



**ALAMEDA COUNTY
OFFICE OF EDUCATION**

L. Karen Monroe, Superintendent

Management & Confidential Employee Handbook

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SECTION 1: SUPERINTENDENT'S INTRODUCTION

Dear ACOE Managers,

Our work is important work. You are here at ACOE because I believe in you – your shared passion and values; your skills and expertise to best support Alameda County's schools. The policies set forth in this Management Handbook are designed to ensure ACOE operates with utmost efficiency in our use of valuable public resources to support Alameda County's students in receiving a high quality public education.

In addition to having clear and consistent policies and processes, part of achieving efficient operations comes through working well together. The positive culture, communication, and relationships we establish and nurture as a staff, and especially as leaders within ACOE, will make our work in supporting Alameda County's students not just efficient and effective, but also enjoyable.

To help nurture such a positive culture within ACOE, many of you have helped develop some of ACOE's foundational principles and practices, which are outlined over the next few pages of the Handbook, to guide many of your strategic and daily decisions.

As you engage in delivering on our mission and vision, know that I am committed to supporting your development as an ACOE team member. I am committed to finding solutions to long-standing problems that may prevent you from being effective and satisfied in your work. Furthermore, I am committed to engaging and empowering employees at every level in ACOE.

While the Management Handbook sets clear operational policies, as the leader of a Learning Organization, I view it as a living document. We must always strive to improve our practices. If you find the policies listed in the Handbook are preventing you from best supporting our students and schools, please feel empowered to suggest solutions that do well by ACOE employees while doing good for Alameda County students.

FACEing Forward Together,



L. Karen Monroe
Alameda County Superintendent of Schools

MISSION

To provide, promote and support leadership and service to ensure the success of every child, in every school, every day!

VISION

As a seamless unit, we lead, problem-solve and innovate. We believe in our ability and responsibility to address the pervasive issues obstructing the well-being of all students in Alameda County without regard to what their social condition may indicate about their chances for success. We set uncommonly high educational goals for all students and commit to equip the most vulnerable students and those that serve them with the tools to thrive. Our work serves as a model of social justice in action to erase the predetermination of failure for children from communities of violence and poverty.

VALUES

We are committed to our mission and vision by becoming a thriving learning organization that is committed to employing a high level of service to students, staff, and stakeholders built on these foundational values:

- Stand Up for Justice
- Stand Out In Excellence
- Stand Together In Partnership

GOALS & ACTIONS

EDUCATORS

Goals

Provide educators with the knowledge and resources to develop their craft.

Actions (non comprehensive list)

- High-quality professional development in content area instruction (CORE Learning)
- High-quality professional development in Integrated Learning strategies (Integrated Learning)
- Alternative Certification pathway

STUDENTS

Promote students to pathways to success from pre-school to college and career.

- High-quality Alternative Education Programs (SPaS)
- Career Pathways Trust Initiative Leadership (Pathways C&C)
- Early Learning Consortium Convening
- Wellness & Positive Culture in Schools (SRC)

SYSTEMS

Support districts and schools to be visionary, responsible, committed stewards of the public trust to educate.

LCAP support and oversight (RAAP)

- Coaches Network (Core Learning)
- Student Services Council (SPaS)
- Assessment Network (RAAP)

ACOE District Networks

- Fiscal Support and oversight (ACOE Ext. Business)
- Coaches Network (Core Learning)
- Student Services Council (SPaS)
- Assessment Network (RAAP)



QUALITIES of a LEARNING ORGANIZATION

A Learning Organization acquires knowledge and innovates fast enough to survive and thrive in rapidly changing environments.

Learning Organizations:

- Create a culture that encourages and supports continuous employee learning, critical thinking, and risk taking with new ideas.
- Allow mistakes, and value employee contributions.
- Learn from experience and experiment.
- Disseminate new knowledge throughout the organization for incorporation into day-to-day activities.



LEARNING ORGANIZATION BUILDING BLOCKS

FACEing Our Future

Key Qualities of Our Learning Organization

Flexible

Adaptable and responsive to change

Accountable

Measuring what matters

Collaborative

Working together on complex issues

Empowered

Confident, capable leadership

SECTION 2: CERTIFICATED MANAGEMENT EMPLOYEES

EMPLOYMENT STATUS

A county office of education regular certificated manager does not receive tenure at any time and is never classified as permanent, probationary or substitute. The certificated manager serves at the pleasure of the employer and may be under contract for no longer than six (6) months beyond the current superintendent's term of office (Education Code 1293).

A certificated manager may have earned displacement rights as one who has taught as a classroom teacher for ACOE and has obtained tenure as a teacher for ACOE prior to becoming a manager. Such an employee shall have permanency as a classroom teacher only and does not obtain permanency as a manager.

PERFORMANCE ASSESSMENT PHILOSOPHY

Personnel performance assessment must be based upon ACOE's management philosophy and it must be an integral part of a management system dedicated to improving the productivity of all County Office personnel. To achieve this goal, evaluation must be a partnership between ACOE and its employees and dedicated to encouraging and maintaining high standards of performance through teamwork and collaboration.

Key elements of this collaborative evaluation process include:

- Interacting in a professional, responsible, and respectful way
- Encouraging exceptional performance
- Fostering effective two-way communication
- Encouraging creativity and innovation
- Accurately assessing the full range of employees' duties and responsibilities
- Implementation by skilled and trained staff

SALARY

The Superintendent shall pay to each Certificated Management Employee a salary stated on the Certificated Management Salary Schedule as agreed to in the Employee's employment contract.

Initial placement of a member shall be Step 1 of the appropriate salary schedule. On July 1 of the ensuing year, a certificated manager who has completed fifty percent (50%) or more of the standard work year shall be placed on the next step of the schedule.

