to N/A

Date Work Year Starts: 8/11/16 Date Work Year Ends: 06/02/2017

Daily Rate \$246.72 Hourly Rate \$35.25

Annual Salary \$45,149.00 Monthly Salary \$3,762.42 # Of Months Paid 12

STATUS: Probationary Temporary _____ Permanent _____ Wage Scale Placement: Column 2 Step 7

The above information reflects your employment conditions at Knights Ferry Elementary School and does not constitute a contract. Classified staff members are subject to the evaluation process and other procedures set forth in Knights Ferry School District Board Policy. Additional Employment conditions are specified in the policies of the Stanislaus County Department of Education and the California Education Code.

Employee's Signature _____

Superintendent's Signature _____

Mem # 5.1

Association of Stanislaus County School Boards

1100 H Street · Modesto · California 95354 · (209) 238-1711 · FAX (209) 238-4201

July 1, 2016

To: School Board Presidents

Dear Colleague:

Dues for the 2016-2017 Association of Stanislaus County School Boards (ASCSB) will be as outlined in our Constitution and Bylaws.

As in the past, there will also be a charge of \$35 for each board member, which will include our regular dinner meetings and workshops. Please mark your calendar for the **Annual Fall School Boards dinner meeting** on Thursday, **September 29, 2016** at the Petersen Event Center. More information will follow, as soon as plans are finalized.

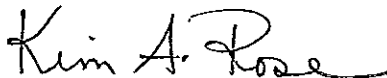
We continue to encourage your attendance at workshops and meetings and welcome your suggestions for improving the activities of the Association.

Please join in our effort for better education in Stanislaus County and include in your 2016-2017 budget an allowance for dues for the Association of Stanislaus County School Boards.

You may be interested in knowing that in addition to the annual school boards dinner meeting, your association has supported programs that assist youth such as the Academic Decathlon, Occupational Olympics, Stanislaus Culinary Arts Institute, Stanislaus County Substance Abuse, the Outdoor Education Foundation--just to name a few.

Enclosed is an invoice for your school board's membership in the Association of Stanislaus County School Boards. Your past participation in the Association has been much appreciated. We hope you will continue your membership.

Sincerely,



Kim A. Rose, President
ASCSB

KR:htm
Enclosure

cc: District Superintendents

CSBA Sample

Administrative Regulation

Personal Illness/Injury Leave

AR 4261.1

Personnel

Note: The following administrative regulation is subject to collective bargaining. Twelve days of paid personal illness or injury leave (sick leave) per year is the minimum prescribed by Education Code 45191 for classified employees employed five days a week in both merit and non-merit system districts. The Governing Board may allow more sick leave at its discretion; if it does so, the following paragraph should be revised accordingly.

Note: Labor Code 245-249 (the Healthy Workplaces, Healthy Families Act), as added by AB 1522 (Ch. 317, Statutes of 2014), require districts to grant a minimum of one hour of paid sick leave for every 30 hours worked to their employees who work for 30 days within a year of their employment, including classified employees. Pursuant to Labor Code 246, as amended by AB 304 (Ch. 67, Statutes of 2015), a district may use a different sick leave accrual method which provides for the accrual to be on a regular basis so that an employee accrues at least 24 hours of sick leave or paid time off by the 120th calendar day of his/her employment or each calendar year or 12-month period. Additional requirements of Labor Code 245-249 include, but are not limited to, display of a poster containing specified information at every workplace, provision of each employee's sick leave balance on his/her wage statements, and maintenance of leave usage documentation for three years.

Note: The provisions of Labor Code 245-249 are very broad and only district employees covered by a valid collective bargaining agreement may be exempted from them, if the collective bargaining agreement expressly provides paid sick leave in an amount equal to or exceeding the amount of leave required pursuant to Labor Code 246, includes final and binding arbitration of disputes regarding the application of the paid sick days provisions, and provides premium wage rates for all overtime hours worked and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate. Since many districts may not satisfy all the conditions for this exemption, this administrative regulation reflects the requirements of Labor Code 245-249. Any district whose collective bargaining agreement meets all the conditions for exemption may modify this administrative regulation accordingly.

