



# Division of Human Resources



# Employee Handbook

April 2014

**The intention of this handbook is to simply provide information. It does not constitute any part of any employment contract, nor does it supersede any law, board policy, or procedure. It should be used only as a guide.**

**MOBILE COUNTY PUBLIC SCHOOL SYSTEM**  
Division of Human Resources

**NON-DISCRIMINATION STATEMENT**

The Mobile County Public School System (MCPSS) does not discriminate on the basis of race, religion, color, national origin, sex, age, or disability in employment or educational services, activities, and programs. This district complies with all federal and state laws and regulations regarding discrimination. Employment related inquiries and/or grievances should be directed to the Assistant Superintendent or Executive Manager for Human Resources or the Personnel Administrator for Employee Relations at P.O. Box 180069, Mobile, Alabama, 36618 or call (251) 221-4531. Student related inquiries and/or grievances should be directed to the Assistant Superintendent of Student Services, P.O. Box 180069, Mobile, Alabama, 36618 or call (251) 221-4245.

**MISSION STATEMENT**

The mission of the Mobile County Public School System is to graduate citizens who are literate, responsible and committed to learning over a lifetime.

**VISION STATEMENT**

We envision a Mobile County Public School System where a variety of pathways to academic and career success are available for all students; where adults consistently work in a collaborative school culture to improve student learning; where all educators willingly accept responsibility for the academic success of each student; and where all students become independent life-long learners confident in their ability to succeed in a global society following high school graduation.

**PROCEDURAL GUIDE POLICY STATEMENT**

The provisions and information set forth in this handbook are intended to be informational and not contractual in nature. Thus, this handbook is not intended, and shall not be construed, to constitute a contract between the School System and any employee; prospective employee; agency of the local, state, or federal government; or any other person or legal entity of any and every nature whatsoever. The School System hereby reserves and retains the right to amend, alter, change, delete, or modify any of the provisions of this handbook at any time, and from time to time, without notice, in any manner that the Administration of the School System deems to be in the best interest of the School System. The contents of this handbook apply to all regular employees (certified and classified) and to all part time, temporary, and seasonal personnel in the School System and do not amend, abridge, or replace Board policies, administrative regulations, rules, procedures or employment contract conditions established by the School System.

**MOBILE COUNTY PUBLIC SCHOOL SYSTEM**  
**P.O. Box 180069**  
**Mobile, Alabama 36618**  
**(251) 221-4000**

<http://www.mcpss.com/>

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**INTRODUCTION**

This handbook is prepared by the Division of Human Resources solely as a guide to inform employees of some of the policies, procedures, and benefits of the Mobile County Public School System (MCPSS). It outlines various employment policies, procedures and practices that affect employees. It is intended only as a quick reference. Employees may access the Mobile County Public School System web site for more information on both the system and Human Resources. Visit <http://www.mcpss.com/>.

**THIS HANDBOOK DOES NOT CONSTITUTE ANY PART OF ANY EMPLOYMENT CONTRACT**

MCPSS policies and procedures conform to local, state, and federal requirements in addition to recognized principles of human resource management. Employees should contact the Office of Human Resources for assistance in obtaining up to date information on policies and procedures.

It is our desire that all employees of MCPSS find their employment to be personally and professionally rewarding. As such, our objective is to create a work environment that is conducive to these goals. This in turn will create an atmosphere of excellence in supporting our educational mission. We ask that all employees be dedicated to providing the very best educational experience for the students of Mobile County.

Through its personnel policies, the MCPSS endeavors to establish conditions that attract and hold the highest quality employees who are willing to devote themselves to the education and welfare of the students. The Board is committed to hiring and retaining employees who are capable, interested, and motivated to accomplish the desired goals of the school system.

The Board does not believe that it should employ or retain employees who are either incapable of satisfactory job performance or those who are capable of satisfactory work but continually perform at an unacceptable level.

**Rights and Responsibilities**

As an employee of the Mobile County Public School System, you are due certain treatment:

- You deserve fair, equitable, professional, and courteous treatment from your supervisors and co-workers.
- You deserve to be free from discrimination, prejudice and ill will.
- You deserve to not be singled out of a group and treated differently because of personality conflicts.
- You deserve to have your performance evaluated honestly.
- You may have the right, as a tenured or non-probationary employee, to due process in regard to certain instances of a transfer or termination from your position.

As an employee of the Mobile County Public School System, you have certain responsibilities:

- You have the responsibility to treat your supervisors and co-workers in a fair, equitable, professional, and courteous manner.
- You have the responsibility to refrain from any discriminatory actions, prejudice, or ill will towards any other employee.
- You have the responsibility to satisfactorily perform the duties that are assigned to you in exchange for your wages.
- You have the responsibility to obey the lawful directives of your supervisors.
- You have the responsibility not to engage in or encourage others to engage in rude, disruptive or insubordinate behavior.

**BENEFITS FOR FULL-TIME EMPLOYEES**

All full-time employees of the Mobile County Public School System will receive the following annual benefits.

**Health Insurance:** Employees may choose between the following health insurance plans:

- PEEHIP

1. Blue Cross/Blue Shield

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- HMO

1. Viva Health Plan HMO

- Supplemental plans are available through Southland National Insurance Company

1. Dental
2. Hospital Indemnity
3. Cancer
4. Vision

- Prescription plans are available through MedImpact.

**Life Insurance:**           \$ 8,000 Free Life Insurance from MCPSS  
                                      \$15,000 Free Life Insurance from the Teacher's Retirement Systems  
  of Alabama

**Retirement:**      All employees of the MCPSS will have a percentage of their wages deducted each month and deposited into the Teacher's Retirement System:

Benefits:                   Member is vested after 10 years of service  
  
                                  Tier 1 Members (Member before January 1, 2013)  
  Retirement at age 60 with 10-24 years of service  
  Retirement at any age after 25 years of service  
  
                                  Tier 2 Members (Member on or after January 1, 2013)  
  Retirement at age 62 with 10 years of service

Additional retirement service credit will be given by the Teachers Retirement System (TRS) based on the number of Accumulated Sick Days the employee has at the time of retirement or at the time of termination from the system.

**Credit for Military Service:** An employee has one year from the date he/she enrolled in the TRS to make a lump sum payment in order to gain credit for up to four years of eligible military service. Weekend service and summer camp service with the National Guard and the Reserves are not eligible for creditable service.

**Employee Assistance Program:** Confidential assistance and referral for treatment are available to employees and their family members through the Division of Human Resources.

**Payroll Deductions:** (Voluntary) Partial listing:

Direct Deposit (Required)	Association Dues
Mobile Educators Credit Union	Tax Sheltered Annuities
457's	Life Insurance
US Savings Bonds	Cafeteria Plan
Disability Insurance	Cancer Insurance
United Fund Contributions	Critical Care Insurance
Long Term Care Insurance	AD & D Insurance

**Personal Leave:** Full-time employees will receive two personal leave days per year. New employees starting work after December 31st will receive only one personal leave day for that year. Employees starting work after March 31st will receive no personal leave days for that year.

**Accumulated Sick Days:** Full-time employees receive one Sick Day for each month worked.

**Sick Leave Bank:** Employees are eligible to join the Sick Leave Bank, which enables them to borrow up to fifteen sick days for illnesses. These borrowed days are repaid from future accumulated days earned each month. Employees may also receive or donate Accumulated Sick Days from or to other employees who are members of a SLB in Alabama. These days are not repaid.

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**Vacation:** All full-time twelve month employees will receive vacation days based on the number of months consecutively worked in a twelve month position. These days are accrued monthly on a prorated basis as listed below.

- Hired in or transferred to a twelve month position prior to July 1, 1999:
  - a. 10 days vacation – working in a twelve month position less than 120 months.
  - b. 15 days vacation – working in a twelve month position at least 120 months.
- Hired in or transferred to a twelve month position on or after July 1, 1999.
  - a. 5 days vacation – working in a twelve month position for first 12 months.
  - b. 10 days vacation – working in a twelve month position from 13 to 120 months.
  - c. 15 days vacation – working in a twelve month position from 121 to 240 months.
  - d. 20 days vacation – working in a twelve month position for 241 or more months.

### **EMPLOYEE RESPONSIBILITY**

Certified employees shall meet minimum requirements such as a degree and professional certification, and demonstrate efficient performance skills in the area of assignment along with satisfactory accomplishment of their job requirements.

Classified employees (support employees) shall meet the minimum qualifications of their job description and demonstrate satisfactory performance of their job duties.

All employees are hired to perform certain tasks in exchange for their salary. These duties are determined by the job description and as directed by their supervisor. If you are unable or unwilling to satisfactorily perform the assigned tasks in the allotted time, then the system feels no obligation to retain you as an employee.

#### **Requirements of each employee:**

1. Perform satisfactory work.
  - a. Carry out and complete your job duties in an acceptable manner and in a timely fashion.
2. Behavior - Act in a professional manner and be courteous to children, parents, supervisors and all other employees.
  - a. Behavior which is rude, obnoxious or showing an attitude is unacceptable.
  - b. You are not expected to like your supervisors or co-workers and they are not expected to like you, but both are expected to be professional and courteous.
  - c. You are expected to treat everyone in a professional manner and with courtesy, regardless of your personal feelings towards that individual.
  - d. Do not show unwelcome familiarity with co-workers. The best advice to follow is to keep your hands to yourself and do not hug, kiss or touch co-workers.
  - e. Open disrespect or unprofessional conduct may lead to termination.
3. Drug and Alcohol - Report to work both drug and alcohol free.
  - a. All employees who drive school system vehicles are subject to random drug tests. Results that are positive will lead to disciplinary action up to and including termination.
  - b. All employees are subject to drug and alcohol testing for reasonable suspicion of impairment. Results that are positive for either drugs or alcohol will lead to disciplinary action up to and including termination.
4. Attendance and Absences - Work the days that you are scheduled to work.
  - a. Continual unpaid absences are unacceptable and may lead to disciplinary action up to and including termination.
  - b. Constant absences on Monday/Fridays or before/after holidays are suspect for abuse and may be subject to disciplinary actions.
  - c. You must also notify the Employee Absence Reporting System (SubFinder) of absences.
5. Tardiness - Be at work when scheduled and on time, without tardiness.
  - a. Excessive late arrivals will result in progressive discipline and may lead to termination.

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- b. Notify your supervisor of any absences or of any extreme tardiness.
6. Schedule - Work the hours of your schedule.
  - a. Report to work on time.
  - b. Do not leave work early unless authorized by your supervisor.
  - c. Do not clock-in early or clock-out late unless authorized by your supervisor.
7. Time Reporting - Missed punches and time worked. Fill out all forms relating to time worked accurately and honestly.
  - a. If you do not work a full day, do not state or indicate that you did.
8. Computer and Internet access is provided for MCPSS operations only. However, should there be an urgent need; minimal (no more than ten minutes a day) personal use is allowed.
  - a. Surfing the internet is strictly prohibited for non-educational purposes.
  - b. Audio/Video streaming is strictly prohibited for non-educational purposes.
  - c. Posting to personal web pages, bulletin boards, blogs or other similar personal message sites is strictly prohibited.
  - d. Accessing a racist, sexist, pornographic or other questionable site is strictly prohibited.
  - e. Employees will be provided a copy of the MCPSS acceptable use guidelines and sign a statement that they agree to the terms.
  - f. Internet usage will be monitored and violators will be subject to disciplinary action up to termination.
9. Social Media - Although social media sites such as Facebook are personal in nature, they (along with personal texts and emails brought to the administrations attention) can be considered public discourse or public comments.
  - a. The posting or texting or emailing of comments or images about students, parents, employees, supervisors, departments, schools, the system or your job that are of extremely poor taste, unprofessional, demeaning, derogatory, racist, offensive, insulting, inflammatory, hateful, insubordinate or celebrating immoral, improper or illegal actions is unacceptable and may lead to disciplinary action up to termination as those postings may cause a disruption in the workplace.
10. Personal calls - Keep personal calls to an absolute minimum during work time.
  - a. At some point in time, most everyone needs to make a personal call from work. However, these calls need to be kept to a minimum, as they not only adversely affect your work, they can also adversely affect the work of the other employees around you.
11. Cell Phone use - The use of personal cell phones is prohibited unless it is a true emergency.
  - a. Leave your cell phones in your car or turn them off during work hours.
  - b. Advise your family and friends that you can not receive personal calls on your cell phone during the work day unless a true emergency has occurred.
12. Personal conversations - Keep personal conversations during work hours to a minimum.
  - a. Even if your work is caught up enough to allow you some time to talk, the person you are talking to is probably neglecting his/her work by talking to you.
  - b. If you travel between sites, being friendly is expected, but to keep other employees from his/her work by engaging them in personal conversations is not acceptable.
  - c. We encourage camaraderie, but not at the expense of either your work or the work of other employees.
13. Compliance with directives - Obey the orders of your supervisor, except as stated in 13(b) below.
  - a. If you disagree, do not argue with the supervisor, simply state your objections in a concise and professional way and then carry out your supervisor's directions.
14. Insubordination to your supervisor or any other administrator is prohibited.
  - a. Insubordination may include:
    - i. Refusal or failure to obey orders or perform a job assignment given by a supervisor or any authorized employee or system representative;

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- ii. Disrespect, publicly displayed on system premises, toward a supervisor or the system;
  - iii. Threatening, intimidating, coercing, or interfering with a supervisor;
  - iv. Abusive language to any supervisor;
  - v. Openly making or publishing false, vicious, or malicious statements concerning supervisors; and
  - vi. Countermanding the order of a supervisor.
- b. Insubordination does not include a refusal to comply with:
- i. Orders that endanger the health, welfare, or safety of the employee, other employees, students, or anyone else;
  - ii. Orders requiring the performance of an illegal, improper, or immoral act;
  - iii. Orders that require action that is beyond the employee's capability; and
  - iv. Orders having a nature of unlawful harassment; for example, orders accompanied by a racial, religious or sexist slur.
15. Firearms and weapons prohibition.
- a. The possession of a firearm by an individual, employee, visitor, or student inside or on any property owned, leased, or operated by the Mobile County Public School System is strictly prohibited except for those individuals who lease undeveloped system property for hunting or sporting activities. Otherwise, possession of a firearm is strictly prohibited whether or not those individuals, employees, visitors, or students possess a legal permit to carry said firearm or if the individual possessing the firearm is licensed to do so by the state of Alabama or any other state. Duly sworn and trained peace officers in the performance of their duties are excluded from this prohibition.
  - b. Possession and/or use of weapons shall be prohibited on school property, including buses and at school sponsored activities. Possession and/or use of weapons shall also be prohibited in any vehicle brought onto school property or to a school sponsored activity. Violation of this prohibition shall be considered a serious act of misconduct and subject to disciplinary action up to and including termination.