LONGEVITY

Effective July 1, 2015, Certificated Management Employees will receive additional pay for years of service at ACOE as follows:

- Annually equal to \$1,500 for 5-8 full years of service, paid on a monthly basis.
- Annually equal to \$2,500 for 9-12 full years of service, paid on a monthly basis.
- Annually equal to \$5,000 for 13 or more full years of service, paid on a monthly basis.

Years of service must be at ACOE to qualify for longevity, and may include both management and non-management service. Years of service shall be prorated for employees who work less than full time.

Additional pay will be awarded on the first day of the month following the month in which the employee qualifies for longevity.

Certificated Management Employees who were granted longevity based on years of service at another county office of education or school district, prior to or who became eligible by July 1, 2015, will maintain, "be grandfathered in," their longevity. ACOE will maintain a list of all employees receiving longevity prior to July 1, 2015 based on these criteria.

Years of service are not required to be uninterrupted. Returning employees may apply any prior years of service at ACOE (both management and non-management) to qualify for a longevity increase.

Years of service will be calculated based on the employee's date of employment. If a manager works less than fulltime, longevity will be prorated.

HEALTH & WELFARE BENEFITS

The Superintendent shall continue to provide an Internal Revenue Code 125 Cafeteria Plan that includes the following options: current health and welfare benefit offerings to management.

WORK YEAR

The designated work year for Certificated Management Employees shall be two hundred twenty-two (222) workdays. On July 1 of each year, the non-workdays shall be determined by subtracting 222 workdays, all weekend days, and twelve (12) holidays from the total number of days in the fiscal year. The remaining balance shall be the total non-workdays for the fiscal year.

Certificated Management Employees may develop with their supervisor a work year of fewer than 222 workdays. Compensation for a work year shall be computed according to the formula specified in the Daily Rate section below. Final approval will be made by the County Superintendent.

Certificated Management Employees may not work more than 222 days per year without prior approval of the County Superintendent.

Twelve (12) holidays shall be scheduled by the Superintendent each fiscal year as specified in Appendix A.

Work-Year Calendar

Prior to July 1 of each year, Certificated Management Employees shall meet with their supervisor to develop a work-year calendar. A copy of the approved work-year calendar shall be filed with the Human Resources Office. The total number of work days may only be changed by the County Superintendent.

Certificated Management Employees shall schedule all non-workdays (vacation days) each fiscal year. Special circumstances will be considered for modification of this requirement on a case-by-case basis. This provision may be waived for the first-year manager by the respective supervisor.

Daily Rate

Certificated Management Employee compensation shall be paid at the daily rate computed as follows:

$$\text{Annual Salary} \div 222 \text{ days} = \text{Daily Rate}$$

The above daily rate will be used to calculate a work year that is less than 222 days.

Workweek

The standard workweek shall be Monday through Friday, unless mutually agreed upon by the Certificated Management Employee and the respective Division Chief.

Hours and Overtime

Certificated Management Employees shall work the total number of hours per week necessary to perform their duties, recognizing that there must be allowances for the kind of flexibility needed to fulfill

managerial responsibilities, and to perform adequately all expected duties that may require work at unusual hours of the day and night. Certificated Management Employees shall arrange with their respective Division Chiefs to have flexibility during the traditional work week to recognize and offset work done outside the traditional work week. Certificated Management Employees shall leave information as to where they can be contacted in case of emergency. It is also acknowledged that Certificated Management Employees have flexibility during the traditional work week to recognize and offset work done outside the traditional work week.

Certificated Management Employees are salaried employees and are not subject to overtime provisions or hourly rates.

LEAVES

Sick Leave

Sick leave shall be granted at the rate of twenty-four (24) days per fiscal year, for a 222 work year, and may be accrued without limit. For any work year under 222 days, sick leave accrual will be prorated by .108 multiplied by the number of work days. Unused sick leave may be added to the manager's retirement service credit, if eligible, upon retirement in accordance with regulations specified by CalSTRS and CalPERS.

Other Leaves

Certificated Management Employees are eligible for all leaves specified below and shall comply with the regulations and provisions in Appendix C when requesting and using such leaves.

- Military Leave
- Jury Duty
- Bereavement Leave
- Industrial Accident or Illness Leave
- Personal Necessity Leave
- Extended Sick Leave
- Leave of Absence without Pay

EVALUATION

Certificated Management Employees shall be evaluated by their designated evaluator/supervisor no less than once a year. After five (5) years of service, employees shall be evaluated no less than once every 24-month period in paid status.

Evaluation Form

The evaluation shall be in writing on the form available on the ACOE website. The evaluation shall be discussed with Certificated Management Employees, and the form shall be signed by the manager indicating that the evaluation has been read. The manager may respond in writing on the form or attach a written response.

Distribution

The evaluation form shall be prepared in triplicate and distributed as follows: one copy to the manager, one copy to the evaluator and one copy to Human Resources for the manager's personnel file.

Evaluation Standards

The evaluation shall be made upon the performance of duties and responsibilities assigned to the position held by the manager. No evaluation shall be based upon hearsay statements. Nothing in this section,

however, shall be construed to prohibit the evaluator from consulting with other persons for whom a manager works and who has direct knowledge of the manager's performance.

Unsatisfactory or Needs to Improve Performance

When an evaluation indicates Unsatisfactory or Improvement Needed the evaluator shall:

1. Include in, or attach to, the evaluation specific recommendations to the manager for correcting the Unsatisfactory or Improvement Needed performance.
2. Provide the manager, to the extent deemed feasible by the evaluator, assistance in correcting the Unsatisfactory or Improvement Needed performance.
3. Provide the manager a date by when improvement must be made.
4. When remediation is recommended, the evaluator shall discuss and plan with the manager, and when possible, establish mutually acceptable guidelines for improving the substandard performance.
5. Establish dates for additional evaluation sessions.

PROMOTIONS

Employees promoted internally to Certificated Management positions may be placed on the salary schedule at other than Step 1—based on years of service and training—upon the recommendation of the Division Chief and with the approval of the County Superintendent.