Note: See sections titled "Short-Term and Substitute Employees" and "Healthy Workplaces, Healthy Families Act Requirements" below for more details of AB 1522 requirements. For sick leave for certificated employees, see AR 4161.1/4361.1 - Personal Illness/Injury Leave.

Classified employees employed five days a week are entitled to 12 days leave of absence with full pay for personal illness or injury (sick leave) per fiscal year. Employees who work less than a full fiscal year or fewer than five days a week (part-time employees) shall be granted sick leave in proportion to the time they work. However, any part-time employee whose work hours are so

few as to entitle him/her to less than 24 hours of paid sick leave per fiscal year shall be granted sick leave pursuant to Labor Code 246, if he/she is eligible. (Education Code 45191; Labor Code 245-249)

(cf. 4161/4261/4361 - Leaves)

Use of Sick Leave

A classified employee may use sick leave for absences due to:

1. Accident or illness, whether or not the absence arises out of or in the course of employment, or by quarantine which results from contact with other persons having a contagious disease during the employee's performance of his/her duties (Education Code 45199)

2. Pregnancy, childbirth, and recovery (Education Code 45193)

(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

3. Personal necessity as specified in Education Code 45207

(cf. 4161.2/4261.2/4361.2 - Personal Leaves)

Note: Optional item #4 below may be revised to specify a different minimum increment.

4. Medical or dental appointments, in increments of not less than one hour

5. Industrial accident or illness when leave granted specifically for that purpose has been exhausted (Education Code 45192)

(cf. 4261.11 - Industrial Accident/Illness Leave)

Note: Pursuant to Labor Code 246.5, as added by AB 1522 (Ch. 317, Statutes of 2014), paid sick leave may also be used for the purposes specified in item #6 below.

Note: Pursuant to Labor Code 233, as amended by SB 579 (Ch. 802, Statutes of 2015), any district that provides sick leave to its employees is required to permit them to use sick leave, in an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement, to attend to the illness of their family members as specified in item #6 below. Family members include, but are not limited to, an employee's grandparent, grandchild, and sibling, not just his/her child, parent, spouse, or domestic partner. In addition, the law defines child as a "biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis."

***Note: For more details of AB 1522 requirements, see sections titled "Short-Term and Substitute Employees" and "Healthy Workplaces, Healthy Families Act Requirements" below. For additional information about leaves for victims of domestic violence, sexual assault, or

stalking, see AR 4161.2/4261.2/4361.2 - Personal Leaves.***

6. In any calendar year, an employee may use the amount of sick leave he/she would accrue during six months at his/her current rate of entitlement for the following: (Labor Code 233, 245.5, 246.5)

a. Need of the employee or his/her family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care

b. Need of the employee to seek or obtain any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

An employee may take leave for personal illness or injury at any time during the year, even if credit for such leave has not yet been accrued. However, a new full-time classified employee shall not be entitled to more than six days of sick leave until he/she has completed six months of active service with the district. (Education Code 45191)

Unused days of sick leave shall be accumulated from year to year without limitation. (Education Code 45191)

Note: The following paragraph is optional.

An employee shall reimburse the district for any unearned sick leave used as of the date of his/her termination.

The district shall not require newly employed classified employees to waive leave accumulated in a previous district. However, if the employee's previous employment was terminated for cause, the transfer of the accumulated leave shall be made only if approved by the Governing Board. (Education Code 45202)

Note: Pursuant to Education Code 45202, a classified employee who is terminated after at least one year of employment for any reason unrelated to discipline is entitled to have his/her accumulated sick leave transferred with him/her in certain circumstances. The following paragraph, which provides for the notification of employees as a way to implement this provision, is optional and may be revised to reflect district practice.