**If you are unable to comply with these general expectations, then the system will be compelled to terminate your employment.**

**Abandonment of Job:**

Any employee will be considered to have abandoned his/her job and will be terminated as a voluntary resignation, who:

- leaves work and does not report back to work;
- who says he/she quits;
- who says he/she will not return to work or;
- for whatever reason fails to return to work without notification;

Any employee who has been absent from work for more than ten (10) consecutive work days and who has not obtained an approved leave of absence or otherwise accounted for the absences will be considered to have abandoned his/her job. The employee may be recommended for termination.

Any employee who has been absent from work for more than twenty (20) consecutive work days without contacting his/her supervisor, without good cause and without an approved leave of absence will be considered to have voluntarily resigned from his/her position and will be processed as having resigned from the position.

**Other Requirements:**

In-service education participation is encouraged for all employees, which will promote personal and professional growth. Employees, upon identification and recommendation by the immediate supervisor, shall be given the opportunity to participate in an improvement program coordinated through the Division of Staff Development and designed for improvement in specific areas. Additionally, employees are expected to develop and grow in job performance beyond minimum requirements.

Schedules for professional and support employees are formulated and disseminated by principals and supervisors. All employees shall observe and conform to time schedules furnished by his/her principal or supervisor.

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For professional employees, the school day shall be defined as the time when classes are in session, when faculty and in-service meetings are being held and when student activities are being conducted.

Teachers are required to attend faculty meetings and parent-teacher conferences when deemed necessary by the principal. Also, teachers shall be provided a thirty minute unencumbered time period during the day.

All schools shall have the school doors open for a minimum of eight (8) consecutive hours each workday. The day for professional education employees will include:

- Time assigned for instructional situations
- Time assigned for planning and conference
- Time assigned for student activities
- Time assigned for supervisory activities other than classroom instruction, faculty meetings or in-service meetings after the time students are dismissed and beyond the normal school closing time.

All professional faculty employees are required to be at his/her station of duty no later than fifteen (15) minutes before school begins and to leave no earlier than fifteen (15) minutes after the school day ends. All teachers are to hold parent-student conferences as needed during planning and conference periods and/or after school as determined necessary by the principal. These conferences are to be scheduled with the time necessary for keeping parents apprised of the academic performance of students prior to the time a student's achievement has reached the point of failure in a given grading period.

The primary responsibility and workload of teachers shall be planning and implementing of the instructional program. Teachers shall share in non-teaching responsibilities, which are considered either necessary or desirable to the proper functioning of the total school program. Teachers are expected to share in the responsibility for supervising co-curricular activities. The assigning of extra duty shall be done in an equitable manner.

Teacher workdays are designed to provide days for teachers to prepare grades, complete reports, and perform other tasks essential to teaching. No faculty meeting should be held on a teacher workday unless appropriate and timely. Should it be necessary to call a faculty meeting on a teacher workday, the meeting should not last more than 45 minutes, and no more than one meeting should be held. No in-service should be scheduled on teacher workdays.

Family members and children of an employee do not have a right to visit the employee at work during work hours. Visiting by family members or bringing children to work can be a severe distraction to both the employee being visited and other employees at the same location. This is similar to an employee having excessive personal telephone conversations or personal conversations at work. Before any employee asks a family member to come to his/her work location, he/she needs to clear the visit with the principal or supervisor. If the visits become excessive and are a distraction, then the family members may be banned from system properties.

## **ALABAMA EDUCATOR CODE OF ETHICS**

### **Introduction**

The primary goal of every educator in the state of Alabama must, at all times, be to provide an environment in which all students can learn. In order to accomplish that goal, educators must value the worth and dignity of every person, must have a devotion to excellence in all matters, must actively support the pursuit of knowledge, and must fully participate in the nurturance of a democratic citizenry. To do so requires an adherence to a high ethical standard.

The Alabama Educator Code of Ethics defines the professional behavior of educators in Alabama and serves as a guide to ethical conduct. The code protects the health, safety and general welfare of students and educators; outlines objective standards of conduct for professional educators; and clearly defines actions of an unethical nature for which disciplinary sanctions are justified.

### **CODE OF ETHICS STANDARDS**

#### **Standard 1: Professional Conduct**

*An educator should demonstrate conduct that follows generally recognized professional standards.*

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Ethical conduct includes, but is not limited to, the following:

- Encouraging and supporting colleagues in the development and maintenance of high standards.
- Respecting fellow educators and participating in the development of a professional and supportive teaching environment.
- Engaging in a variety of individual and collaborative learning experiences essential to developing professionally in order to promote student learning.

Unethical conduct is any conduct that impairs the certificate holder's ability to function in his or her employment position or a pattern of behavior that is detrimental to the health, welfare, discipline, or morals of students.

Unethical conduct includes, but is not limited to, the following:

- Harassment of colleagues.
- Misuse or mismanagement of tests or test materials.
- Inappropriate language on school grounds.
- Physical altercations.
- Failure to provide appropriate supervision of students.

**Standard 2: Trustworthiness**

*An educator should exemplify honesty and integrity in the course of professional practice.*

Ethical conduct includes, but is not limited to, the following:

- Properly representing facts concerning an educational matter in direct or indirect public expression.
- Advocating for fair and equitable opportunities for all children.
- Embodying for students the characteristics of intellectual honesty, diplomacy, tact, and fairness.

Unethical conduct includes, but is not limited to, the following:

- Falsifying, misrepresenting, omitting, or erroneously reporting professional qualifications, criminal record, or employment history when applying for employment or certification.
- Falsifying, misrepresenting, omitting, or erroneously reporting information submitted to federal, state, and/or other governmental agencies.
- Falsifying, misrepresenting, omitting, or erroneously reporting information regarding the evaluation of students and/or personnel.
- Falsifying, misrepresenting, omitting, or erroneously reporting reasons for absences or leaves.
- Falsifying, misrepresenting, omitting, or erroneously reporting information submitted in the course of an official inquiry or investigation.

**Standard 3: Unlawful Acts**

*An educator should abide by federal, state, and local laws and statutes.*

Unethical conduct includes, but is not limited to, the commission or conviction of a felony or of any crime involving moral turpitude. As used herein, conviction includes a finding or verdict of guilty, or a plea of *nolo contendere*, regardless of whether an appeal of the conviction has been sought or a situation where first offender treatment without adjudication of guilt pursuant to the charge was granted.

**Standard 4: Teacher/Student Relationship**

*An educator should always maintain a professional relationship with all students, both in and outside the classroom.*

Ethical conduct includes, but is not limited to, the following:

- Fulfilling the roles of trusted confidante, mentor, and advocate for students' growth.
- Nurturing the intellectual, physical, emotional, social, and civic potential of all students.
- Providing an environment that does not needlessly expose students to unnecessary embarrassment or disparagement.
- Creating, supporting, and maintaining a challenging learning environment for all students.

Unethical conduct includes, but is not limited to, the following:

- Committing any act of child abuse, including physical or verbal abuse.
- Committing any act of cruelty to children or any act of child endangerment.
- Committing or soliciting any unlawful sexual act.

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- Engaging in harassing behavior on the basis of race, gender, national origin, religion, or disability.
- Soliciting, encouraging, or consummating an inappropriate written, verbal, or physical relationship with a student.
- Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student or allowing a student to consume alcohol or illegal/unauthorized drugs.

**Standard 5: Alcohol, Drug and Tobacco Use or Possession**

*An educator should refrain from the use of alcohol and/or tobacco during the course of professional practice and should never use illegal or unauthorized drugs.*

Ethical conduct includes, but is not limited to, the following:

- Factually representing the dangers of alcohol, tobacco and illegal drug use and abuse to students during the course of professional practice.

Unethical conduct includes, but is not limited to, the following:

- Being under the influence of, possessing, using, or consuming illegal or unauthorized drugs.
- Being on school premises or at a school-related activity involving students while documented as being under the influence of, possessing, or consuming alcoholic beverages or using tobacco. A school-related activity includes, but is not limited to, any activity that is sponsored by a school or a school system or any activity designed to enhance the school curriculum such as club trips, etc., where students are involved.

**Standard 6: Public Funds and Property**

*An educator entrusted with public funds and property should honor that trust with a high level of honesty, accuracy, and responsibility.*

Ethical conduct includes, but is not limited to, the following:

- Maximizing the positive effect of school funds through judicious use of said funds.
- Modeling for students and colleagues the responsible use of public property.

Unethical conduct includes, but is not limited to, the following:

- Misusing public or school-related funds.
- Failing to account for funds collected from students or parents.
- Submitting fraudulent requests for reimbursement of expenses or for pay.
- Co-mingling public or school-related funds with personal funds or checking accounts.
- Using school property without the approval of the local board of education/governing body.

**Standard 7: Remunerative Conduct**

*An educator should maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation.*

Ethical conduct includes, but is not limited to, the following:

- Insuring that institutional privileges are not used for personal gain.
- Insuring that school policies or procedures are not impacted by gifts or gratuities from any person or organization.

Unethical conduct includes, but is not limited to, the following:

- Soliciting students or parents of students to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by the local governing body.
- Accepting gifts from vendors or potential vendors for personal use or gain where there appears to be a conflict of interest.
- Tutoring students assigned to the educator for remuneration unless approved by the local board of education.

**Standard 8: Maintenance of Confidentiality**

*An educator should comply with state and federal laws and local school board policies relating to confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements.*



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Ethical conduct includes, but is not limited to, the following:

- Keeping in confidence information about students that has been obtained in the course of professional service unless disclosure serves professional purposes or is required by law.
- Maintaining diligently the security of standardized test supplies and resources.

Unethical conduct includes, but is not limited to, the following:

- Sharing confidential information concerning student academic and disciplinary records, health and medical information, family status/income, and assessment/testing results unless disclosure is required or permitted by law.
- Violating confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, and violating local school system or state directions for the use of tests or test items.
- Violating other confidentiality agreements required by state or local policy.

**Standard 9: Abandonment of Contract**

*An educator should fulfill all of the terms and obligations detailed in the contract with the local board of education or educational agency for the duration of the contract.*

Unethical conduct includes, but is not limited to, the following:

- Abandoning the contract for professional services without prior release from the contract by the employer;
- Refusing to perform services required by the contract.

**Reporting**

Educators are required to report a breach of one or more of the Standards in the Alabama Educator Code of Ethics as soon as possible, but no later than sixty (60) days from the date the educator became aware of the alleged breach, unless the law or local procedures require reporting sooner. Educators should be aware of their local school board policies and procedures and/or chain of command for reporting unethical conduct. Complaints filed with the local or state school board's, or with the State Department of Education Teacher Certification Section, must be filed in writing and must include the original signature of the complainant.

**Alabama Administrative Code 290-3-2-.05**

(1)-5-c Each Superintendent shall submit to the State Superintendent of Education within ten calendar days of the decision, the name and social security number of each employee holding an Alabama certificate or license who is terminated, or non-renewed, resigns, or is placed on administrative leave for cause, and shall indicate the reason for such action.

**Disciplinary Action**

Disciplinary action shall be defined as the issuance of a reprimand or warning, or the suspension, revocation, or denial of certificates. "Certificate" refers to any teaching, service, or leadership certificate issued by the authority of the Alabama State Department of Education.

**Alabama Administrative Code 290-3-2-.05**

(1) Authority of the State Superintendent of Education

(a) The Superintendent shall have the authority under existing legal standards to:

1. Revoke any certificate held by a person who has been proven guilty of immoral conduct or unbecoming or indecent behavior in Alabama or any other state or nation in accordance with Ala. Code §16-23-5 (1975).
2. Refuse to issue a certificate to an applicant whose certificate has been subject to adverse action by another state until after the adverse action has been resolved by that state.
3. Suspend or revoke an individual's certificate issued by the Superintendent when a certificate or license issued by another state is subject to adverse action.
4. Refuse to issue, suspend, or recall a certificate for just cause.

Any of the following grounds shall also be considered cause for disciplinary action:

- Unethical conduct as outlined in the Alabama Educator Code of Ethics, Standards 1-9.
- Order from a court of competent jurisdiction.
- Violation of any other laws or rules applicable to the profession.

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- Any other good and sufficient cause.

An individual whose certificate has been revoked, denied, or suspended may not be employed as an educator, paraprofessional, aide, or substitute teacher during the period of his or her revocation, suspension, or denial.

### **OFFICIAL PERSONNEL FILE**

Each employee's official personnel file is maintained in the Division of Human Resources. In general, this file will contain a record of the employee's history with the system, such as documents concerning the employee's hiring, status, work history, and performance.