PERSONNEL POLICIES

ACOE Property

Upon termination of employment, Employees will return to ACOE all property belonging to ACOE, including, but not limited to, all items listed on the Equipment and Materials Checklist, financial information, educational materials, and other ACOE-related documents, including access to cloud-based storage of electronic documents.

Incompatible Activities – Board Policy 4050

In order to maintain public trust in the integrity of County Office operations, the County Superintendent expects all employees to give the responsibility of their positions precedence over any other outside employment or activities. A County Office employee may only receive compensation for outside activities if such activities are not inconsistent, incompatible, in conflict with, or inimical to his/her duties as a County Office employee (Government Code 1126). Employees shall refer to the full Board Policy (BP) 4050 for a list of prohibited activities and required approval for engaging in outside activities for compensation.

Intellectual Property and Work Product Ownership – Board Policy 4132

The County Board and County Superintendent recognize that staff members under contract with the County Office may, in carrying out their professional responsibilities, develop copyrightable or patentable materials for use in County Office programs. Absent a contractual or statutory provision to the contrary, the intellectual property rights to any material or work which is intended for use, distribution, or publication and which is developed by an employee within the scope or as a result of his or her employment or by a contractor as a commissioned work for hire shall be the sole property of the County Office and shall be held by the County Board, along with all ancillary intellectual property rights to the work including but not limited to reproduction, licensing, transfer, publication and/or performance. Materials developed by an employee entirely on his or her own time without using County Office equipment, supplies, facilities or trade secret information, which are outside of the scope of his or her

employment with the County Office and are not a result of work performance for the County Office are the sole property of the employee.

Employees shall refer to BP 4132 for further information regarding work product ownership and intellectual property.

Soliciting and Selling – Board Policy 4335

Employees shall not solicit County Office staff, students and their families with the intent to sell general merchandise, books, equipment or services. Employees shall refer to BP 4335 for complete guidelines regarding soliciting and selling.

Personal Property

The County Superintendent may provide by rule or regulation for the reimbursement of any person or persons for the loss, destruction, or damage by arson, burglary or vandalism of personal property used for school business. Reimbursement shall be made only when approval for the use of the personal property for school business was given before the property was brought to the school or office. In addition, reimbursement shall be made only when the value of the property was agreed upon by the person bringing the property and the Superintendent or designee at the time the approval for its use was given. The County Superintendent may establish a maximum value of reimbursement which will be paid.

Additional Personnel Policies

For complete personnel policies in addition to those outlined in the Management Handbook, Employees shall reference ACOE Board Policies, Superintendent's Policies, and Administrative Regulations, available on ACOE's website (acoe.org) and the Business Services Manual available on ACOE's intranet (my.acoe.org).

SECTION 3: CLASSIFIED MANAGEMENT EMPLOYEES

EMPLOYMENT STATUS

Classified Management Employees, upon initial employment, shall serve a probationary period of 6 months in paid status. During this probationary period, a classified manager serves at the pleasure of the County Superintendent and may be dismissed at any time by the County Superintendent or designee.

Upon successful completion of the probationary period, a classified manager shall gain permanent status in the position.

Categorically Funded Management Employees

Classified Management Employees hired pursuant to a program which is funded categorically, on a year-to-year basis, is not classified as permanent, probationary or substitute. The manager serves at the pleasure of the County Superintendent and is given an annual contract with specific conditions of employment and separation.

Temporary Contract Management Employees

Classified Management Employees, employed under a contract of temporary, undetermined duration, are employed under the terms mutually agreed upon in writing by the manager and the County Superintendent. Temporary Classified Management Employees serve at the pleasure of the County Superintendent and are not classified as permanent, probationary or substitute.

Part-Time Personnel

Part-time employees are persons in positions who are hired on a regular basis, but for less than a normal 7.5-hour day or 37.5-hour week. Part-time employees accrue rights to vacation and leaves, as do full-time employees, except that their eligibility is proportional, prorated at their average hours per day.

PERFORMANCE ASSESSMENT PHILOSOPHY

Personnel performance assessment must be based upon ACOE's management philosophy and it must be an integral part of a management system dedicated to improving the productivity of all County Office personnel. To achieve this goal, evaluation must be a partnership between ACOE and its employees and dedicated to encouraging and maintaining high standards of performance through teamwork and collaboration.

Key elements of this collaborative evaluation process include:

- Interacting in a professional, responsible, and respectful way
- Encouraging exceptional performance
- Fostering effective two-way communication
- Encouraging creativity and innovation
- Accurately assessing the full range of employees' duties and responsibilities
- Implementation by skilled and trained staff

SALARY

The Superintendent shall pay Classified Management Employees a salary stated on the Classified Management Salary Schedule.

Upon initial employment, employees are placed on Step 1 of the appropriate salary schedule and move to Step 2 after successful completion of the six-month probationary period or 130 days whichever is longer. (Salary step movement and permanency will be granted the day following completion of the probationary period.) Step 3 will be granted after one year of service on the Anniversary date; and move a step yearly thereafter until the attainment of the final step. The anniversary date shall be calculated as follows: When the first day of permanency occurs on the 1st through the 15th of the month, the anniversary date is the 1st of the month; if the first day of permanency is the 16th through the end of the month, the anniversary date is the 1st of the following month.

In the case of recruitment difficulties, desired appointments of individuals with unusually high qualifications, and/or the current salary of the desired appointee is higher than the first step of the salary schedule, upon recommendation of the County Superintendent, the Personnel Commission may authorize an accelerated salary schedule movement for the classification.

LONGEVITY

Effective July 1, 2015, Management and Confidential Employees will receive additional pay for years of service at ACOE as follows:

- Annually equal to \$1,500 for 5-8 full years of service, paid on a monthly basis.
- Annually equal to \$2,500 for 9-12 full years of service, paid on a monthly basis.
- Annually equal to \$5,000 for 13 or more full years of service, paid on a monthly basis.