The Superintendent or designee shall notify any classified employee whose employment with the district is terminated after at least one calendar year for reasons other than for cause that, if he/she accepts employment in another district, county office of education, or community college district within one year of the termination of employment, he/she shall be entitled to request that the district transfer his/her accumulated sick leave to his/her new employer. (Education Code 45202)

Notification of Absence

Note: The following optional section may be revised to reflect district practice.

An employee shall notify the Superintendent or the designated manager or supervisor of his/her need to be absent as soon as such need is known so that the services of a substitute may be secured as necessary. This notification shall include an estimate of the expected duration of absence. If the absence becomes longer than estimated, the employee shall so notify the district. If the duration of absence becomes shorter than estimated, the employee shall notify the district not later than three o'clock in the afternoon of the day preceding the day on which he/she intends to return to work. If the employee fails to notify the district and the failure results in a substitute being secured, the cost of the substitute shall be deducted from the employee's pay.

Continued Absence After Available Sick Leave Is Exhausted/Differential Pay

Note: Pursuant to Education Code 45196, a district is authorized to pay any employee who has exhausted his/her paid leaves his/her salary minus the actual pay received by a substitute for the remainder of a five-month absence to which the employee is entitled (Option 1 below). Alternatively, such an employee may be compensated at 50 percent or more of his/her salary for up to 100 working days, regardless of whether or not a substitute is hired (Option 2 below).

Note: Districts that maintain a catastrophic leave program for their classified employees should specify how the program will affect the differential leave pay to which the employee may be entitled.

OPTION 1:

Note: In 53 Ops.Cal.Atty.Gen. 111 (1970), the Attorney General clarified that a classified employee is entitled to a total period of five months, commencing with the first day of illness, during which the amount deducted from his/her salary may not exceed the sum which is actually paid a substitute. This five-month period runs concurrently with any other paid leave. After the employee has exhausted all paid leaves, he/she is entitled to differential pay for the balance of the five-month period.

Note: In California School Employees Association v. Tustin Unified School District, the court ruled that a district could deduct from the absent employee's salary only the cost of an outside substitute employee, not the cost of existing classified employee(s) working additional hours to fill the position during the absence.

Note: Pursuant to Education Code 45196, the amount paid to a substitute must be less than the absent employee's salary unless the Board has adopted a salary schedule for substitutes.

A classified employee who has exhausted all paid leaves, including sick leave, shall for the remainder of the five-month period of absence to which he/she is entitled, receive his/her salary minus the actual amount paid a substitute to fill the employee's position during his/her absence. (Education Code 45196)

The five-month period shall commence on the first day of the leave of absence and shall run

concurrently with any other paid leave.

OPTION 2:

Note: Education Code 45196 authorizes, but does not require, a district to annually credit regular classified employees with at least 100 working days of paid sick leave, and to compensate any such employee at 50 percent or more of the employee's regular salary for the remainder of the 100 working days after the employee has exhausted all leaves for which he/she would be entitled to a full salary. Any district that chooses this option is mandated to adopt a rule to that effect. Such districts should note that this option is exclusive of other paid leave, holidays, or vacation. In California School Employees Association v. Colton Joint Unified School District, the court ruled that the district's practice of coordinating or combining vacation with the 100 days differential leave contradicts the express provision of Education Code 45196.

Note: The following paragraph may be revised to specify more than 100 working days and/or the level of compensation the district will pay an employee, if it chooses to pay more than 50 percent of the employee's salary.