All information or material placed in the employee's personnel file in Human Resources shall be available to the employee for inspection upon request with a twenty-four (24) hour notice. This does not include former employees. If former employees wish to view their file, they must make a request in writing to the Assistant Superintendent or Executive Manager of Human Resources.

Handling of personnel files shall follow the guidelines set forth below in addition to normal processing and maintenance:

1. Any information or materials which are derogatory shall not be placed in the personnel file unless the employee is aware of the information and is given the opportunity to examine the information.
  - a. The employee has the right to respond in writing to anything placed in the system's personnel file and have the response placed with the material to which it relates.
2. No anonymous, unsigned, or hearsay information may be placed in the employee's official personnel files.
3. All confidential references and information shall be privileged and are not part of employee's official personnel files.

### **DRESS CODE**

The school system has a dress code that must be followed by all employees. In general, all employees (professional, administrative and support personnel) should be professionally and appropriately attired when conducting school system business. The policy is a general guideline established in order to uplift, enhance, and promote the professional image of the school system.

Each school and department supervisor should review these guidelines with their employees each year. Immediate or site supervisors may approve exceptions to this code for special or occasional activities.

In departments where uniforms or uniformity in dress is prescribed by the Board, all affected employees are required to abide by direction and procedure. However, schools or departments may adopt a voluntary dress code for uniforms. Also, reasonable accommodations will be made for religious beliefs if such accommodation would not unduly interfere with the effective functioning of the schools or departments.

Restrictions as set forth in the Dress Code:

- Jeans (except for custodian and bus drivers and as allowed for special occasions or special work as approved by the immediate or site supervisor)
- Overalls
- Shorts (except for P.E. teachers and bus drivers and as allowed for special occasions or special work as approved by the immediate or site supervisor)
- Athletic type shoes (except as allowed for special occasions or special work as approved by the immediate or site supervisor)
- Spandex or bicycling type attire as outer wear
- Visible piercing except to ears
- Clothing that is provocative, revealing, indecent, vulgar or obscene
- Blouses or shirts with low necklines, bare midriffs and excessively tight clothing
- Visibly torn or ragged attire
- Sweat suit-type attire (except for P.E. teachers, bus drivers, and custodians)

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- Footwear that is considered beachwear (flip flops), soft plastic (Crocs), bedroom shoes, or slippers (Any footwear that may cause injury to the wearer or others must not be worn)
- Clothing which promotes alcoholic beverages, tobacco, or the use of controlled substances by words or symbols
- Clothing that contains profanity or nudity, depicts violence, or is sexual in nature by words or symbols
- Undergarments worn as an outer garment or any see-through clothing
- Any item of clothing or jewelry that creates a disruption of the school environment/learning activities or that poses a threat to the safety and well-being of students or staff

Required:

- Collared or dress shirts for males

### **WAGE & HOUR ISSUES**

All employees will be compensated for work performed according to either their contract or their terms of employment. The Fair Labor Standards Act (FLSA) requires overtime pay at time and a half for all eligible employees who work over forty hours (40) in any one workweek. The workweek begins on Sunday and ends on Saturday. Only actual hours worked applies when determining if 40 hours for the work week have been exceeded before overtime pay is due. If there is a holiday, sick, or vacation day during the week, then that period of time does not apply to the 40 hour requirement.

Employees can not make up missed time from one work week to another work week. This means that if the employee works 36 hours during one week and 44 hours during the second week, it does not average out to 40 hours a week and therefore no overtime is due. Each workweek stands as a separate period of time and the employee is due 4 hours overtime for the second week.

An employee is determined to be either Exempt from the overtime provisions of the FLSA or they are Non-Exempt from those same provisions.

If an employee is Exempt, this simply means that he/she is not eligible for overtime pay or compensatory time. If an employee is Non-Exempt, this simply means that he/she is due overtime pay or compensatory time off for hours worked over 40 in any one workweek. Also, any full-time employee, Exempt or Non-Exempt, who makes less than \$23,660 a year, is due overtime compensation at time and a half for any hours worked over forty (40) during any one workweek. If you have a question about whether you are an Exempt or Non-Exempt employee, contact the Employee Relations department.

Non-Exempt employees are eligible for compensatory time in lieu of overtime pay. If agreeable with both the employee and the supervisor, compensatory time may be taken in lieu of overtime compensation in accordance with Board policy. Compensatory time will be at the same rate as overtime earned, time and a half. Compensatory time can not accrue longer than thirty days. You must be given the time off, by Board policy, within thirty days or else you will be paid the equivalent overtime.

Exempt employees are not eligible for compensatory time. This includes administrators and most supervisory employees. Their work week does not necessarily end with just the forty hours worked per week. If required, Exempt employees may work beyond the forty (40) hours for no extra compensation or time off.

If you are a Non-Exempt employee and your supervisor asks you to work past your scheduled time to leave work, then you are due to be paid for that extra time worked or given compensatory time off. You will be compensated at either straight time or time and a half, depending on whether forty work hours were exceeded during the work week.

This holds true whether you work only thirty minutes or two hours. As an example, if you work forty hours and thirty minutes during the week, then you will be paid for forty hours at straight time and thirty minutes at time and a half.

Your work day does not necessarily start the moment you walk on campus, work site, or in your department. If you arrive early to eat breakfast or talk to other employees, then that time is not work time and does not start

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your work day. Your work day starts, and is recorded on Kronos or your time card, when you begin your work routine or are available for work and waiting on orders from your supervisor.

Also, your work day does not necessarily end when you leave the work site; it may end before you leave the premises. Your work day ends when you stop your work process for the day. Any time spent talking to other employees about non-work related issues or taking care of personal business is not counted as work time and is not to be included on Kronos or your time card.

**You are required to accurately enter on your time card both the starting time and ending time of your work day.** If the supervisor asks you to work over but not to enter the extra time on your time card, then you must contact Human Resources so that we may correct the situation. If you are finishing something for the day and it runs over ten minutes, then that ten minutes will be added to your time card. You will either be given time off during that week or you will be paid for the overtime or given compensatory time off within the next thirty days.

**You are required to accurately account for any lunch time (unpaid) taken in Kronos or on your time card during the work day.** If the supervisor asks you to work through lunch but not to enter the extra time on your time card, then you must contact Human Resources so that we may correct the situation. Lunch breaks that are not duty free must be accounted for as compensatory time or paid to the employee.

Work as a volunteer after hours is generally not compensated, unless it is performing the same duties for which you are paid. This normally occurs when the employee volunteers to work at the school as a parent. The volunteer work generally should be in a capacity other than what the employee is paid to do. If the employee volunteers to work doing essentially the same duties that they are paid to do during the day, then that work time will be compensated.

An exception may be volunteer work that is for an organization separate from the school system and paid for out of that organization's funds and not paid through the employee's payroll account. If there are any questions, please call Human Resources to clarify what volunteer activity will and will not be compensated.

Lunch and break periods are not required for any group of employees, either certified or support personnel. If the job responsibilities allow either a lunch and/or a break time, the following guides will be followed.

**Lunch period:**

Non-Exempt employees

- Lunch periods are 30 minutes
- Lunch periods are duty free
- Lunch periods are not compensated
  - However, if the job responsibilities of Non-Exempt employees require them to work through their lunch period, then they will be compensated for that 30 minute period

**Break Period:**

Non-Exempt employees

- Break periods are 15 minutes
- Break periods are compensated
- Maximum of 2 per day

Mileage for business use of your personal vehicle will be reimbursed at the prevailing rate as set by the state of Alabama. In general, if your job duties require it or if a supervisor requests or requires you to use your vehicle for school or system related business (except travel to and from your home to the work site), then you are to be reimbursed for this expense.

There are no exceptions; if you are required to use your personal vehicle for system business then you are due to be reimbursed for that use. Some examples are as follows:

- Travel to required meetings. However, if you are taking time off during the day to attend a meeting that is not required, then mileage is not to be reimbursed.
- Travel to make bank deposits. If the deposit is made after leaving school and the bank is not on the route home, then only the mileage for distance deviated from your normal route to the bank is to be reimbursed.

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- Travel to the central office. However, if it is to take care of your personal business and not related to your job duties, then mileage is not to be reimbursed.
- Travel to different work sites. However, if system transportation is offered but refused, then mileage is not to be reimbursed.
- Travel to purchase system supplies.

### **KRONOS TIME AND ATTENDANCE**

The KRONOS Time and Attendance reporting system is used for all employees. It is a biometric recognition system and requires an employee ID number and fingerscan to account for the time or attendance of all employees. The system is designed not only to protect the school system against fraud by unscrupulous employees, it also helps protect the employee should there be a dispute as to whether the employee was where he/she was supposed to be at the time they were supposed to be there.

Each employee has the responsibility to make sure their attendance is reported in KRONOS. All employees will maintain a daily record of time worked by signing in/out at KRONOS terminals and reporting absences in SubFinder.

#### **General Information:**

The KRONOS system is designed to allow an approximate six minute period before and after the normal clock-in time that does not affect the total time worked for the employee. Basically, this means that if the normal clock-in time for the employee is 8:00 am, then the employee may clock-in anywhere from five minutes and 59 seconds before the hour to five minutes and 59 seconds after the hour and the start time for the employee will be shown as 8:00 am. The same applies at the end of the work period when the employee is to clock-out.

The reason there is a grace period before and after the hour for clock-ins and clock-outs is that normally the late clock-ins and early clock-outs will offset themselves in the long run for normal employees. However, continually arriving late every day and leaving early every day will result in disciplinary action since you are not fulfilling the requirements for a normal workday.

As explained under the Wage & Hour section, employees are classified under the Fair Labor Standards Act (FLSA) as either Exempt or Non-Exempt.

#### **Exempt employees:**

1. Exempt employees are ***not*** eligible for overtime pay. They are paid on a salary basis. The general work day is eight hours a day for central office and support personnel and seven to eight hours a day for school based personnel, depending on their job schedule. However, employees are often required to work additional hours without compensation in order to complete the job at hand. By the same token, if they work less than their scheduled hours, it does not make a difference in the amount they are paid, since they are paid on a salary basis (except as noted in item (c) below).
  - a. KRONOS is used for these employees strictly for attendance purposes. It is not to measure whether they are at work exactly eight hours a day.
    - i. However, continually working less than the expected work day will result in disciplinary action, which could eventually lead to termination.
  - b. These employees usually are the administrators, coordinators, supervisors, managers, foremen and professional employees whose primary duty is the performance of administrative, office or non-manual work directly related to the management or general operations of the system.
    - i. Also, by law, teachers are automatically exempt from the overtime provisions of the FLSA.
  - c. Since the school system has established leave policies, should exempt employees work less than one-half of their half day schedule, they will be charged with a half day absence. If they work less than one-quarter of their whole day schedule, then they will be charged with a whole day absence. If they work more than one-quarter and less than three-quarters of their whole day schedule, they will be charged with a half day absence.

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**Non-Exempt employees:**

1. Non-Exempt employees are eligible for overtime pay. They are paid on an hourly basis and are due overtime pay or compensatory time off. The general work day is eight hours a day and, if required to work additional hours, it will be with additional compensation.
2. This additional compensation will be either straight time up to 40 hours worked a week or time and a half for any hours worked over 40 hours a week.
  - a. KRONOS is used for these employees for time-keeping purposes. It is to first measure (1) whether they are at work and then (2) how much time should be paid to them.
    - i. Normally, the employee must clock-out for non-paid periods, such as lunch. However, this depends on the requirements of the employee's job responsibilities. There are some employees who are on duty from the time they clock-in to when they clock-out at the end of the day. Generally these employees are security personnel and some aides/paraprofessionals.
  - b. Usually the Non-Exempt employees are the clerks, Child Nutrition personnel, custodians, bus drivers, aides/paraprofessionals, trades, craft and manual labor personnel.
3. Non-exempt employees that do not work total hours scheduled each week will be reported as a shortage. It is the employee's responsibility to report shortage code to the timekeepers. If not reported, the timekeeper will use short-unpaid. Shortage time will be reported to payroll in half and whole days. The appropriate shortage will be deducted from the employee's leave.

Shortage codes available are:

SHORT-UNPD	-Default- Unpaid time and the employee will be docked
SHORT-SCK	-Apply to sick leave and HR124 is required for payroll processing
SHORT-PERS	-Apply to personal leave and HR124 is required for payroll processing
SHORT-VAC	-Apply to vacation leave and HR124 is required for payroll processing (12 month employees only)
SHORT-FLEX	-Apply to FLEX leave and HR124 is required for payroll processing (12 month employees only)

**Kronos And Payroll Operating Guidelines And Procedures:**

The following operating guidelines are for maintaining time and attendance in KRONOS. The guidelines were approved by the board of commissioners on July 28, 2009.

**All employees:**

1. All employees are required to maintain attendance by using Kronos.
2. Most employees are required to take a 30-minute break for each worked shift.
3. A six minute delay is configured on the Kronos terminal before and after start/end time.
4. All employees are accountable for days worked as listed in the payroll calendar. Unsupported days will be docked according to service report. Complete Kronos Individual Time Record form (HR4500A) for missed or rejected punches each week and return to timekeeper for entry into Kronos. Provide system error code and/or explanation of missed punched. If you have a missed punch or punched incorrectly, you must complete HR- 4500A form with the correct start/end time and justification for change. The HR-4500As should be completed and signed by the employee, not the clerk, and approved by the principal, department head, or supervisor.
5. Complete Kronos Individual Time Record form (HR4500A) when reporting to or leaving sites without a Kronos terminal. Punch in/out where a terminal is available. Return completed form each week to timekeeper.
6. Complete HR124 (if applicable) each week. Provide the 27-digit account number for professional development when necessary.
7. All applicable forms (HR4500A, HR124, etc) must be submitted to the timekeeper and/or bookkeeper by Tuesday of each week. Missed punches, incorrect punches, absences not reported in SubFinder and not corrected by the above procedures will be submitted to payroll as unpaid days and unsupported days will be docked according to service report. Approved corrections will be paid on the next regular pay period.
8. Report all absences in SubFinder. Each day's absence from work must be reported in SubFinder. If you cannot get through to report an absence in SubFinder, you must complete HR-4500A form with

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the date and type of absence. The HR-4500As should be completed and signed by the employee, not the clerk, and approved by the principal, department head, or supervisor. You must also submit a completed HR-124 form along with the HR- 4500A, if applicable.