Years of service must be at ACOE to qualify for longevity, and may include both management and non-management service. Years of service shall be prorated for employees who work less than full time.

Additional pay will be awarded on the first day of the month following the month in which the employee qualifies for longevity.

Classified Management Employees who were granted longevity based on years of service at another county office of education or school district, prior to or who became eligible by July 1, 2015, will maintain, "be grandfathered in," their longevity. ACOE will maintain a list of all employees receiving longevity prior to July 1, 2015 based on these criteria.

Years of service are not required to be uninterrupted. Returning employees may apply any prior years of service at ACOE (both management and non-management) to qualify for a longevity increase.

Years of service will be calculated based on the employee's date on which the employee became a permanent employee at ACOE. If a manager works less than fulltime, longevity will be prorated.

HEALTH & WELFARE BENEFITS

The Superintendent shall continue to provide an Internal Revenue Code 125 Cafeteria Plan that includes the following options: current health and welfare benefit offerings to management.

WORK YEAR

The designated work year shall be 222 work days, 27 paid vacation days and twelve (12) paid holidays equaling 261 days.

A manager may develop with his or her supervisor a work year of fewer than 222 days. A Classified Manager who is assigned to work less than 222 days shall have their salary prorated based on 1,957.5 hours per year.

Work Year Calendar

Prior to July 1 of each year, Classified Management Employees shall meet with their supervisor to develop a work-year calendar. A copy of the approved work-year calendar shall be filed with the Human Resources Office. The total number of work days may only be changed by the County Superintendent.

Classified Management Employees shall schedule all non-workdays or vacation days each fiscal year. Special circumstances will be considered for modification of this requirement on a case-by-case basis. This provision may be waived for the first-year manager by the County Superintendent.

Daily Rate

Classified Manager Employee compensation shall be paid at the daily rate computed as follows:

Annual Salary ÷ 261 days = Daily Rate for the purpose of any entitlement at the time of separation. The number of work days shall be used to calculate extra duty assignments. It is not usual or customary to recognize extra duty beyond the 222 work day schedule.

Workweek

The standard workweek shall be Monday through Friday, unless mutually agreed upon by the Classified Management Employee and the respective Division Chief.

Transfer of Accumulated Vacation

Classified Management Employees promoted internally may bring forward accrued vacation days not to exceed the standards provided below in the Vacation Leave section. Final approval will be made by the County Superintendent.

Vacation Leave

Classified Management Employees shall be granted twenty-seven (27) vacation days per fiscal year. Regular full-time managers shall earn vacation leave at the rate of 2.25 days for each month in which the manager is in paid status for more than one-half of the working days in the month, at the beginning of their employment or at the end of their employment. A manager in paid status for less than one-half of the working days in a month shall receive a prorated amount based on 0.0138 days of vacation credit for each hour of paid status.

Earned vacation shall not become a vested right until completion of the initial six (6) months of employment.

Classified Management Employees may be granted vacation leave prior to being earned at the discretion of the manager's supervisor.

If a Classified Management Employee is terminated and has been granted vacation which was not yet earned, the time used in excess of that earned shall be deducted from the manager's last payroll check at the manager's daily rate as computed by the formula in the Daily Rate section above.

Classified Managers may carry forward into a new work year a maximum of 27 vacation days.

Holidays

Classified Managers shall be entitled to twelve (12) paid holidays per fiscal year (Appendix A).

Hours and Overtime

Classified Management Employees shall work the total number of hours per week necessary to perform his/her duties, recognizing that there must be allowances for the kind of flexibility needed to fulfill managerial responsibilities, and to perform adequately all expected duties which may require work at unusual hours of the day and night. Managers shall leave information as to where they can be contacted in

case of emergency. It is also acknowledged that managers have flexibility during the traditional work week to recognize and offset work done outside the traditional work week.

Managers are recognized as exempt from overtime regulations pursuant to the Fair Labor Standards Act.

LEAVES

Sick Leave

Sick leave shall be granted at the rate of twenty-four (24) days per fiscal year and may be accrued without limit. Unused sick leave may be added to the member's retirement service credit, if eligible, upon retirement in accordance with regulations specified by CalSTRS and CalPERS.

Other Leaves

Classified Management Employees are eligible for all leaves specified below and shall comply with the regulations and provisions in Appendix C when requesting such leaves.

- Military Leave
- Jury Duty
- Bereavement Leave
- Industrial Accident or Illness Leave
- Personal Necessity Leave
- Extended Sick Leave
- Leave of Absence without Pay

EVALUATION

Probationary Classified Management Employees shall be evaluated by their designated evaluator/supervisor not less than twice (at 3 months and 5 months) during the six (6) month period.

Permanent Classified Management Employees shall be evaluated by their designated evaluator/supervisor at least once during each twelve (12) month period in paid status. After five (5) years of service, employees shall be evaluated no less than once every 24-month period in paid status.

Evaluation Form

The evaluation shall be in writing on the form available on the ACOE website. The evaluation shall be discussed with Certificated Management Employees, and the form shall be signed by the manager indicating that the evaluation has been read. The manager may respond in writing on the form or attach a written response.

Distribution

The evaluation form shall be prepared in triplicate and distributed as follows: one copy to the manager, one copy to the evaluator and the original signed copy to Human Resources for employee's personnel file.

Evaluation Standards

The evaluation shall be made upon the performance of duties and responsibilities assigned to the position held by the manager. No evaluation shall be based upon hearsay statements. Nothing in this section, however, shall be construed to prohibit the evaluator from consulting with other persons for whom a manager works and who has direct knowledge of the manager's performance.

