

CHAPTER 11: MISCELLANEOUS

11.1 MISCELLANEOUS

11.1.1 Work Periods and Overtime (BARGAINING UNIT EMPLOYEES REFER TO CONTRACT)

A. Workday and Work Week

The maximum number of hours of regular employment of an employee is eight hours per day. However, the Board of Trustees may employ persons for lesser periods of time and may authorize and/or order employees to work in excess of eight hours in one day or 40 hours in one week.

The Board may establish a 10-hour, 4-day work week or a 9-hour-per-day, 80-hour-per-2-week work schedule for employees.

B. Overtime Defined

For full time employees, overtime is authorized working time in excess of the regular established work day or workweek.

If the Board establishes a work week of less than 40 hours but more than 35 hours per week all work in excess of a scheduled work day or week is considered overtime.

If an employee works four hours a day or more, such employee shall be compensated for any work required to be performed on the sixth and seventh day of the work week at time-and-one-half.

If an employee works less than four hours per day, such employee shall be paid time-and-one-half for all work required and authorized on the seventh day of the work week.

C. Compensation for Overtime

A regular employee who works authorized overtime shall be compensated at a rate equal to one and one-half times his/her regular rate for the amount of overtime worked.

D. Classifications Exempt from Overtime Payment

Employees in classes designated as management shall be excluded from overtime payment provisions of the rule and shall be subject to the certificated administrative vacation schedule.

11.1.2 Rest Periods

Regular classified employees shall be allowed rest periods in accordance with District policy.

11.1.3 Shift Differential

When one half of an employee's regularly assigned time is assigned to be worked after 5:00 p.m., a shift differential of 5% shall be added to the employee's base pay for all hours actually worked.

11.1.4 Time Cards

Monthly time cards are submitted by each employee to his/her respective department head or principal. These will be checked for accuracy and signed by the designated department head or principal whose responsibility it will be to see that the information is submitted to the business office on the designated dates.

11.1.5 **Pay Days**

Hourly employees are paid on the 10 of each month. Monthly employees may be paid twice a month, on the 10 and 25. If the 10 or 25 falls on a Saturday or Sunday, employees are paid on the preceding Friday.

11.1.6 **Criminal Records Check**

A. Fingerprinting

Each new employee shall be fingerprinted.

B. Review of Criminal Record

1. All criminal record reports are to be treated as confidential. Any employee charged with receiving and/or reviewing them who divulges this information to an unauthorized person will be subject to disciplinary action.
2. The criminal records report will be reviewed and if there is a record, the appointing authority shall decide whether or not the person should be employed or retained in employment.
3. If an employee is to be dismissed because of information on the criminal records report, or if appointing authority desires that an eligible be removed from the eligibility list because of such information, the Personnel Commission shall be notified of the recommended action and the reasons for it.
4. If the Commission approves the recommendation, it shall notify the employee or eligible of the action taken or contemplated and the reasons.

The Personnel Commission shall provide the person concerned with an opportunity to appeal the decision in writing within 10 days of notification. The Commission may hold a hearing at its discretion. The decision of the Commission shall be final.

11.1.7 **Health Examinations**

A. Tuberculosis Examinations (Reference Education Code 49406)

1. No applicant shall be initially employed by the district, or employed under contract, in a classified or certificated position unless he/she has submitted to a tuberculosis risk assessment within the past 60 days and, if tuberculosis risk factors are identified, has submitted to an intradermal or other approved tuberculosis examination to determine that he/she is free of infectious tuberculosis. If the results of the examination are positive, the applicant shall obtain an x-ray of the lungs. At his/her discretion, an applicant may choose to submit to the examination instead of the risk assessment.
2. Prior to employment by the district, an applicant shall submit a certificate from an authorized health provider stating that the applicant was assessed and/or examined and found to be free of infectious tuberculosis.
3. An applicant who was previously employed in another school district or private or parochial school shall be deemed to have fulfilled the tuberculosis testing requirement if he/she produces a certificate showing that he/she was found to be free of infectious tuberculosis within 60 days of initial hire or if his/her previous employer verifies that it has a certificate on file showing that the applicant is free from infectious tuberculosis.