9. When leave is depleted and not available, the employee's leave will be unpaid.
10. All substitutes (including interims) must be validated and reported in SubFinder prior to the job assignment.
11. Substitutes are automatically updated in Kronos if entered correctly in SubFinder. Substitutes are required to be scheduled in SubFinder to receive pay as indicated on the Kronos service report.
12. Current leave balance will be maintained in SubFinder. Contact HR System Support at 221-4580 for discrepancies.
13. All employees can review their own time card in Kronos. User name and password is required to view timecard.
14. User Name: First and Last initials + last six of SSN
15. Password: default is "kronos"
16. Contact the timekeeper if there is a discrepancy on the time card.
17. Absences reported in SubFinder will automatically update Kronos with leave taken.
18. All substitutes must be entered in SubFinder for accurate reporting to payroll and Kronos.
19. Ensure each day worked or absence is accounted for in Kronos for payroll processing. Total days and/or hours required for the pay period must balance according to the payroll calendar. Pay will be docked for days not worked in the pay period.
20. Failure to follow procedures for maintaining attendance may result in disciplinary action up to and including termination.

## **SPECIFIC GUIDELINES FOR EXEMPT AND NON-EXEMPT PERSONNEL**

**Exempt personnel:** administrators, managers, teachers, superintendents, etc.

1. Exempt employees will punch-in at a Kronos terminal daily when reporting to work. (Including weekends if applicable). One entry required for full day attendance.
2. Exempt employees will punch out when leaving for a half day. Two entries required if working a half day.
3. Exempt employees will not punch for meals.
4. Exempt employees are not eligible for overtime.
5. Itinerant teachers may have access to multiple schools upon approval from supervisor.

**Non-Exempt personnel:** clerks, custodians, cafeteria personnel, paraprofessionals, bus drivers, aides, maintenance, etc.

1. Non-exempt employees will punch in/out at a Kronos terminal daily when reporting to work and leaving for the day (including weekends if applicable).
2. Non-exempt employees must punch for lunch.
3. Short Meal – a punched meal of less than 30 minutes will round to 30 minutes. For example: an employee punches for his meal for 21 minutes, it would be considered a 30-minute meal.
4. Medium Meal – a punched meal between 30 minutes and 1 hr will round to 30 minutes. For example: an employee punches for his meal for 45 minutes, it would be considered a 30-minute meal.
5. Long Meal – a punched meal of over 1 hour will include 30 minutes paid and will not round. For example: an employee punches for his meal for 1 hour and 15 minutes, it would be considered a 45-minute meal.
6. Non-exempt employees must work assigned hours each week, not unless leave is taken for time off from work.

## **GUIDELINES FOR ATTENDANCE IF ABSENCE LESS THAN A HALF DAY**

- **Exempt:** For each four hour period, if the employee is off work for **over** two hours, then 1/2 day will be deducted with paid leave or it will be unpaid.
  1. An *exception* to this could be office staff coming in late and then working late for a full four hour period. If leave for this period of missed work has been appropriately approved with an HR-124, then paid leave will be applied, otherwise it will be unpaid.
  2. If the employee misses more than six hours work for one eight hour work day (five hours for a 7 1/2 hour work day), then a full day will be deducted or leave applied as indicated above.

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- **Non-exempt:** Leave or unpaid time will be as actual missed work. If leave for this period of missed work as been appropriately approved with an HR-124, then paid leave will be applied, otherwise it will be unpaid.
  1. Absences are required to be approved by a HR-124 and input into the Subfinder system. If not approved by a HR-124, then it will be unpaid.
  2. Day to day sick leave is not required to be approved on a HR-124. The employee must report the sick leave in Subfinder.

**CORRECTING LEAVE CHANGES IN PAYROLL**

1. Leave submitted to payroll will be processed according to the service report.
2. Corrections will not be made after 30 days. The principal, department head, or supervisor must send a request in writing to the Payroll Supervisor within the 30-day period asking that their service report be changed. The memo must state the reasons for this request including a copy of the timecard and leave form.
3. Approved corrections will be processed on the next regular pay day.
4. It is the EMPLOYEE'S responsibility to submit an HR-124 form for AVAILABLE leave. Adjustments will not
5. Be made when an employee requests leave that is not available. The HR-124s should be completed and signed by the employee, not the clerk, and approved by the principal, department head, or supervisor.
6. All applicable leave forms MUST be submitted each week in order for the employee to use the leave requested.

**PAYROLL**

All Board employees shall be paid in accordance with the salary schedule adopted for the particular budget year. All regular employees of the Board will be paid either monthly or semi-monthly. Those employees paid on a monthly basis are paid on the last day of the month. Semi-monthly employees will be paid on the 15<sup>th</sup> of the month and the last day of the month.

With the exceptions of deductions for absences not covered by paid leave and those required by law, all categories of deductions from salary shall be subject to Board approval and/or voluntary on the part of the individual employee.

Pay increases mandated by state law shall be implemented on the date dictated by said law. No mandated pay raises shall be implemented retroactively unless the Board takes affirmative steps to do so.

Full-time employees work a set number of days during the year for which he/she is compensated. Different groups of employees have different lengths of employment based on what they do. The length of the employment year can range from 182 days to 260 days, depending on the type employee and whether he/she works in the central office, elementary school, middle school, high school, or with support services.

Twelve month employees will either work 240 or 260 days a year, depending on their date of hire. Unless covered by Annual Leave, Personal Days, or Accumulated Sick Days for illnesses, employees will not be paid for days not worked.

Example of some, not all, scheduled work days:

- 260 days                      Principals, Central Office staff, etc.
- 202 days                      Resource Teachers, Vocational Teachers, School staff, etc
- 197 days                      Custodians, etc.
- 191 days                      Cafeteria Managers
- 192 days                      Attendance Officers, etc.
- 187 days                      Teachers, Paraprofessionals/Aides, CNP Assistants, etc.

School based employees, who are not twelve month employees, do not work during parts of the summer months; however, we pay all full-time employees on a twelve month basis. Each pay period a certain number of



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days are set aside to pay for the months during the summer that the employees do not work. These summer payout checks are for time worked during the year but withheld to pay employees during the summer months.

Those employees hired for less than twelve months and who are hired at the beginning of the contract year should receive their full pay during each month worked. However, employees who start work after the start of their contract year will receive a lower salary for the months worked during the first year because they will not work their full contracted number of days. All employees who do not work their entire contract period will receive a prorated salary.

This same type of calculation will also occur if the employee is on an unpaid leave of absence for an extended period of time. A significant amount of unpaid leave will change the total of your monthly pay for the remainder of the contract period.

After the employee returns to work from the leave of absence, the payroll department will recalculate the monthly rate of pay depending on how many days are left in the contract year. Contact the payroll department if you have concerns about your pay after an extended unpaid leave of absence.

- Salary Example 1: 187 day employee is hired at a salary of \$18,000 a year and starts work at the beginning of the contract year. He/she will be paid \$1,500 per month. ( $\$18,000/12=\$1,500$ )
- Salary Example 2: 187 day employee is hired at a salary of \$18,000 a year. He/she is hired after the beginning of the year and starts work during October. He/she will only work 140 days for the year, therefore he/she will be paid only \$1,347.59 per month. ( $(( \$18,000 / 187 = \$96.26 \text{ daily rate } ) \times 140 \text{ days} = \$13,475.94 \text{ for the year } ) / 10 \text{ months that checks are due} = \$1,347.59$ ) The following year the monthly salary will become the regular salary of \$1,500 as the employee will start work at the beginning of the contract year.

## **INSURANCE**

The following are some general guidelines from the Public Education Employees' Health Insurance Plan (PEEHIP) as found in their Handbook. If there are any questions regarding coverage, call or write the PEEHIP office in Montgomery at 201 South Union Street, Montgomery, AL 36104. The mailing address is P. O. Box 302150, Montgomery, AL 36130-2150, (334) 517-7000 or Toll Free (877) 517-0020.

Full-time employees and permanent part-time employees are eligible for coverage with PEEHIP. A permanent part-time employee is also eligible for PEEHIP if he/she agrees to payroll deduction for a pro rata portion of the premium cost for a full-time employee. The amount of the deduction is based on the percentage of time the permanent part-time worker is employed.

The Open Enrollment period usually begins on July 1st and ends on August 31<sup>st</sup> in order for the changes to be effective October 1. All open enrollment forms and written requests must be postmarked no later than August 31st for the PEEHIP office to accept the request. Members can add new types of coverage, dependent coverage or change coverage types during this open enrollment period.

The PEEHIP office will be determining and managing the premium deductions; therefore, active and retired members will be required to send all insurance changes to the PEEHIP office. Active employees will no longer go through their employer to make insurance changes. Prior to the payroll cutoff date, the PEEHIP office will send an electronic file to each employer authorizing the payroll deductions for each employee. The payroll deduction amount will be based on the insurance plan(s) you have selected. If the payroll deduction is incorrect, you will need to contact the PEEHIP office instead of your employer.

**Summary of Coverage is available on the web at <http://www.rsa-al.gov/PEEHIP/peehip.html>**

### **Insurance Premiums and Enrollments**

The PEEHIP office determines and manages the premium deductions; therefore, active and retired members will be required to send all insurance changes to the PEEHIP office. Members will no longer go to their employer to make insurance changes. Prior to the payroll cutoff date, the PEEHIP office will send an electronic file to each employer authorizing the payroll deductions for each employer. The payroll deduction amount will

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be based on the insurance plan(s) each member selects. If the payroll deduction is incorrect, members will need to contact the PEEHIP office instead of their employer. It is imperative for PEEHIP to have the correct home mailing address so all members can receive important PEEHIP information.

**Non-tobacco User Discount**

Beginning October 1, 2006, all PEEHIP members who are tobacco users and are enrolled in the hospital medical or HMO plans will be charged a surcharge. However, non-tobacco users can have the surcharge removed from their monthly premium by certifying that they (and their spouse, if the spouse is covered as a dependent) have not used tobacco products within the last 12 months.

**Supplemental Coverage Plan**

PEEHIP members may opt to elect the PEEHIP Supplemental Plan as their primary coverage in lieu of the PEEHIP hospital medical plan. The PEEHIP Supplemental Plan cannot be used as a supplement to Medicare, the PEEHIP hospital medical plan, or the State or Local Governmental Plans administered by the State Employees Insurance Board (SEIB).

**Federal Poverty Level Assistance Program (FPL)**

PEEHIP members who have a combined family income of 200% or less of the Federal Poverty Level (FPL) may qualify for a reduced premium on their hospital medical or HMO premium. To qualify for the FPL assistance, PEEHIP members must furnish acceptable proof of total income based on their most recently filed Federal Income Tax Return along with copies of pertinent W-2's and 1099's. The premium discount will be effective for the plan year only, and re-certification will be required annually during open enrollment. The most recent Federal Poverty guidelines are listed on the back of the FPL APPLICATION form and are on the PEEHIP website at [www.rsa-al.gov](http://www.rsa-al.gov).

**Public Education Employees' Flexible Benefits Program (Flex)**

The new Flexible benefits plan is available to active members of PEEHIP. Three programs will be offered:

1. **Premium Conversion Plan (PCP)** requires all active members to pay PEEHIP premiums using pre-tax dollars.
2. **Dependent Care Reimbursement Account Plan (DCRA)** allows eligible active members the opportunity to pay dependent care expenses using pretax dollars.
3. **Health Care Reimbursement Account Plan (HCRA)** allows eligible active employees to set aside tax-free money in an account to pay themselves back for eligible health care expenses that were not covered by the insurance plan.

**Non-Duplication of Benefits**

All PEEHIP members and covered dependents that use their PEEHIP hospital medical plan as their secondary plan will still be required to pay any co-pays or deductibles imposed by the PEEHIP plan. PEEHIP will cover other health plan deductibles and co-pays that exceed the PEEHIP co-pays.

**New Employees**

New employees may enroll on their date of employment, the first day of the month following employment, or October 1. Enrollment should be completed within 30 days of the employee's employment date. If not enrolled within 30 days, the employee will only be allowed to enroll in single hospital medical coverage effective the date of enrollment not the date of employment.

New employees may add family coverage on their date of employment or within 60 days of employment. Also, new employees employed during the Open Enrollment period cannot enroll in the optional plans on their date of employment and cancel the plans October 1 of that same year.

**Employees Hired After October 1**

These employees may enroll only on their date of employment or the first day of the month following their date of employment. New employees who enrolled in the optional plans outside of the Open Enrollment period are required to retain the coverage(s) for at least one year or until the next Open Enrollment period.

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**Current Employees**

Open Enrollment for all current employees takes place in July, August, and September for coverage to be effective October 1. Employees may add or change types of coverage, including dependent coverage, during this Open Enrollment period. Open Enrollment forms completed on or after August 31st will not be accepted by PEEHIP.

**Transfers**

Employees who transfer from another system are considered current employees and must keep existing insurance coverage until the Open Enrollment period. Changes will be effective October 1.

**Loss of Coverage**

Employees whose spouse or other dependent has an involuntary loss of hospital medical coverage will be allowed to add family coverage to existing Hospital Medical plan within 45 days of the loss of coverage. If PEEHIP is not notified within 45 days, the employee and/or the dependent(s) will be required to wait until the Open Enrollment period.