Unsatisfactory or Needs to Improve Performance

When an evaluation indicates Unsatisfactory or Improvement Needed the evaluator shall:

1. Include in, or attach to, the evaluation specific recommendations to the manager for correcting the Unsatisfactory or Improvement Needed performance.
2. Provide the manager, to the extent deemed feasible by the evaluator, assistance in correcting the Unsatisfactory or Improvement Needed performance.
3. Provide the manager a date by when improvement must be made.
4. When remediation is recommended, the evaluator shall discuss and plan with the manager, and when possible, establish mutually acceptable guidelines for improving the substandard performance.
5. Establish dates for additional evaluation sessions.

PROMOTIONS

Employees who are promoted to a higher paid classification shall be placed on the salary schedule for the new class at the first step or at the step of the schedule which will provide an increase of not less than 5%.

The promoted employee is probationary in the new position for six (6) months and will advance one (1) step upon completion of the probationary period. Thereafter, the employee will advance one (1) step on a yearly basis on the anniversary date of the completion of the probationary status.

In the case of recruitment difficulties, desired appointments of individuals with unusually high qualifications, and/or the current salary of the desired appointee is higher than the first step of the salary schedule, upon recommendation of the Superintendent, the Commission may authorize an accelerated salary schedule movement for the classification.

PERSONNEL POLICIES

ACOE Property

Upon termination of employment, Employees will return to ACOE all property belonging to ACOE, including, but not limited to, all items listed on the Equipment and Materials Checklist, financial information, educational materials, and other ACOE-related documents, including access to cloud-based storage of electronic documents.

Incompatible Activities – Board Policy 4050

In order to maintain public trust in the integrity of County Office operations, the County Superintendent expects all employees to give the responsibility of their positions precedence over any other outside employment or activities. A County Office employee may only receive compensation for outside activities if such activities are not inconsistent, incompatible, in conflict with, or inimical to his/her duties as a County Office employee (Government Code 1126). Employees shall refer to the full Board Policy (BP) 4050 for a list of prohibited activities and required approval for engaging in outside activities for compensation.

Intellectual Property and Work Product Ownership – Board Policy 4132

The County Board and County Superintendent recognize that staff members under contract with the County Office may, in carrying out their professional responsibilities, develop copyrightable or patentable materials for use in County Office programs. Absent a contractual or statutory provision to the contrary, the intellectual property rights to any material or work which is intended for use, distribution, or publication and which is developed by an employee within the scope or as a result of his or her employment or by a contractor as a commissioned work for hire shall be the sole property of the County Office and shall be held by the County Board, along with all ancillary intellectual property rights to the work including but not limited to reproduction, licensing, transfer, publication and/or performance. Materials developed by an employee entirely on his or her own time without using County Office

equipment, supplies, facilities or trade secret information, which are outside of the scope of his or her employment with the County Office and are not a result of work performance for the County Office are the sole property of the employee.

Employees shall refer to BP 4132 for further information regarding work product ownership and intellectual property.

Soliciting and Selling – Board Policy 4335

Employees shall not solicit County Office staff, students and their families with the intent to sell general merchandise, books, equipment or services. Employees shall refer to BP 4335 for complete guidelines regarding soliciting and selling.

Personal Property

The County Superintendent may provide by rule or regulation for the reimbursement of any person or persons for the loss, destruction, or damage by arson, burglary or vandalism of personal property used for school business. Reimbursement shall be made only when approval for the use of the personal property for school business was given before the property was brought to the school or office. In addition, reimbursement shall be made only when the value of the property was agreed upon by the person bringing the property and the Superintendent or designee at the time the approval for its use was given. The County Superintendent may establish a maximum value of reimbursement which will be paid.

Additional Personnel Policies

For complete personnel policies in addition to those outlined in the Management Handbook, Employees shall reference ACOE Board Policies, Superintendent's Policies, and Administrative Regulations, available on ACOE's website (acoe.org) and the Business Services Manual available on ACOE's intranet (my.acoe.org).

SECTION 4: CONFIDENTIAL EMPLOYEES

EMPLOYMENT STATUS

Confidential Employees, upon initial employment, shall serve a 6 month probationary period in paid status. During this probationary period, a Confidential Employee serves at the pleasure of the County Superintendent and may be dismissed at any time by the County Superintendent or designee.

Upon successful completion of the probationary period, a Confidential Employee shall gain permanent status in the position.

Part-Time Personnel

Part-time employees are persons in positions who are hired on a regular basis, but for less than a normal 7.5-hour day or 37.5-hour week. Part-time employees accrue rights to vacation and leaves, as do full-time employees, except that their eligibility is proportional, prorated at their average hours per day.

PERFORMANCE ASSESSMENT PHILOSOPHY

Personnel performance assessment must be based upon ACOE's management philosophy and it must be an integral part of a management system dedicated to improving the productivity of all County Office personnel. To achieve this goal, evaluation must be a partnership between ACOE and its employees and dedicated to encouraging and maintaining high standards of performance through teamwork and collaboration.

Key elements of this collaborative evaluation process include:

- Interacting in a professional, responsible, and respectful way
- Encouraging exceptional performance
- Fostering effective two-way communication
- Encouraging creativity and innovation
- Accurately assessing the full range of employees' duties and responsibilities
- Implementation by skilled and trained staff

SALARY

The Superintendent shall pay Confidential Employees a salary stated on the Confidential Salary Schedule.

Upon initial employment, employees are placed on Step 1 of the appropriate salary schedule and move to Step 2 after successful completion of the six-month probationary period; Step 3 after one year of service from date of completion of probationary period; and move a step yearly thereafter until the attainment of the final step. In the case of recruitment difficulties, desired appointments of individuals with unusually high qualifications, and/or the current salary of the desired appointee is higher than the first step of the salary schedule, upon recommendation of the County Superintendent, the Personnel Commission may authorize an accelerated salary schedule movement for the classification.

LONGEVITY

Effective July 1, 2015, Confidential Employees will receive additional pay for years of service at ACOE as follows:

- Annually equal to \$1,500 for 5-8 full years of service, paid on a monthly basis.