Each year, each regular classified employee shall be credited with no fewer than 100 working days of paid leave for personal illness or injury, including current year and accumulated days of leave. When the current year and accumulated days at full pay are exhausted, the remainder of the 100 days shall be compensated at 50 percent of the employee's regular salary. Any of the 100 days of leave not used during the year in which they are credited shall be forfeited and shall not accumulate from year to year. This paid leave shall be exclusive of any other paid leave, holidays, vacation, or compensatory time to which the employee may be entitled. (Education Code 45196)

Extension of Leave

Note: Pursuant to Education Code 45195, the following extension of leave may be either paid or unpaid, and the Board may grant full pay for the full 18 months' allowable absence, if desired.

A permanent employee who is absent because of a personal illness or injury and who has exhausted all available sick leave, vacation, compensatory overtime, and any other paid leave shall be so notified, in writing, and offered an opportunity to request additional leave. The Board may grant the employee additional leave, paid or unpaid, for a period not to exceed six months and may renew this leave for two additional six-month periods or for lesser periods. The total additional leave granted shall not exceed 18 months. (Education Code 45195)

(cf. 4216 - Probationary/Permanent Status)

If the employee is still unable to resume his/her duties after all available paid and unpaid leaves have been exhausted, the employee shall be placed on a reemployment list for a period of 39 months. If during this time the employee becomes able to resume the duties of his/her position, he/she shall be offered reemployment in the first vacancy in the classification of his/her previous

assignment. During the 39 months, the employee's reemployment shall take preference over all other applicants except those laid off for lack of work or lack of funds, in which case the employee shall be ranked according to his/her seniority. (Education Code 45195)

Verification Requirements

Note: Education Code 45191 mandates the Board to adopt regulations that require proof of illness or injury and prescribe the means of verification. However, Education Code 45191 provides that these regulations shall not discriminate against evidence of treatment and the need for treatment by the practice of a well-recognized religion. The following section should be modified to reflect district practice and any procedures that have been specified in negotiated agreements.

Note: Previously, Labor Code 233 authorized a district to apply the same conditions and restrictions placed upon its employees' use of sick leave for their own illness to any use of sick leave for illnesses of an employee's family members. Pursuant to Labor Code 233, as amended by SB 579 (Ch. 802, Statutes of 2015), this authorization no longer exists. As amended, Labor Code 233 requires districts to allow their employees to use sick leave for the purposes specified in Labor Code 246.5, the paid sick leave law. Since the paid sick leave law is silent on requests for verification, and actually requires an employer to provide an employee with paid sick days upon oral or written request, districts should be careful in requiring verification for sick leave used for the purposes specified in Labor Code 246.5 (item #6 above). Though a district is permitted to require verification from an employee who is a victim of domestic violence, sexual assault, or stalking, pursuant to Labor Code 230 and 230.1, a general insistence on verification could be deemed a violation of Labor Code 246.5. Any district with questions regarding its authority related to verification should consult legal counsel.

After any absence due to illness or injury, the employee shall submit a completed and signed district absence form to his/her immediate supervisor.

The Superintendent or designee may require verification whenever an employee's absence record shows chronic absenteeism or a pattern of absences immediately before or after weekends and/or holidays or whenever available evidence clearly indicates that an absence is not related to illness or injury.

In addition, the Superintendent or designee may require an employee to visit a physician selected by the district, at district expense, in order to receive a report on the medical condition of the employee. The report shall include a statement as to the employee's need for additional leave of absence and a prognosis as to when the employee will be able to return to work. If the report concludes that the employee's condition does not warrant continued absence, the Superintendent or designee may, after giving notice to the employee, deny the request for additional leave.

***Note: 42 USC 2000ff-1, the Genetic Information Nondiscrimination Act, and its implementing regulations, 29 CFR 1635.1-1635.12, specify that it is unlawful for a district to request, require, or purchase an employee's or his/her family member's individual genetic information except in complying with the medical certification requirements for family care and

medical leave purposes or with the employee's prior written authorization. See AR 4161.8/4261.8/4361.8 - Family Care and Medical Leave. Pursuant to 29 CFR 1635.9, any such information received by the district must be kept confidential as specified below.***

Any district request for additional verification by an employee's physician or a district-selected physician shall be in writing and shall specify that the report to be submitted to the district should not contain the employee's genetic information.