Examples of involuntary loss situations:

- Layoffs,
- System discontinuing insurance coverage completely (this would not be just a change in insurance carriers),
- Spouse being terminated.
- Divorce.

**Eligible dependents**

- 1) The employee's lawful spouse;
- 2) Dependent child under the age of 26, only if the child is:
  - (a) The employee's biological son or daughter;
  - (b) The employee's legally adopted child (including any probationary period during which the child is required to live with the employee);
  - (c) The employee's stepchild or foster child fully dependent upon the employee for support and permanently residing in the employee's household in a normal parent-child relationship with no foreseeable or expected termination. Documentation will be required by PEEHIP before the child will be enrolled.
  - (d) A child related to the employee by blood or marriage that is fully dependent upon the employee for support and permanently residing in the employee's household in a normal parent-child relationship, where neither the child's natural mother nor natural father live in the employee's household and the employee and child's relationship does not have a foreseeable or expected termination. Documentation will be required by PEEHIP before the child will be enrolled."
- 3) Dependent child of any age incapable of self-sustaining employment because of a physical or mental handicap and is chiefly dependent on the employee for support. Also, the child had to be covered as a dependent on the employee's PEEHIP policy before reaching the limiting age. Proof of the child's condition and dependence must be submitted to PEEHIP within 31 days after the date the child would otherwise cease to be covered because of age.

**Ineligible Dependents**

- 1) Once an "eligible" dependent has "aged out," that person is ineligible to participate in PEEHIP again as a dependent except subsequently as the spouse of an eligible employee.
- 2) Ex-spouses are not eligible dependents even if an employee continues to pay for family coverage. The ex-spouse must be deleted from coverage effective the first day of the month following the date of divorce.
- 3) Step-children who do not live in the employee's household.
- 4) Adult child eligible for other employer sponsored hospital medical coverage.

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**Marriage**

An employee with single coverage who marries and wishes to acquire family coverage must submit written notification to PEEHIP within 45 days of the date of marriage. The effective date of coverage may be the date of marriage or the first day of the following month. If PEEHIP does not receive written notification within 45 days of the date of marriage, the eligible dependent will be added as of the date of notification or first of the month following notification.

**Newborn**

An employee with single coverage who desires family coverage due to the birth of a child must submit written notification to PEEHIP within 45 days of the date of birth. The effective date of coverage may be the date of birth or the first day of the following month. If a newborn is not covered on the date of birth, claims for the newborn at the time of birth will not be paid. An employee who is only enrolled in the four optional plans cannot enroll in the Hospital Medical Plan due to the birth of a child.

**Other Dependent Children**

When adding a dependent child other than the employee's biological child or stepchild, the employee must submit documentation of custody or guardianship and provide information as to the relationship to the employee. The dependent must be related to the employee by blood or marriage and must be fully dependent upon the employee for support and permanently residing in the employee's household in a normal parent-child relationship.

In addition, PEEHIP requires appropriate documentation as to the whereabouts of the natural mother and father, such as custody or guardianship papers, notarized statement, etc. If custody is temporary, the dependent child must have resided in the employee's household for at least one year before the dependent can be considered for coverage.

**Dependents with Different Last Names**

If a husband and wife have different last names, the employee must submit a copy of the marriage certificate. If biological children have different last names, the employee must submit a copy of the birth certificate. PEEHIP is not bound by a court order to insure dependents who do not meet PEEHIP guidelines.

**Allocations**

An employee receives the State insurance allocation for each month employed as long as that employee is in pay status at least one-half of the working days of that month. If an employee works October 1 thru November 8, he/she will earn the October allocation but not the November allocation.

An employee may get paid for a portion of a month but may not earn the allocation for that month if he/she is not in pay status at least one-half of the workdays of that month. Permanent part-time employees who meet the qualifications will be entitled to a pro rata allocation.

Professional employees employed full-time are eligible for a full allocation, such as teachers, counselors, librarians, administrative employees or others. Support workers, such as Custodians, Maintenance workers, Child Nutrition Assistants, or teacher Aides/Paraprofessionals, must be employed at least twenty (20) hours per week to receive a full allocation.

Bus drivers are full-time employees by law regardless of the hours worked.

Employees who work at least fifteen (15) hours but not more than twenty (20) hours per week are entitled to a  $\frac{3}{4}$  insurance allocation.

Employees who work at least ten (10) hours but less than fifteen (15) hours per week are entitled to a  $\frac{1}{2}$  insurance allocation.

Employees who work less than ten (10) hours per week are entitled to a  $\frac{1}{4}$  insurance allocation.

**Allocation Entitlement**

If you are enrolled in the Hospital/Medical or HMO Plan the following gives you the State allocation entitlement based on the amount of time worked. Each additional optional plan can also be purchased for \$38.00 a month.

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	Allocation Entitlement if Enrolled in Hosp/Med or HMO Plan	Allocation Entitlement if Enrolled in Optional Plans
<u>Professional/Administrative Employee</u>		
• Less than ¼ time	0	0
• At least ¼ time but < ½ time	¼ insurance allocation	1 Plan
• At least ½ time but < ¾ time	½ insurance allocation	2 Plans
• At least ¾ time but < Full-time	¾ insurance allocation	3 Plans
• Full-time	Full allocation	4 Plans
<u>Support Worker</u>		
• 0 to 4.9 hours/week	0	0
• to 9.9 hours/week	¼ insurance allocation	1 Plan
• 10.0 to 14.9 hours/week	½ insurance allocation	2 Plans
• 15.0 to 19.9 hours/week	¾ insurance allocation	3 Plans
• 20 or more hours/week	Full allocation	4 Plans

**Leave**

An employee can use his or her accrued or donated sick leave in order to be in pay status to receive the State allocation. Sick leave, annual leave, or catastrophic leave cannot be manipulated in such a way that an employee receives the allocation inappropriately. An employee must use his or her accrued sick leave, annual leave, or catastrophic leave continuously and consecutively when not actively employed.

**COBRA**

Under COBRA, the employee, ex-spouse, or dependent has the responsibility to inform PEEHIP within 60 days of a divorce, legal separation, or a child losing dependent status under the Plan. PEEHIP may be notified by phone or in writing. A dependent's coverage ends on the last day of the month in which the dependent becomes ineligible by turning age 19 or 25 if a full time student or by marriage.

When PEEHIP is notified of a qualifying event, PEEHIP will in turn notify the eligible employee that he/she has the right to choose continuation of coverage. The eligible employee has 60 days from the date he/she would lose coverage because of one of the qualifying events to inform PEEHIP that he/she wants continuation of coverage.

If the eligible employee does not choose continuation of coverage, his or her PEEHIP group health insurance coverage will end the last day of the month in which the employee becomes ineligible. If an employee and/or dependent becomes entitled to Medicare after electing COBRA coverage, he/she is no longer eligible to continue the COBRA coverage.

**Termination for Gross Misconduct**

If an employee is terminated for gross misconduct, then MCPSS is not required to provide continuation of coverage under the provisions of COBRA.

**Continuation of Coverage**

If the eligible employee or dependent chooses continuation of coverage, PEEHIP is required to give coverage which, as of the time coverage is being provided, is identical to the coverage provided under the Plan to similarly situated employees or dependents and is the same coverage he/she had prior to the qualifying event.

COBRA requires that the eligible employee be afforded the opportunity to maintain continuation of coverage for 36 months unless he/she lost group health coverage because of a termination of employment or reduction in hours. In that case, the required continuation of coverage period is 18 months. COBRA also provides that an employee's continuation of coverage may be cut short for any of the following five reasons:

- 1) PEEHIP no longer provides group health coverage to any of MCPSS employees.

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- 2) The premium for continuation of coverage is not paid by the employee when payment is due, or the premium payment is insufficient.
- 3) The employee becomes covered under another group health plan which does not contain any exclusions or limitations with respect to any pre-existing condition.
- 4) The employee or dependent becomes entitled to Medicare after COBRA benefits begin.
- 5) The employee becomes divorced from a covered employee and subsequently remarries and is covered under the new spouse's group health plan, which does not contain any exclusions or limitations with respect to pre-existing conditions.

**Dependent Coverage**

A spouse of an employee covered by PEEHIP has the right to choose continuation of coverage if the spouse loses group health coverage under the Plan for any of the following reasons:

- Death of the employee.
- Divorce or legal separation.
- Termination of the employee's employment (for reasons other than gross misconduct) or reduction in the employee's hours of employment.
- Employee's eligibility for Medicare.

In the case of a dependent child of an employee, he/she has the right to continuation of coverage if group health coverage under the Plan is lost for any of the following reasons:

- Death of a parent.
- Parents' divorce or legal separation.
- Dependent ceases to be a dependent child under the Plan.
- Termination of a parent's employment (for reasons other than gross misconduct) or reduction in a parent's hours of employment.
- Parent becomes eligible for Medicare.

**EMPLOYEE ASSISTANCE PROGRAM**

As an employee in education, you face many challenges. Whether you teach, maintain equipment, prepare meals, manage a department, assist on the playground, coach sports, drive a bus, or run a school, your effective performance is important to the overall quality of the educational program and to your own sense of job satisfaction. The Employee Assistance Program (EAP) is available to all employees and their dependents.

The EAP program is a confidential service available for employees who experience problems which may eventually affect their employment. It is confidential as long as there is no threat of harm to students or other employees. Self-referrals do not become part of any employment record and are not reported to supervisors. Contact the Personnel Administrator for Employee Relations for additional information at 221-4531.

The EAP program is separated into two distinct areas. The first area is based on referrals to appropriate outside resources that can help employees resolve their own problems. The program does not provide treatment, but rather assists or refers employees to professionals who are experts in the area of the employee's problem. Assistance is provided for any situation that may affect the employee's job performance.

The second program area is based on professional counseling services provided by Bayview Professional Associates. Bayview will provide up to four visits free of charge for the employee and his/her immediate family members. When something prevents you from doing your best, you suffer and your work suffers. These counseling sessions may address any of the circumstances which can interfere with your work, such as stress, family problems, relationship problems, alcohol/drug dependence, legal problems, financial difficulties, or job dissatisfaction.

Your personal life, of course, is your business and there is no intent to intrude. However, if your performance suffers, then our business is to help you try and solve your problems and perform at your best. **Any self-referral to the EAP program is confidential.** No report is made to the supervisor nor is any record placed in the employee's personnel file.

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How do you know if you have a problem? A situation is a problem if:

- You spend a great deal of time thinking about it (worrying);
- You pretend "it's not that bad" or "it will get better with time" (and it doesn't);
- You feel physically ill or overly tired;
- You are afraid to confront a problem because you think rocking the boat will make it worse;
- You don't know where to go for help.

Should any problems or stress begin to affect performance, it is felt that the employee has an obligation to seek professional help either through the Employee Assistance Program or any other outside program. If there are problems affecting your work performance, please seek help in order to assure the students of Mobile County have the very best professionals teaching them.

Counseling services that may be of help are listed below:

- Bayview Professional Associates, 501 North Bishop Lane (Old Shell Road at I-65), 450-2250;
- Helpline: 431-5111;
- Mobile Mental Health Center: 473-4423;
- Alcoholics Anonymous: 438-1679;
- Ala-teen: 341-8998;
- Drug Education Council: 433-5456;
- Consumer Credit Counseling: 602-0011;
- Debt Counseling of Mobile: 433-2488.

### **SICK LEAVE BANK**

The Sick Leave Bank (SLB) was established according to Alabama Code, Section 16-22-9 and 16-1-18.1 to help employees during the financial pinch of lost work due to illness or injury. Any full-time or part-time employee who receives Accumulated Sick Days as a benefit is eligible to join the SLB. Membership is optional and requires only two days to be deposited in the bank. These days will be returned once the employee resigns from the bank.

Open enrollment is the first 30 days of the school year. New employees may join the SLB within the first four (4) weeks following their employment date. To join the SLB, the employee shall complete and sign the authorization form to contribute two (2) Accumulated Sick Days or to commit two (2) Accumulated Sick Days for deposit in the SLB. Pledged days shall be deposited from the first two (2) Accumulated Sick Days earned by the employee.

An employee shall be allowed to borrow (owe) no more than 15 days from the bank. However, employees, at their discretion, may donate their own days to a specific employee who is suffering a catastrophic illness. In order to receive or donate days, both employees (beneficiary and donating) must be members of the Sick Leave Bank. State law provides that no employee may donate more than 30 days to any one employee.

Sick leave days owed to the SLB shall be paid back at a rate of one per month beginning with the next available earned sick leave day and continuing until the debt has been repaid.

To be eligible for a loan from the SLB, a participating member must have exhausted all accumulated sick leave in his/her personal account along with any personal leave. Also, the applicant must have missed at least three (3) days due to the same illness (not a recurring illness such as headache or sinus infection) before applying for a loan from the SLB.

Any sick leave drawn from the SLB by a participating employee shall be used in accordance with the definition of sick leave as set forth in state statutes and Board policies/procedures.

A participating member must borrow and utilize days from the SLB up to the maximum number of days allowed from the SLB. Any donated days may be used to repay the loan days borrowed.

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No limit is established on the number of days a beneficiary employee may receive from donors. Donated days will be at the donor's discretion. Donated days not used by the beneficiary employee shall revert to employees who donated the days on a prorated basis.

In accordance with state law, before Accumulated Sick Days for a catastrophic illness may be donated, the employee who is to receive such days shall have no Accumulated Sick Days or personal leave remaining in his/her personal account.

Catastrophic Illness is defined as "any illness or injury so certified by a licensed physician which causes the employee to be absent from work for an extended period of time." The "extended period of time" will be determined on a case-by-case basis by the SLB Committee.