- Annually equal to \$2,500 for 9-12 full years of service, paid on a monthly basis.
- Annually equal to \$5,000 for 13 or more full years of service, paid on a monthly basis.

Years of service must be at ACOE to qualify for longevity, and may include both management and non-management service. Years of service shall be prorated for employees who work less than full time.

Additional pay will be awarded on the first day of the month following the month in which the employee qualifies for longevity.

Confidential Employees who were granted longevity based on years of service at another county office of education or school district, prior to or who became eligible by July 1, 2015, will maintain, "be grandfathered in," their longevity. ACOE will maintain a list of all employees receiving longevity prior to July 1, 2015 based on these criteria.

Years of service are not required to be uninterrupted. Returning employees may apply any prior years of service at ACOE (both management and non-management) to qualify for a longevity increase.

Years of service will be calculated based on the employee's date on which the employee became a permanent employee at ACOE. If a confidential employee works less than fulltime, longevity will be prorated.

HEALTH & WELFARE BENEFITS

The Superintendent shall continue to provide an Internal Revenue Code 125 Cafeteria Plan that includes the following options: current health and welfare benefit offerings to confidential employees.

WORK YEAR

The designated work year shall be 222 work days, 27 paid vacation days and twelve (12) paid holidays equaling 261 days.

An employee may develop with his or her supervisor a work year of fewer than 222 days. A Confidential Employee who is assigned to work less than 222 days shall have their salary prorated based on 1,957.5 hours per year.

Work Year Calendar

Prior to July 1 of each year, Confidential Employees shall meet with their supervisor to develop a work-year calendar. A copy of the approved work-year calendar shall be filed with the Human Resources Office. The total number of work days may only be changed by the County Superintendent.

Confidential Employees shall schedule all non-workdays or vacation days each fiscal year. Special circumstances will be considered for modification of this requirement on a case-by-case basis. This provision may be waived for the first-year employee by the County Superintendent.

Daily Rate

Confidential Employee compensation shall be paid at the daily rate computed as follows:

Annual Salary ÷ 261 days = Daily Rate for the purpose of any entitlement at the time of separation. The number of work days shall be used to calculate extra duty assignments. It is not usual or customary to recognize extra duty beyond the 222 work day schedule.

Workweek

The standard workweek shall be Monday through Friday, unless mutually agreed upon by the Confidential Employee and the respective Division Chief.

Transfer of Accumulated Vacation

Confidential Employees promoted internally may bring forward accrued vacation days not to exceed the standards provided below in the Vacation Leave section. Final approval will be made by the County Superintendent.

Vacation Leave

Confidential Employees shall be granted twenty-seven (27) vacation days per fiscal year. Regular full-time employees shall earn vacation leave at the rate of 2.25 days for each month in which the manager is in paid status for more than one-half of the working days in the month, at the beginning of their employment or at the end of their employment. An employee in paid status for less than one-half of the working days in a month shall receive a prorated amount based on 0.0138 days of vacation credit for each hour of paid status.

Earned vacation shall not become a vested right until completion of the initial six (6) months of employment.

Confidential Employees may be granted vacation leave prior to being earned at the discretion of the employee's supervisor.

If a Confidential Employee is terminated and has been granted vacation which was not yet earned, the time used in excess of that earned shall be deducted from the employee's last payroll check at the employee's daily rate as computed by the formula in the Daily Rate section above.

Classified Managers may carry forward into a new work year a maximum of 27 vacation days.

Holidays

Confidential Employees shall be entitled to twelve (12) paid holidays per fiscal year (Appendix A).

Hours and Overtime

Confidential Employees shall work the total number of hours per day and per week as scheduled.

Confidential Employees are subject to overtime regulations pursuant to the Fair Labor Standards Act. Overtime can only be granted by the employee's immediate supervisor or County Superintendent or designee.

LEAVES

Sick Leave

Sick leave shall be granted at the rate of twenty-four (24) days per fiscal year and may be accrued without limit. Unused sick leave may be added to the member's retirement service credit, if eligible, upon retirement in accordance with regulations specified by CalSTRS and CalPERS.

Other Leaves

Confidential Employees are eligible for all leaves specified below and shall comply with the regulations and provisions in Appendix C when requesting such leaves.

- Military Leave
- Jury Duty
- Bereavement Leave
- Industrial Accident or Illness Leave
- Personal Necessity Leave
- Extended Sick Leave
- Leave of Absence without Pay

EVALUATION

Probationary Confidential Employees shall be evaluated by their designated evaluator/supervisor not less than twice (at 3 months and 5 months) during the six (6) month period.

Permanent Confidential Employees shall be evaluated by their designated evaluator/supervisor at least once during each twelve (12) month period in paid status. After five (5) years of service, employees shall be evaluated no less than once every 24-month period in paid status.

Evaluation Form

The evaluation shall be in writing on the form available on the ACOE website. The evaluation shall be discussed with Confidential Employees, and the form shall be signed by the employee indicating that the evaluation has been read. The employee may respond in writing on the form or attach a written response.

Distribution

The evaluation form shall be prepared in triplicate and distributed as follows: one copy to the employee, one copy to the evaluator and the original signed copy to Human Resources for the employee's personnel file.

Evaluation Standards

The evaluation shall be made upon the performance of duties and responsibilities assigned to the position held by the employee. No evaluation shall be based upon hearsay statements. Nothing in this section, however, shall be construed to prohibit the evaluator from consulting with other persons for whom an employee works and who has direct knowledge of the employee's performance.

Unsatisfactory or Needs to Improve Performance

When an evaluation indicates Unsatisfactory or Improvement Needed the evaluator shall:

1. Include in, or attach to, the evaluation specific recommendations to the employee for correcting the Unsatisfactory or Improvement Needed performance.
2. Provide the employee, to the extent deemed feasible by the evaluator, assistance in correcting the Unsatisfactory or Improvement Needed performance.
3. Provide the employee a date by when improvement must be made.
4. When remediation is recommended, the evaluator shall discuss and plan with the employee, and when possible, establish mutually acceptable guidelines for improving the substandard performance.
5. Establish dates for additional evaluation sessions.