Any genetic information received by the district on behalf of an employee shall be treated as a confidential medical record, maintained in a file separate from the employee's personnel file, and shall not be disclosed except in accordance with 29 CFR 1635.9.

Before returning to work, an employee who has been absent for surgery, hospitalization, or extended medical treatment may be asked to submit a letter from his/her physician stating that he/she is able to return to work and stipulating any recommended restrictions or limitations.

(cf. 4032 - Reasonable Accommodation)

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

Short-Term and Substitute Employees

Note: Pursuant to Labor Code 245-249, as added by AB 1522 (Ch. 317, Statutes of 2014), the district is required to grant a minimum of one hour of paid sick leave for every 30 hours worked by an employee who works for 30 days within a year of his/her employment. In implementing this requirement, Labor Code 246, as amended by AB 304 (Ch. 67, Statutes of 2015), permits the district to use any of the options specified below. Option 1 provides for paid leave accrual based on one hour for every 30 hours worked. Option 2 allows an accrual method that provides for a regular accrual basis and ensures that the employee receives 24 hours of paid sick leave by the 120th calendar day of his/her employment. Option 3 is for any district that credits employees with 24 hours of paid sick leave at the beginning of each year and does not allow unused sick leave to carry over to the next year. In addition, pursuant to Labor Code 245.5, as amended by AB 304, retired annuitants who have not reinstated to the applicable public retirement system are excluded from participation in these leave benefit provisions. The district should select the option below which corresponds to its approach under Labor Code 246.

Note: See section below titled "Healthy Workplaces, Healthy Families Act Requirements" for additional details of AB 1522 requirements.

OPTION 1: Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall be entitled to one hour of paid sick leave for every 30 hours worked. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

OPTION 2: Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her

employment shall accrue, on a regular basis, paid sick leave of up to 24 hours by the 120th calendar day of his/her employment or each calendar year or 12-month period. Accrued paid sick days shall carry over to the following year of employment, up to a maximum of 48 hours. (Labor Code 246)

OPTION 3: Except for a retired annuitant who is not reinstated to the retirement system, any short-term or substitute employee who works for 30 or more days within a year of his/her employment shall be credited with 24 hours of paid sick leave for that year. Unused sick leave shall not carry over to the following year of employment. (Labor Code 246)

Note: The following paragraph applies to all the above options.

Any short-term or substitute employee may begin to use accrued paid sick days on the 90th day of his/her employment, after which he/she may use the sick days as they are accrued. (Labor Code 246)

Note: The following paragraph applies to all of the above options and reflects the intent of the Healthy Workplaces, Healthy Families Act to enable California workers to address their own and their family's health needs and to provide them with economic security when they need to take time off work for reasons of domestic violence, sexual assault, or stalking. The following paragraph may be revised to include additional reasons for which short-term or substitute employees may use sick leave, pursuant to district policy or practice. Pursuant to Labor Code 247.5, as amended by AB 304 (Ch. 67, Statutes of 2015), a district is not required to inquire into the purposes for which an employee uses paid leave.

A short-term or substitute employee may use accrued sick leave for absences due to: (Labor Code 246.5)

1. His/her own need or the need of a family member, as defined in Labor Code 245.5, for the diagnosis, care, or treatment of an existing health condition or for preventive care
2. Need of the employee to obtain or seek any relief or medical attention specified in Labor Code 230(c) and 230.1(a) for the health, safety, or welfare of the employee, or his/her child, when the employee has been a victim of domestic violence, sexual assault, or stalking

Healthy Workplaces, Healthy Families Act Requirements

Note: Pursuant to Labor Code 245-249, as added by AB 1522 (Ch. 317, Statutes of 2014), all employers, including those that provide paid time off to their employees under existing policy or other law, must comply with the requirements specified in the following section. Pursuant to Labor Code 248.5, noncompliance with the Healthy Workplaces, Healthy Families Act could result in enforcement action against the employer, including the imposition of civil and monetary penalties. Any district with questions regarding the applicability of this new law should consult its legal counsel.