The SLB Committee is required to forward Accumulated Sick Days donated by participants to another SLB for use by a particular employee who is suffering from a catastrophic illness.

If an individual leaves the school system, any outstanding SLB debt must be repaid and his/her final pay check shall be reduced in an amount equal to the number of days of debt times the employee's current daily rate of pay.

Any member who is retiring from the school system may withdraw his/her contributed days to be applied toward the person's retirement credits.

### **PERSONAL LEAVE**

All full-time employees, teachers and support personnel, are granted two days of personal leave annually. New employees starting work after December 31st will receive only one personal leave day for that year. Employees starting work after March 31st will receive no personal leave days for that year.

Unused personal leave may, at the discretion of only teachers, be reimbursed to the teacher at the end of the school year at the same daily rate as is paid to substitute teachers for each day of personal leave not taken by the teacher.

Support personnel are not eligible for reimbursement of unused personal leave. The teacher or support employee may choose to convert personal leave days to sick leave days at the end of the school year. This conversion will take place after the June 30 payroll.

No teacher, or support employee, as a condition to receive personal leave, shall be required to divulge his or her reasons for requesting such leave. However, this does not mean that personal leave can be taken at any time the employee chooses.

Personal leave may be denied to insure proper staffing and support of the departments or schools. Basically, this means that if there is a valid business need for the person to be at work, then employees may not be allowed to take their personal leave at that particular time.

### **ACCUMULATED SICK DAYS**

Accumulated Sick Days for full-time employees shall accumulate at the rate of one day per month for each month of regular employment during the year. Sick Days provide a day's pay when employees are unable to work because of illness or injury for themselves or an immediate family member.

**Accumulated Sick Days are not to be used as vacation or personal leave.** Using Accumulated Sick Days for anything other than your sickness or that of a family member is a violation of state law and Board policy and may be considered fraud.

Accumulated Sick Days are available **only** for the following situations:

1. Personal illness or doctor's quarantine.
2. Incapacitating personal injury.



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3. Attendance upon an ill member of the employee's immediate family (parent, spouse, child, sibling) or an individual with a close personal tie.
4. Death in the family of the employee.
5. Death, injury, or sickness of another person who has unusually strong personal ties to the employee, such as a person who stood in loco parentis.

If an employee is off work because of one of the stated reasons for over ten (10) work days, he will be required to provide a physician's statement or other documentation which verifies disability, birth, or adoption of a child. Should circumstances warrant it, a supervisor may require a physician's statement for any medical absence.

**Accumulated Sick Days Build Retirement Credit**

The Teachers Retirement System will grant additional retirement service based on the number of Accumulated Sick Days the employee has at the time of retirement or at the time of termination from the system. The more Accumulated Sick Days you have the sooner you can retire. Refer to the section in this Handbook on retirement for further information regarding the use of Accumulated Sick Days in order to increase the amount of retirement credit, which in turn will increase the amount of the retirement check.

**Death Benefit – Unused Accumulated Sick Days**

If a participating member of the Teachers Retirement System dies while in active service, Alabama law provides for the payment of unused Accumulated Sick Days to the employee's beneficiary or estate.

This payment is subject to the limitations provided in Alabama Code 16-1-18.1, which states in part that a full time employee will accrue one Sick Day for every month worked.

The requirements for payment of this benefit are:

- 1) The employee must have been an active and contributing member of the Teachers Retirement System.
- 2) The employee must have been in active service at the time of death.

**VACATION / ANNUAL LEAVE**

All full-time twelve month employees will receive Annual Leave (vacation) days based on the number of months worked during the year. Annual leave is earned on an accrual basis. It is not awarded in advance of time worked.

Those full-time, twelve month employees hired after July 1, 1999 will receive vacation days according to the following schedule.

Vacation Days	Employment Period	Vacation Days	Employment Period
5	first 12 months of employment	15	121-240 months of service
10	13-120 months of service	20	after 240 months of service

Those full-time, twelve month employees hired before July 1, 1999 will receive vacation days according to the following schedule. These employees will also be eligible for Optional Vacation Days, which vary in number from seven (7) to nine (9) days per year.

Vacation Days	Employment Period	Vacation Days	Employment Period
10	1 -120 months of employment	15	121 plus months of service

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Accumulated Annual Leave in excess of forty-five (45) days shall become sick leave days and may be used as sick leave or accumulated for purposes of retirement, subject to the Retirement System of Alabama (RSA) rules at the time of retirement.

Unused Annual Leave will be allowed to accumulate up to the forty-five (45) days as of the attendance reporting date for the June 30th payroll. Employees leaving the system shall be paid for unused accumulated Annual Leave up to the maximum allowed by policy.

Annual Leave or Optional Vacation Days may be taken at intervals during the year so long as arrangements are pre-approved by the supervising administrator and so long as the vacation taken does not exceed the accumulated vacation earned. Depending on the needs of the system, Annual Leave and Optional Vacation Leave may be denied to insure proper staffing and support of the departments or schools.

The Superintendent and Board may desire to have certain offices/departments/divisions of the system open and adequately staffed for the public on certain non-holidays. Division heads and supervisors may be required to ensure staffing and supervision during these times, which may impact an employee's ability to take a vacation or personal day.

**HOLIDAYS**

The system will be closed for Board approved holidays. Holidays may be paid or unpaid, depending on the salary schedule the employee works under. The Board, at its discretion may change the holidays from year to year; therefore, the number of holidays may vary in number. Generally, these holidays are:

Holiday	Days	Holiday	Days
July 4 <sup>th</sup>	1	New Years	2
Labor Day	1	Martin Luther King	1
Veterans Day	1	President's Day	1
Thanksgiving	2	Mardi Gras	2
Christmas	2	Memorial Day	1

School Calendars are approved every year by the Board, which gives both the student attendance calendar and the twelve month employee work calendar. All approved holidays are listed on this calendar, which is distributed to all schools and departments for the benefit of the employees.

**LEAVES OF ABSENCE**

The Board complies with all state and federal laws in regard to granting leaves of absence for all employees. It also believes that the provision of leaves of absence for professional employees helps to attract and retain employees who will continue to grow professionally by providing them the opportunity for continued professional growth.

If an employee is out on sick days for over ten (10) consecutive days, he/she must apply for a Leave of Absence on Form HR-124 in order to protect his/her employment rights. Any employee who has been absent from work for more than ten consecutive days and who has not obtained an approved leave or otherwise accounted for the absences will be considered to have abandoned his/her job. The employee will be recommended for termination.

**It is the responsibility of the employee to insure that Employee Relations has an up to date HR-124 and medical documentation for the entire time of his/her leave of absence.**

All employees on leave must keep their supervisors and Employee Relations apprised of the length of their absence. Each employee must also provide medical documentation from his/her provider that he/she is physically qualified to return to work before showing up for work.

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**KEEP YOUR SUPERVISOR ADVISED OF YOUR STATUS AND PROJECTED RETURN TO WORK.**

The HR-124 must be signed by the supervisor and when it is sent to Employee Relations, it must be accompanied by a physician's or provider's statement of disability for the period of the requested leave of absence.

**If a leave of absence is not requested for an extended unpaid absence, then the employee may face disciplinary action up to termination.**

Also, if an employee is out over ten (10) days, then a physician's or provider's statement must be provided upon return to work. If there is reason to suspect abuse, a physician or provider statement may be required for any absences of less than ten days.

Not all leaves of absence apply to all employees. Some leaves of absence require tenured or non-probationary status.

The Family Medical Leave Act requires the employee to be employed for at least one year and that the employee must have worked at least 1250 hours during the year prior to taking the leave.

If there are any questions about whether the FMLA would be available for an employee contact the office of the Personnel Administrator for Employee Relations.

For complete information on leaves of absence, contact the office of Employee Relations.

The leaves of absence available are:

- |                            |   |
|----------------------------|---|
| 1) Personal Leave          | (two personal days granted each contract year)<br>(1 granted for employees starting work after Dec. 31 <sup>st</sup> )<br>(0 granted for employees starting work after Mar 31 <sup>st</sup> ) |
| 2) Accumulated Sick Days   | (accumulate 1 day for each month worked)  |
| 3) Family Medical Leave    | (up to 12 weeks, illness or maternity/adoption)   |
| 4) Extended Sick Leave     | (up to one year)  |
| 5) Maternity (post partum) | (4-6 weeks or as certified by treating physician)   |
| 6) Maternity/Paternity     | (unpaid, up to one year from the date of birth)   |
| 7) Annual (Vacation)       | (12 month employees only)   |
| 8) Military                | (governed by state law and federal law)   |
| 9) Professional            | (organization meetings or professional study)   |
| 10) Bereavement            | (up to five paid days with the use of available sick days)  |
| 11) Religious              | (recognized religious holidays)   |
| 12) Legal                  | (short term absence only, i.e. jury duty or subpoena)   |
| 13) Emergency              | (short term absence only)   |

The administration of leaves of absences shall be in conformity with Board policies.

For tenured employees and non-probationary employees, the granting of a leave of absence does not affect their job location or job status. Upon returning from a leave of absence, an employee will be returned to essentially the same job from which he/she left.

- For a teacher, it means back to the same school and same grade.
- For a support employee, it means returning to the same school or department.

During his/her absence, job duties may have changed based on the needs of the system, but there can be no loss of status.

Basically this means that tenured and non-probationary employees may not be transferred. It also means that a permanent, full-time employee may not be hired in their place.

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**Family Medical Leave**

Family Medical Leave Act of 1993 (FMLA) requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year and worked 1250 hours over the previous twelve (12) months.

Eligible employees, as determined under the FMLA, will be granted a period of leave, up to 12 weeks, for either a personal illness, an illness of an immediate family member, the birth of a child or the adoption of a child. This period of leave will be in conformity with the FMLA rules and regulations.

After proper documentation has been received and the leave approved, it will begin after any period of Accumulated Sick Days and before any period of extended sick leave.

Under the Family Medical Leave Act, an immediate family member is defined as:

1. Spouse
2. Son;
3. Daughter;
4. Child of a person standing in loco parentis
5. Father;
6. Mother;
7. Person who stood in loco parentis to the employee;
8. Does not include “in laws”.

**Extended Sick Leave**

Extended Sick Leave is available to tenured and non-probationary employees who are medically unable to perform the duties of their job or who have immediate family members who, due to illness or injury, require continuing care from the employee.

Eligible employees may, upon approval by Human Resources, be allowed to take Extended Sick Leave for a period of up to one year. Approval of Extended Sick Leave will be based on medical necessity and disability after submission of proper medical documentation.

A physician’s statement verifying the employee’s physical inability to perform his/her job functions will be provided by the employee for each period covered by Accumulated Sick Days (when required), FMLA, Extended Sick Leave and the period of Maternity/Paternity Leave which covers disability from pregnancy, delivery, and postpartum recovery. Failure to provide proper medical documentation may result in denial of Accumulated Sick Days, FMLA, and/or Extended Sick Leave (failure to report to work in the absence of proper documentation could be considered abandonment of job).

For school based instructional employees (i.e. teachers, aides), Extended Sick Leave will not extend beyond the end of the quarter that is in progress twelve months after the commencement of the leave. Should the employee be cleared to return to work within three weeks of the end of a school quarter, that employee may be required to remain off work until the beginning of the next quarter.

For 12 month employees and support employees, the Extended Sick Leave will not extend beyond 12 months after the commencement of the leave.

Extended Sick Leave is available for eligible employees who have circumstances as defined below:

1. Personal illness or doctor’s quarantine.
2. Incapacitating personal injury.
3. Attendance upon an ill member of the employee’s immediate family (parent, spouse, child, sibling); or an individual with a close personal tie.
4. Death in the family of the employee (parent, spouse, child, sibling, parent-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, nephew, niece, grandchild, grandparent, uncle, or aunt).
5. Death, injury, or sickness of another person who has unusually strong personal ties to the employee, such as a person who stood in loco parentis.

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**Maternity/Paternity Leave**

Maternity or Paternity Leave is available for tenured and non-probationary employees for the birth or adoption of a child. It will be unpaid and may extend up to one year from the date of the birth or adoption of the child. Those employees who are not tenured or are probationary may take a limited maternity leave of twelve weeks if they are eligible under the Family Medical Leave Act as outlined below.

Accumulated Sick Days may only be used for periods of disability related to the pregnancy, delivery, or postpartum recovery.

The portion of the leave used for the parental care of the child will be without proof of a qualifying medical condition of the parent or child.

Employees requesting Maternity/Paternity Leave following postpartum recovery will only be cleared to return to work at the expiration of the requested leave.

**All Medical Leaves**

The total period an employee is allowed to take off work will be limited to 12 months. Any employee remaining off beyond that time will have to resign, retire (if eligible), or be recommended for termination. If there is a question in this matter, contact the Personnel Administrator for Employee Relations.

An employee who fails to return to work after the expiration of any period of leave (without approval of a valid leave of absence) shall be considered to have abandoned his/her job and may be recommended for termination.

An employee who fails to apply for FMLA, Extended Sick Leave, or Maternity/Paternity Leave as outlined in this policy may be considered to have abandoned his/her job and may be recommended for termination.

Employees will retain tenure and employment status while on approved leaves. In general, retirement credit and local experience credit will not be earned during leaves of absence.

Employees are not allowed to work during any leave of absence in which a physician or mental health provider certifies disability. For Maternity/Paternity Leave, employees are not allowed to work unless it is part time work outside their normal working hours.

**Continuation of Health Benefits**

The system's contribution to the health benefits of the employee will be maintained while the employee is covered by any period of Accumulated Sick Days or FMLA Leave. The employee is responsible for his/her share of the premiums during this time. Contact the Insurance Department to determine when to start paying the insurance premiums.