PROMOTIONS

Employees who are promoted to a higher paid classification shall be placed on the salary schedule for the new class at the first step or at the step of the schedule which will provide an increase of not less than 5%.

The promoted employee is probationary in the new position for six (6) months and will advance one (1) step upon completion of the probationary period. Thereafter, the employee will advance one (1) step on a yearly basis on the anniversary date of the completion of the probationary status.

In the case of recruitment difficulties, desired appointments of individuals with unusually high qualifications, and/or the current salary of the desired appointee is higher than the first step of the salary schedule, upon recommendation of the Superintendent, the Commission may authorize an accelerated salary schedule movement for the classification.

PERSONNEL POLICIES

ACOE Property

Upon termination of employment, Employees will return to ACOE all property belonging to ACOE, including, but not limited to, all items listed on the Equipment and Materials Checklist, financial information, educational materials, and other ACOE-related documents, including access to cloud-based storage of electronic documents.

Incompatible Activities – Board Policy 4050

In order to maintain public trust in the integrity of County Office operations, the County Superintendent expects all employees to give the responsibility of their positions precedence over any other outside employment or activities. A County Office employee may only receive compensation for outside activities if such activities are not inconsistent, incompatible, in conflict with, or inimical to his/her duties as a County Office employee (Government Code 1126). Employees shall refer to the full Board Policy (BP) 4050 for a list of prohibited activities and required approval for engaging in outside activities for compensation.

Intellectual Property and Work Product Ownership – Board Policy 4132

The County Board and County Superintendent recognize that staff members under contract with the County Office may, in carrying out their professional responsibilities, develop copyrightable or patentable materials for use in County Office programs. Absent a contractual or statutory provision to the contrary, the intellectual property rights to any material or work which is intended for use, distribution, or publication and which is developed by an employee within the scope or as a result of his or her employment or by a contractor as a commissioned work for hire shall be the sole property of the County Office and shall be held by the County Board, along with all ancillary intellectual property rights to the work including but not limited to reproduction, licensing, transfer, publication and/or performance. Materials developed by an employee entirely on his or her own time without using County Office equipment, supplies, facilities or trade secret information, which are outside of the scope of his or her employment with the County Office and are not a result of work performance for the County Office are the sole property of the employee.

Employees shall refer to BP 4132 for further information regarding work product ownership and intellectual property.

Soliciting and Selling – Board Policy 4335

Employees shall not solicit County Office staff, students and their families with the intent to sell general merchandise, books, equipment or services. Employees shall refer to BP 4335 for complete guidelines regarding soliciting and selling.

Personal Property

The County Superintendent may provide by rule or regulation for the reimbursement of any person or persons for the loss, destruction, or damage by arson, burglary or vandalism of personal property used for school business. Reimbursement shall be made only when approval for the use of the personal property for school business was given before the property was brought to the school or office. In addition, reimbursement shall be made only when the value of the property was agreed upon by the person bringing the property and the Superintendent or designee at the time the approval for its use was given. The County Superintendent may establish a maximum value of reimbursement which will be paid.

Additional Personnel Policies

For complete personnel policies in addition to those outlined in the Management Handbook, Employees shall reference ACOE Board Policies, Superintendent's Policies, and Administrative Regulations, available

on ACOE's website (acoe.org) and the Business Services Manual available on ACOE's intranet (my.acoe.org).

SECTION 5: RETIREMENT

Retiree Benefits

The Superintendent shall provide retirement benefits to Managers who meet the defined criteria below:

- Certificated Management Employees shall be at least fifty-five (55) years of age. (May be 50 years of age with 30 or more years of service with CalPERS or CalSTRS.)
- Classified Management Employees shall be at least fifty (50) years of age.
- Confidential Employees shall be at least fifty (50) years of age.
- Management and Confidential Employees must have been employed with the Alameda County Office of Education for the previous five (5) consecutive years.
- Management and Confidential Employees must retire under CalSTRS or CalPERS.

All retiree benefits specified herein shall be prorated for part-time employees in accordance with the policies at the time of retirement.

Retirees shall be required to pay that portion of the monthly premium not paid by the Superintendent, prior to the last day of the month preceding the month for which coverage is provided. Failure to comply will result in loss of benefit under this section.

Employee must have been enrolled in a medical insurance program for no less than one (1) year immediately preceding retirement, unless choosing the Cash Option.

Medical Insurance

The Superintendent shall contribute an amount up to the cost of the Kaiser Health Plan for a single person who meets the requirements under CalPERS or CalSTRS.

(1) Eligible employees hired prior to July 1, 1992, who retire shall be provided health benefit coverage from the confirmed date of retirement for a period of ten (10) years. In the event an employee reaches age sixty-five (65) prior to the expiration of the ten-year benefit period, the employee shall be provided a Supplemental Medicare plan for the remainder of the ten-year benefit period. Upon expiration of the ten-year benefit period all payments shall cease.

(2) Eligible employees hired on or after July 1, 1992, who retire shall be provided health benefit coverage from the confirmed date of retirement for a five (5) year benefit period. In the event an employee reaches age sixty-five (65) prior to the expiration of the five-year benefit period, the employee shall be provided a Supplemental Medicare plan for the remainder of the five-year benefit period. Upon expiration of the five-year benefit period all payments shall cease.

(3) After the expiration of the benefit period stated in (1) and (2) above, the retiree, their spouse, and dependents shall be eligible to continue coverage under the designated group medical insurance plan at their own expense.

Dental Insurance

Retirees shall receive the Delta Dental Insurance Plan for a period of five (5) years from the confirmed date of retirement.

After the expiration of the benefit period, the retiree, their spouse, and eligible dependents shall be eligible to continue coverage under the group dental plan at their own expense.