No employee, including a short-term or substitute employee, shall be denied the right to use

accrued sick days and the district shall not in any manner discriminate or retaliate against an employee for using or attempting to use sick leave, filing a complaint with the Labor Commissioner, or alleging district violation of Labor Code 245-249.

To ensure the district's compliance with Labor Code 245-249, the Superintendent or designee shall:

1. At a conspicuous location in each workplace, display a poster on paid sick leave that includes the following information:
 - a. That an employee is entitled to accrue, request, and use paid sick days
 - b. The amount of sick days provided by Labor Code 245-249
 - c. The terms of use of paid sick days
 - d. That discrimination or retaliation against an employee for requesting or using sick leave is prohibited by law and an employee has the right to file a complaint with the Labor Commissioner if the district discriminates or retaliates against him/her
2. Provide at least 24 hours or three days of paid sick leave to each eligible employee to use per year and allow eligible employees to use accrued sick leave upon reasonable request
3. Provide eligible employees written notice, on their pay stub or other document issued with their pay check, of the amount of paid sick leave they have available

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

4. Keep a record documenting the hours worked and paid sick days accrued and used by each eligible employee for three years

Legal Reference:

EDUCATION CODE

45103 Substitute employees

45190 Leaves of absence and vacations

45191 Leaves of absence for illness and injury

45193 Leave of absence for pregnancy (re use of sick leave under certain circumstances)

45195 Additional leave for nonindustrial accident or illness; reemployment preference

45196 Salary; deductions during sick leave

45202 Transfer of accumulated sick leave and other benefits

LABOR CODE

230 Jury duty; legal actions by domestic violence, sexual assault and stalking victims, right to time off

230.1 Employers with 25 or more employees; domestic violence, sexual assault and stalking

victims, right to time off

233 Illness of child, parent, spouse or domestic partner

245-249 Healthy Workplaces, Healthy Families Act of 2014

COURT DECISIONS

California School Employees Association v. Colton Joint Unified School District, (2009) 170

Cal.App.4th 957

California School Employees Association v. Tustin Unified School District, (2007) 148

Cal.App.4th 510

ATTORNEY GENERAL OPINIONS

53 Ops.Cal.Atty.Gen. 111 (1970)

(12/14 12/15) 3/16



Resolution No. 20162017001

Resolution of the Board of Trustees of the << Knights Ferry School District

Declaring Support of Everyday Kindness

ON MOTION of Member _____, seconded by Member _____, the following resolution is adopted:

Whereas, every individual has the power to change and influence their community with their everyday actions; and

Whereas, every act of kindness has the power to demonstrate respect, civic duty, compassion and empathy; and

Whereas, the creation of a safe, secure, and happy school climate requires everyday acts of kindness and reinforcement of those positive behaviors; and

Whereas, celebrating every act of kindness will generate awareness and societal concern for the need to be kind and inspire others to do the same; and

Whereas, the proliferation of kindness is essential to combat the rise in bullying, violence, vandalism, and abuse; and

Whereas, the students, teachers, administrators, and parents of our community should take a moment as often as possible to highlight and communicate acts of kindness that occur within their communities; and

Whereas, we have identified the celebration of every act of kindness is a priority and hereby declare our participation in the Everyday Kindness program.

PASSED AND ADOPTED by the Board of Trustees of Knights Ferry School District

this 11th day of August, 2016, by the following vote:

AYES: _____ NOES: _____ ABSENT: _____

STATE OF CALIFORNIA
COUNTY OF Stanislaus

I, _____, Clerk of Governing Board, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the Governing Board at a regularly called and conducted meeting held on said date.

Clerk of Governing Board