Once the Accumulated Sick Days and/or FMLA leave has ended, the employee will be responsible for the entire premium, both the system's premium and the employee's premium during this period.

The employee, based on guidelines set out by the state and/or PEEHIP, may or may not accrue insurance allocations while on a leave of absence.

**Professional Leave for Professional Study**

Tenured teachers shall be eligible for leave for professional study, up to, but not exceeding one full scholastic year or for one full calendar year.

Non-Probationary classified employees shall be eligible for a one year leave of absence to pursue a teaching degree only. It is expected that the employees will seek a teaching position with MCPSS after becoming certified.

Before a leave of absence will be granted, the Certified Employee must submit:

1. Letter from advisor;
2. Proof of acceptance in the program and
3. Planned study program or final registration

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Before a leave of absence will be granted for student teaching, the Classified Employee must submit:

1. Planned study program and
2. Copy of final registration

Before returning to work, the employee must provide proof of completion of the approved program of study.

**Military Leave**

An employee who is to be on military leave will inform his/her administrative supervisor as soon as possible. A copy of the employee's military orders is to be attached to the request for leave. Employees, while on military leave, are eligible to receive up to 21 paid days per calendar year.

**SUBFINDER - EMPLOYEE ABSENCE REPORTING SYSTEM**

SubFinder System automates employee absence reporting and substitute placement. It is designed for all employees, both certified and classified. All Mobile County Public School employees are required to use this system in order to report their absences, regardless of their need for a substitute.

**However, all employees must still call their administrators to personally report their absences.**

With SubFinder, employees utilize a touch-tone telephone to simply call the system at 221-0000 and report their absences. Once absences have been reported (if the absent employee is entitled to one), SubFinder begins calling and arranging substitutes. Employees may also access the SubFinder system online at <https://SubFinder.mcpss.com/webconnect>. The SubFinder System automatically emails absence reports to school sites and every central office departments each morning to report all absences and the corresponding substitutes engaged for that day.

The SubFinder System is a proactive management tool; operating 24 hours a day, 7 days a week, 365 days a year. Employees have the ability to call in and report absences up to a year in advance. Substitutes can provide sites they prefer to work, their scheduled availability, and when they prefer SubFinder to call them for jobs. Substitutes will also be allowed to call SubFinder to shop and schedule jobs as needed.

When employees utilize a telephone for SubFinder system access, Interactive Voice Response (IVR) technology manages the complete process by using voice prompting to guide the employee and substitute through each step in an orderly manner. This means that complete information is obtained about each absence every time. Similarly, when the SubFinder system is accessed via the Internet interface, complete information is obtained on the employee absence. The absent employee may even leave detailed notes for the substitute to utilize in their absence.

SubFinder Systems Office: 251-221-4580 Web page: <https://SubFinder.mcpss.com/documentation>

When an employee finds out that he/she is unable to work he/she must:

1. Call the SubFinder reporting system and report the absence before employee start time on the day of the absence.
  - a. Use the SubFinder system to request a substitute, if substitute is authorized.
  - b. Substitute request options are:
    - i. Substitute Required: SubFinder will secure substitute;
    - ii. Prearrange Substitute: Employee secures the substitute
    - iii. Requested Substitute: Employee prefer first call or contact to a specific substitute. If preferred substitute does not acknowledge the request, then Subfinder will secure a substitute.
    - iv. No Substitute Required; Substitute is not required for the absence.
2. Follow your departmental procedures and notify the proper individual or supervisor to report your absence and the estimated duration of the absence.

**Employee's Responsibilities**

1. Call the system and register by simply voicing your own name, so that when administrators review the absences via phone, or substitutes are shopping via phone; they can hear the name of the employee who is absent or the employee that needs a substitute.

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2. Call the system, or access it via the internet <https://SubFinder.mcpss.com/webconnect> and report absences in advance of the absence, after notifying your supervisor of your absence.
3. Update the system via the telephone or internet if an absence is cancelled.
4. Employees that require substitutes can enter special instructions or utilize the file attachment feature to leave information online for the substitute. In addition, special instructions can be recorded with the phone for substitutes to hear prior to job assignment.
5. Review absence to ensure correct date and time. To prevent scheduling two substitutes for one job, (where substitutes are allowed) employees should review every absence for accuracy.
6. Refer to the Kronos Time and Attendance section of this handbook for employee guidelines for reporting absences.

**Substitute's Responsibilities**

1. All substitutes hired after 6/2/03 are required to attend SubFinder system training prior to job assignment. This training will be conducted by Human Resources and Staff Development.
  - This training is offered during the school year. Substitute applicants must attend this training at least once before becoming an active Substitute Teacher.
  - Substitute applicants must call 221-4500 for information regarding substitute training.
2. Call the system and register, and the system will assign you an ID number. If a substitute does not register (voice his/her name), then the automated system cannot call him/her and offer work, and the automated system will not speak the substitute's name to teachers when they are checking their absences via phone to verify their substitute arrangements. **It is mandatory that substitutes register with SubFinder before they are allowed to work.**
3. Answer the phone when the SubFinder system calls you to offer substitute positions, and accept/reject the substitute job offer as needed.
4. Contact SubFinder office at 221-4580 with updates or changes to the profile..
5. Keep a record of your SubFinder-assigned ID number and provide it to employees who wish to pre-arrange substitutes in the SubFinder system.

**TRANSFERS**

There are times when an employee will need to transfer from his/her current job to another job or different location. It may either be because of a request by the employee to be transferred or it may be that unforeseen circumstances require an employee to be transferred.

**Job Postings**

All positions that become vacant will be posted by Human Resources as an advertised vacancy a minimum of seven (7) or fourteen (14) days, depending on when the vacancy occurs. A copy of the posted vacancy is sent to each school and department to be displayed on their bulletin boards. The vacancy will also be posted on the MCPSS web site, on the Division of Human Resources website. Any employee may apply for any of the posted vacancies for which he/she is qualified. The employee will have to interview for the position and if selected, the transfer will be submitted to the Board, but only if the current supervisor and Human Resources agrees.

**Involuntary**

Employees, both educational and support personnel, who must be involuntarily transferred, will receive all the due process afforded by law. Every attempt will be made to place the employee in a suitable position, but sometimes vacancies simply do not exist where the employee would like to work.

**Certified**

Tenured teacher requests for voluntary transfer are processed once a year before the end of the school year, generally during the months of February and March. Notices are sent out announcing the transfer time period along with the Tenured Teacher Voluntary Transfer Request form and instructions. This application must be returned within the time frame announced or it will not be processed. Even though a teacher has requested a transfer, there is no guarantee that he/she can be transferred. Generally, non-tenured teachers will not be considered for voluntary transfers.

Teachers must return his/her application to Human Resources. A list of teachers requesting transfers is compiled and sent to principals. Teachers requesting transfers must contact the principals of the schools they

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are interested in to request an interview. If requested, principals must grant interviews before school ends to all tenured teachers seeking a transfer to his/her school.

Principals with vacancies who want to request a teacher seeking a transfer to his/her school will submit a Teacher Recommendation Request Form to Human Resources. If the transfer is approved, Human Resources will contact the teacher.

Transfers during the first twenty days of school may be necessary due to shifts in enrollments. Selection of teachers to be moved will be based on those teachers with the least seniority and/or on the overall needs of the program.

**Classified**

Any Classified/Support employee who desires to transfer to another school/department in the same type of position or transfer to a new type of position must submit an Advertised Vacancy Form to Human Resources during the advertised vacancy posting. He/she must also follow the same procedure as a new applicant. No verbal requests will be accepted.

The transfer procedure will be as follows:

- 1) When a position is advertised, the employee must submit an Advertised Vacancy Form to Human Resources.
- 2) Human Resources will send the names of qualified applicants to the appropriate supervisor, who will determine the individuals to be interviewed.
- 3) If the transfer is approved by the current supervisor and Human Resources, the applicant recommended by the interviewing supervisor will be submitted to the Board for approval.
- 4) Upon Board approval, the transfer request will be granted.

**RETIREMENT**

Participation in the Teacher's Retirement System is mandatory if an individual is employed in a position that is eligible for coverage and is employed in a non-temporary capacity on at least a one-half time basis. The member's contribution rate is set by law at a percentage of his/her compensation. Service credit may be lost if an employee is out more than nine (9) unpaid days in one scholastic year.

The member contributions are only refundable upon termination of employment and application for a refund. If a member should terminate employment and apply for a refund, the member will be refunded all of his/her contributions and a portion of the accumulated interest, if the member has more than three years membership service. Refunds may be subject to a federal tax penalty.

A member may apply to purchase additional credit under certain circumstances. Contact the TRS for full details. Some situations that may apply are credit for military service, withdrawn service, maternity leave, or out of state service.

A member is vested in the TRS after completing 10 years of creditable service. No retirement service credit is permitted for periods of leave without pay. Upon attainment of age 60 with at least 10 years of creditable service or with at least 25 years of creditable service in the TRS, a member may apply for retirement benefits. The member may retire the first day of any month following attainment of age 60. The Application for Retirement must be received no less than 30 nor more that 90 days prior to the effective date of retirement. It is the responsibility of the member to notify the TRS regarding intent to retire.

Additional retirement service credit will be given by the Teachers Retirement System based on the number of Accumulated Sick Days the employee has at the time of retirement or at the time of termination from the system. It will pay you to not use your Accumulated Sick Days and save them for retirement.

The more Accumulated Sick Days you have the earlier you can retire.

The following table gives the current breakdown of how many months of service can be given for unused Accumulated Sick Days at the time of retirement.



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Accumulated Sick Days	Months of Service	Accumulated Sick Days	Months of Service
0-7	0	218-232	15
8-22	1	233-247	16
23-37	2	248-262	17
38-52	3	263-277	18
53-67	4	278-292	19
68-82	5	293-307	20
83-97	6	308-322	21
98-112	7	323-337	22
113-127	8	338-352	23
128-142	9	353-367	24
143-157	10	368-382	25
158-172	11	383-397	26
173-187	12	398-412	27
188-202	13	413-427	28
203-217	14	428-442	29

The Division of Human Resources, at employee request, is available to assist retiring employees with the completion of required Teacher Retirement System (TRS) paperwork, including notary services to ensure that retirement benefits are processed correctly and that insurance and payroll benefits are coordinated.

This also ensures timely dissemination of benefits to retiring employees in accordance with the effective date of retirement.

The Office of Employee Relations is not a substitute for the Teacher Retirement System of Alabama which is the service provider for employees electing to retire from the school system. Their web site is <http://www.rsa-al.gov/TRS/trs-pubs-forms.html>

A member's retirement benefit is calculated based on a retirement formula. The factors used in calculating this benefit include:

- 1) Average Final Salary (Compensation: The average of the highest three years (July – June) out of the last ten years the member made contributions)
- 2) Years and Months of Creditable service: The total amount of creditable service to include membership service, prior service, purchased service, and transfer service.
- 3) Retirement Benefit Factor: The current benefit factor, as established by the state legislature is 2.0125%.

Retirement Formula for Maximum Monthly Benefit

$(\text{Average Final Salary} \times \text{Years and Months of Service} \times \text{Benefit Factor}) \div 12$

There are three options, other than the maximum benefit, to choose from that are a reduction from the maximum monthly benefit.

Disability Retirement is available if the employee is vested and permanently incapacitated from performance of duty (must be vested with ten years retirement service credit).

Questions involving the benefits and eligibility for retirement should be directed to:

Teachers Retirement System  
P. O. Box 302150  
Montgomery, AL. 36130-2150  
(334) 317-7000 or (877) 517-0020

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**RESIGNATIONS**

Alabama law states that teachers may not resign, unless Board approved, during the school year and within thirty (30) days before the start of the new school term. If a teacher leaves employment during that time frame without the Board's approval and if the state finds cause, there could be a loss of the individual's teaching certificate. Any teacher who has need to resign during the contract period or within thirty (30) days before the start of the new school term will need to contact Human Resources to see if he/she will be released from his/her contract.

All resignations in the school system must be submitted to the Board for approval. Since the Board's regular meetings are normally once a month, a resignation list is only submitted monthly. After the Board approves the names submitted, a letter is sent notifying each individual that the Board has accepted his/her resignation.

**Process to Follow For Resignation or Retirement**

1. Employees are asked to fill out a HR-610 and submit it in order to resign. If unable to download one or obtain one, they may write a Letter of Resignation to his/her immediate supervisor with a copy to the Assistant Superintendent of Human Resources, or he/she may complete the Resignation Form which may be obtained from the principal, supervisor, or the Division of Human Resources.
2. Human Resources submits resignations to the Board for approval. After the Board approves the resignation, Human Resources sends a letter notifying the individual that the resignation has been accepted.
3. Employee should meet with his/her immediate supervisor and complete the *Employee Separation Checklist* and sign and date the form before the last day worked.
4. A COBRA form is sent to the insurance office on each employee who resigns or who is deceased. COBRA forms are not required on employees who retire.
5. If employee will not return to state service and the employee is not vested (over ten years service in the Teachers Retirement System), he/she should request withdrawal of his/her retirement contributions.

**ON-THE-JOB INJURY**

**Reimbursement Program**

All full-time employees are covered by the system's On-the-job injury Program, which reimburses the employee for time lost (up to 90 days) due to an approved on-the-job injury. Individuals working as substitutes are not covered under the program and must apply to the State Board of Adjustment in Montgomery for any reimbursement of medical expenses or lost wages.

All medical expenses related to the injury are the responsibility of the employee and his/her insurance carrier. The school system does not pay for medical expenses for on-the-job injuries. As explained later, some out of pocket expenses may be reimbursed by the Alabama State Board of Adjustment.