Life Insurance

The Superintendent shall contribute an amount equal to the amount of the optional premium paid by current Management employees toward the purchase of life insurance for retirees for a period of five (5) years, from the confirmed date of retirement. Payment may be made to the retiree's insurance carrier, at the option of the retiree.

After the expiration of the benefit period the retiree, their spouse, and eligible dependents may continue coverage under ACOE's Group Life Insurance program at their own expense, if allowable under the terms and conditions of the designated insurance carrier.

Cash Option

Eligible retirees may forego medical insurance and select a cash option in the amount of two hundred dollars (\$200.00) per month in lieu of medical insurance premiums provided under Medical Insurance section (1), for a period of ten (10) years, and under section Medical Insurance (2), for a period of five (5) years. Reaching age 65 does not affect provisions of this cash option.

Medicare

Upon eligibility for Medicare, retirees shall receive a coordinated Medicare plan. Should the premium on a coordinated plan result in a reduced total cost, the amount of the entitlement as computed above, the premium shall be paid by the Superintendent and the retiree shall waive any claim to the difference between his/her entitlement and the amount computed in accordance with the schedule above.

Retiree Payments

Retirees, their spouse, and dependents electing to participate in any insurance program specified herein and who are required to pay all or part of the cost shall be subject to the following procedures:

The retiree/spouse shall pay two (2) months' premium at least ten (10) days in advance of the first month for which the premium is due, thereby paying one month's premium in advance.

Each month, thereafter, the monthly payment shall be made no later than the 25th of each month.

In the event the retiree/spouse fails to make the required payment, the Superintendent or his/her agent shall provide the retiree with thirty (30) days written notice of pending cancellation. If the retiree fails to make said payment after being appropriately notified as specified herein, the retiree's policy shall be cancelled due to nonpayment.

The Superintendent will provide the retiree with quarterly statements of their account.

APPENDIX A: HOLIDAYS

The holidays listed below are those observed by the Alameda County Office of Education:

Independence Day

Labor Day

Veterans Day

Thanksgiving Holiday (2)

Day before Christmas

Christmas Day

New Year's Day

Martin Luther King Day

Lincoln's Day

Washington's Day

Memorial Day

APPENDIX B: LEAVES

EXPLANATIONS AND CONDITIONS

Military Leave

Military Leave shall be granted to Management and Confidential Employees pursuant to Military and Veterans' Code Section 395 and Education Code Section 45059.

Jury Duty

Management and Confidential Employees may be absent from duty to serve as jurors without loss of pay. Fees paid the member for such service shall be paid to the Superintendent. The member shall notify the immediate supervisor as soon as possible after the call to jury duty is received.

Bereavement Leave

Management and Confidential Employees shall be entitled to three (3) days of paid leave or five (5) days, if travel of more than two hundred (200) miles is involved, on account of the death of any member of his/her immediate family. This leave shall not be deducted from sick leave.

Industrial Accident or Illness Leave

Industrial Accident or Illness Leave shall be available to Management and Confidential Employees pursuant to Education Code Section 44984.

The Superintendent shall provide worker's compensation coverage to protect Management and Confidential Employees for expenses due to on-the-job injuries.

This coverage will provide benefits to the full extent of California law and will include but not be limited to temporary disability benefits, permanent disability benefits, death benefits, mileage reimbursement, and complete medical coverage. All these coverage benefits shall be provided at cost to the member.

The benefits provided in this Article are in addition to sick leave benefits. Accordingly, the Superintendent shall not deduct from accumulated sick leave the Industrial Accident and Illness Leave used by a member who is absent as a result of an industrial accident or illness.

As a condition of receiving full salary while on Industrial Accident or Illness Leave, the member shall endorse over to the Superintendent all monies received from the worker's compensation insurance carrier on account of such industrial accident or illness.

Personal Necessity Leave

A member may use up to six (6) days of accumulated sick leave each school year for personal necessity. Such leave shall be taken in no less than half-day increments.

Personal Necessity Leave shall be limited to circumstances that are serious in nature and that the member cannot reasonably be expected to disregard, and that necessitates immediate attention, and cannot be taken care of after work hours or on weekends.

Management and Confidential Employees shall notify their immediate supervisor as soon as possible of the need to take Personal Necessity Leave and upon return shall within five (5) days certify that the leave was taken in accordance with this Article.

Personal Necessity Leave may not be approved for the following reasons:

- Engaging in or seeking gainful employment.
- Attendance at or participation in activities that are primarily for the member's pleasure, amusement, or personal convenience.

- The primary purpose of holiday or vacation extension.
- Engaging in a strike, demonstration, picketing, rally, campaigning, or political activity.
- Accompanying a spouse on a trip.
- Taking an examination or engaging in other activities related to advanced training that is unrelated to current professional responsibilities.

Extended Sick Leave

Management and Confidential Employees shall be entitled to a maximum of one hundred (100) days of Extended Sick Leave on an annual basis (12 consecutive months). All accrued regular sick leave days must be exhausted prior to accessing the Extended Sick Leave benefit. During a period of Extended Sick Leave, all accrued vacation days must be used. Vacation days run concurrent to and will be counted as days of Extended Sick Leave. Extended Sick Leave shall be paid at one hundred percent (100%) of the member's daily rate.

While on Extended Sick Leave, Management and Confidential Employees shall be entitled to full fringe benefits.

Leave of Absence Without Pay

A member may request a leave of absence without pay. If the requested leave period is for more than one-half of the work year, then the request shall be made at least five (5) weeks prior to the leave's starting date.

The written request shall include reason(s) for the leave, beginning and ending dates, and shall be directed to the Superintendent who shall respond to the request within five (5) days of receipt of the request.

While on leave the member may elect to continue all fringe benefits at the member's expense.

Upon returning from leave, the member may be entitled to reinstatement in the same or similar position to the one held before the leave.