4. Thereafter, each district employee who was found free of infectious tuberculosis shall undergo a tuberculosis risk assessment and an examination whenever risk factors are identified, at least once every four years or more often when required by the Governing Board upon recommendation of the county health officer. However, once an employee has a documented positive test for tuberculosis infection followed by an x-ray, he/she shall no longer be required to submit to the tuberculosis risk assessment but shall be referred to the county health officer within 30 days of the examination to determine the need for follow-up care.
5. The cost of the pre-employment tuberculosis risk assessment and/or examination shall be paid by the applicant, unless the Board has determined that the district will reimburse an applicant who is subsequently hired by the district. The district shall reimburse the employee for the cost, if any, of subsequent tuberculosis risk assessments and examinations. The district may provide for the risk assessment and examination or may establish a reasonable fee for the examination that is reimbursable to the employee.
6. The District shall maintain adequate records on each employee which indicate compliance with this rule.
7. The following applicants or employees shall be exempted from the requirement to submit to a tuberculosis risk assessment and/or examination:
 - a. An applicant/employee who files an affidavit stating that he/she adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and, in accordance with its creed, tenets, or principles, depends for healing upon prayer in the practice of religion and that, to the best of his/her knowledge and belief, he/she is free from infectious tuberculosis.
 - b. Such an exemption shall be allowed only if the Board determines by resolution, after a hearing, that the health of students would not be jeopardized. If at any time there is probable cause to believe that the applicant/employee is afflicted with infectious tuberculosis, he/she may be excluded from service until the Board is satisfied that he/she is not afflicted.

B. Medical Examinations (Reference Education Code 45122)

1. Individuals appointed to a position in the Classified Service, or as a substitute, limited-term, temporary, provisional, or exempt employee may be required to pass a job related physical examination prior to initial appointment. Promotional eligibles who have been offered employment in a classification possessing different physical requirements may also be required to undergo a medical examination as determined by the Personnel Commission. The examination will be administered after the initial offer of employment but prior to actual finalization of the appointment. The examination shall be administered by a physician chosen by the District. The determination of the kind and extent of the examination shall be determined by the Personnel Commission. Costs associated with this physical shall be borne by the District.

2. The District's physician shall determine the ability of the applicant, candidate, or eligible to perform the prescribed duties of the class in which he/she shall be employed, and shall notify the Personnel Administrator of the medical findings.
3. If the District's physician proposes to disqualify the individual, the doctor shall provide the Personnel Administrator with a statement describing the specific condition and the limitations that have resulted in the individual's disqualification.
4. In consultation with the District's physician, the Personnel Administrator shall make a determination if reasonable accommodation can be made for the individual. If the determination is that reasonable accommodation can be made, the appointment shall be made. If the determination is that reasonable accommodation is not possible, the individual will be so notified by the Personnel Administrator and informed of appeal rights to the Personnel Commission.

C. Return to Work and Unscheduled Exams (Reference Education Code 45122)

1. An employee may be required to undergo a physical examination at any time there is deemed to be reasonable cause by the District Administration, subject to review by the Personnel Administrator.
2. Employees returning from illness/injury leave of absence may be required to submit to a medical evidence to verify sufficient recovery to return to the employee's regularly assigned duties and any limitations.

D. School Bus Driver Medical Examinations (Reference Education Code 45122)

1. In addition to any other examination that may be required by these rules, Bus Drivers must have a valid medical card as required by state law. The District shall arrange for and defray any cost for the Bus Drivers' examination for District employees.
2. Under Federal Law Bus Drivers must also test negative in a pre-employment drug screen as well as in subsequent random drug screens during their employment.

E. Medical Review Board

1. Any rejection for medical reasons of an eligible or of an employee who has been on leave of absence may be appealed to the Personnel Commission.
2. The appeal process shall be conducted pursuant to these Rules.
3. The Commission may employ outside medical experts to give a medical advisory opinion.
4. The Commission, based on evidence submitted and the advice of medical experts to the Commission, shall determine whether or not the denial of appointment or return from leave shall be sustained. The decision of the Commission shall be final and binding on all parties.

(11.1.7 Revised 6/11/15)