Any employee whose absence arises from an approved job related injury can not be required to use earned Accumulated Sick Days, but may have his/her salary continued or reimbursed for up to 90 days of verified disability. However, before any reimbursement of pay can be authorized for an on-the-job injury, all documentation must be received by the Office Nurse in Health Services and approved by the Employee Relations Office.

It is the responsibility of the employee to ensure that the required documents are provided to the Employee Relations office.

**Required documentation includes:**

1. The Accident Report filled out and signed by the principal or supervisor.
2. Medical documentation for all periods of disability resulting from the accident. If the disability goes beyond the dates the doctor initially gave, then no pay will be authorized until medical documentation is received that verifies the continued disability.
3. Code 9 form from the school or department time keeper to show which days the employee is claiming to be absent due to the injury.

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4. Any other documentation deemed necessary by Employee Relations to substantiate a continued inability of the employee to perform the functions of his/her job.

**Report job related injuries to the supervisor immediately (within 24 hours of occurrence).** The employee's supervisor shall investigate the circumstances of the accident and question any witnesses and complete an accident report. The accident report and any investigative report will be forwarded to the Office Nurse in Health Services or the Employee Relations Office. Light duty assignments, as established by the department to which the employee is assigned, can be utilized with the approval of the employee's supervisor.

**Alabama State Board of Adjustment**

Out of pocket expenses may be reimbursed from the State Board of Adjustment in Montgomery. Code of Ala. 1975, § 41-9-60 provides that an employee may apply to the State Board of Adjustment for any expenses not covered by insurance or any days of work missed exceeding the ninety days continuation of pay.

The statute requires that a claim be filed within one year of the date of injury. No exceptions will be granted by the Board of Adjustment for this time requirement.

The Board of Adjustment will require documentation of all expenses claimed and will also require proof that the employee did not receive reimbursement from his/her insurance carrier. It usually takes a while for the state to approve the claim, so the sooner all documents are filed with the Board of Adjustment, the quicker reimbursement will be forthcoming.

**Critical Points to Remember:**

- All job related incidents must be reported to the immediate supervisor within twenty-four (24) hours of the incident.
- A completed Report of Injury/Accident form must be sent to Employee Relations and Health Services Nurse.
- The employee must use his/her own insurance for any medical expenses. The system does not pay for medical treatment of job-related injuries.
- If the employee requires medical attention for the job related injury, he/she must submit the *Job-Related Injury Program Physician Statement* form or physician's statement of disability before reimbursement will be considered.
- The employee may be eligible for up to 90 days pay reimbursement or continuation. Proper documentation is required for the employee to receive pay reimbursement or continuation.
- The employee must be cleared by Employee Relations prior to returning to work.
- Light duty may be a reasonable accommodation under ADA. Talk to your supervisor about the availability of light duty.
- The employee can submit a claim to the Board of Adjustments for any out-of-pocket expenses.
  - A claim form is posted on the MCPSS web site ([www.mcpss.com](http://www.mcpss.com)) in the Documents section of Human Resources under the Employee Relations header.
  - Forward the claim form with supporting documents to:  
State Board of Adjustment  
Alabama State Capitol  
Montgomery, AL 36130-1435

**PERFORMANCE EVALUATIONS**

Performance evaluations are not as stressful a process as a lot of employees think.

Certified employees use the process as proscribed by the State Department of Education. Also, the system may use a yearly summative evaluation.

Classified employees are evaluated once a year with a possible mid term counseling session. The evaluations can be more often if the principal/supervisor or superintendent directs. Final evaluation will be done on a form that will be submitted to Human Resources to be placed in the employees personnel file.

Any areas that are scored with "NEEDS IMPROVEMENT" or "UNSATISFACTORY" will be discussed with the employee and recommendations for improvement will be made. A mid year counseling session should be

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conducted to see if improvement is being made in these areas. Any direct supervisor may provide input to the evaluation.

If expectations are clear and feedback is given throughout the year, the annual performance evaluations should not be stressful. The following may help to effectively implement the evaluation process.

Ask your supervisor for clear, objective expectations for the job. This will determine what behaviors or outcomes the supervisor expects, thus affecting your decisions on where to expend your greatest efforts. The place to start when setting out objectives is the job description, which gives a general idea of what is expected.

To make sure that everyone concerned can tell whether expectations have been met, performance standards should:

1. Be precise yet brief;
2. Be in writing;
3. Be realistic;
4. Help meet system objectives;
5. Be mutually agreed on; and
6. Be re-evaluated regularly.

If there is any confusion concerning your job duties, ask your supervisor to explain what you do not understand as the performance of these duties will be how you are evaluated. You will be more likely to perform satisfactorily and accept criticism if you fully comprehend what is expected of you.

Expect constant feedback on whether you are meeting the expectations. If the supervisor is following the evaluation process, there is nothing that would be in the employee's annual review that should be a surprise. Feedback is critical, both positive and negative, and it should be ongoing throughout the year. This approach helps you focus on tasks and behaviors that the supervisor finds worthwhile.

**Employee's Responsibility in Performance Evaluations**

1. Employees should expect the overall evaluation to be based on the typical performance of the employee during the entire period.
2. Employees should expect their evaluations to be based on accurate data obtained from records whenever possible or from careful observation when this is not possible.
3. Employees should expect that the evaluation of one factor should not influence the evaluation of other factors, unless they are interrelated.
4. Employees should expect that their grade of job or length of service should not affect the evaluation; however, the length of the employee's service can affect areas such as 'job knowledge' and 'expertise'.
5. Employees should expect that personal feelings should not bias the observations or evaluation.
6. Employees should expect that they are not to be rated sympathetically.
7. Employees should expect that the evaluator will not be swayed by a previous evaluation.
8. Employees should expect that the evaluation of performance factors should not fall into a routine pattern, such as always rating as 'highly effective'
  - a. The supervisor should take a realistic look at actual job performance.
9. Employees should expect that evaluators should not make an evaluation on vague impressions or rumor.
10. Employees should expect that they will not be evaluated too quickly.
11. Employees should expect to be asked to sign their evaluation.
  - a. Their signature on the evaluation does not signify agreement with the contents, only that the employee has been given the opportunity to review the evaluation.
  - b. The employee may submit a rebuttal to the evaluation and have it placed in his/her personnel file along with the evaluation.

**DISCRIMINATION**

The Board and its employees or agents shall not discriminate in any way on the basis of race, sex, religion, national origin, age, or handicap. There are no exceptions. Employment decisions which are based substantially or solely on any of these protected factors are against the law and will not be tolerated.

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Any employee should bring to the administration's attention any incidence of what he/she believes to be any form of discrimination.

If discrimination is observed or believed to have occurred, the employee should immediately report the circumstances of the alleged incident to any one of the following supervisors or administrators:

- Principal or immediate supervisor;
- Departmental supervisor;
- Personnel Administrator Employee Relations or;
- Other administrator within Human Resources.

An investigation of the allegations will be conducted by a designee of the Assistant Superintendent of Human Resources/Executive Manager and forwarded to the Assistant Superintendent of Human Resources/Executive Manager for further action.

Employees against whom charges are made shall have full opportunity to understand the charges made against them and to present pertinent facts bearing on the charges before official action is taken. Persons making serious charges shall be required, before any action is taken, to submit complaints in writing or to sign prepared statements summarizing the charges.

Federal equal employment laws require equal treatment for all employees regardless of their protected status. Providing more favorable treatment to members of protected groups is just as discriminatory as providing harsher treatment. The law also prohibits discrimination in any aspect of employment, including discipline and discharge. It is not illegal to discipline or fire an employee who is a member of a protected group. It is only illegal when the motive is based on one of the protected factors.

**Employee's Role: Discrimination**

Employees should be constantly vigilant in regard to any form of discrimination, sexual harassment or the creating of a hostile workplace.

Discrimination and sexual harassment violates the system's policy. Employees are responsible not only for avoiding discriminating and harassing behavior themselves, but also for reacting to it when they see it or hear of it in the workplace.

The system takes all complaints of discrimination and sexual harassment seriously. If an employee sees behavior that could be discrimination or harassment, a supervisor should be advised of the situation. Once an allegation of discrimination or harassment is raised, the system has an obligation to investigate the allegation.

If the investigation reveals that discrimination or sexual harassment did take place, the severity of the discipline will depend on the nature of the conduct and the harasser's previous record. Verbal counseling may be appropriate for first-time occurrences of relatively mild discriminatory remarks, actions or harassment. Written warnings, suspensions, transfers, and termination may be appropriate in more severe or pervasive situations.

Along with our stated goal of not discriminating against any employee, the school system will also maintain diversity in employment. This means that no employment decision will be made based solely or predominately on race, sex, color or one of the other protected statuses. However, if there are similarly qualified individuals applying for a position, then the system may consider diversity as a factor in the employment decision.

**Sexual Harassment**

Sexual harassment is a disturbing form of sex discrimination and is prohibited as are any other form of racial or age discrimination. District guidelines are designed to support nondiscrimination and comply with all state and federal laws.

Employees should refrain from creating an unduly familiar relationship with any supervisor or subordinate. Also, employees should never ask subordinates or supervisors on a date, to dinner, to a movie or to any other function.

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The following are just some examples of prohibited behavior (can be actual or attempted), it is not all inclusive. Common sense must be used; keep your hands to yourself and keep your thoughts to yourself.

- Touching.
- Patting.
- Pinching.
- Providing unsolicited back or neck rubs.
- “Accidentally” bumping.
- Grabbing.
- Cornering or blocking a passageway.
- Kissing.
- Telling “off-color” jokes.
- Using profanity and obscene gestures.
- Expressing threats.
- Making sexual comments.
- Whistling in a sexual manner.
- Asking about one’s sexual fantasies/preferences.
- Describing one’s physical sexual attributes or appearance.
- Using terms of endearment such as “Honey”, “Darling”, “Babe”, “Dear”, “Stud”, or “Hunk” when referring to co-workers, employees or students.
- Staring at someone.
- Blowing kisses.
- Winking.
- Licking one’s lips in a suggestive manner.
- Displaying sexually oriented pictures or cartoons in a classroom, lab, or office.
- Using sexually oriented screen savers on classroom, lab, or office computers.
- Sexually oriented notes, letters, faxes, or email.
- Exposing your self.

It is everyone’s responsibility to treat all coworkers with respect and to help prevent discrimination, including sexual harassment. If you see it, report it.

**Critical Points to Remember:**

The following is a partial list of good practices for any employee to follow.

1. Treat everyone the same.
2. Keep your hands to yourself, no kissing, hugging or touching.
3. Keep your private thoughts about other people to yourself.
4. Do not hassle, criticize, cuss or yell at anyone.
5. Do not tell jokes or stories that are sexual, racial, religious, ethnic, age or disability related.
6. Do not make sexually related innuendos.
7. Keep conversations on a professional level.

**SYSTEM RULES:**

The school system has identified a partial list of general rules of conduct which, if violated, will bring disciplinary action against the employee. This is by no means a comprehensive list, only a sample of behavior or performance that is unacceptable. The actions listed below will result in disciplinary action ranging from verbal or written warnings to suspension or to immediate discharge depending on the circumstances.

1. Excessive absences or tardiness.
2. Insubordination.
3. Failure to follow established work procedure.
4. Using inappropriate, abusive or threatening language.
5. Discrimination or harassment (sexual or otherwise).
6. Criminal offense on system property or conviction of crimes involving immorality.
7. Absence without notification. Any employee who has been absent from work for more than ten (10) consecutive days and who has not obtained an approved leave or otherwise accounted for the

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absences will be considered to have abandoned his/her job. The employee will be recommended for termination.

8. Restricting work or interfering with the work of other employees.
9. Unauthorized possession of system property.
10. Failing to return from leave of absence as scheduled.
11. Loafing, loitering, or sleeping on the job.
12. Conducting personal business on system time.
13. Gambling on system premises.
14. Using or being under the influence of intoxicants or narcotics on system premises or while performing your duties off system property.
15. Fighting, assault, disorderly, offensive, or immoral conduct.
16. Falsifying any system records or employment application.
17. Possessing firearms, weapons, explosives, etc., on system premises.
18. Violating safety regulations.
19. Horseplay or use of machinery, equipment, or tools in a hazardous manner.
20. Creating or contributing to any unsanitary condition.
21. Damage to or improper use of system property either willfully or through negligence.
22. Intentional waste of system property.
23. Unauthorized solicitations or distributions during working time.
24. Disclosure of confidential system information to outsiders without proper authorization.
25. Leaving system premises during working hours without permission (other than the lunch period if job duties allow).
26. Other good and just cause.

**Smoking / Tobacco Products**

Smoking and the use of tobacco product is prohibited on school grounds, as they are considered tobacco free by Board policy. Should job responsibilities, job location, and the supervisor allow an employee to leave the premises during a lunch or break period for a smoke or tobacco product break, then the employee must limit the absence from work to the 30 minute lunch period and/or the 15 minute break time. There will only be two breaks a day allowed; they can not be broken down into shorter time periods to allow more than two breaks a day.

**Substance Abuse / Alcohol Use**

The system has a zero tolerance for substance abuse and alcohol use on the job. This is an offense that requires recommendation for termination without progressive discipline. Supervisors are trained in recognizing potential impairment from drugs or alcohol. With reasonable suspicion of impairment, the supervisor may refer an employee to a testing facility.

The Americans with Disabilities Act (ADA) prohibits employers from discharging employees solely because the employee may have been an alcoholic. However, there is no protection for practicing alcoholics and drug abusers. If you are caught at work under the influence of alcohol or drugs, you may expect to be recommended for termination.

Because alcoholism is viewed as a disability, employers are required to reasonably accommodate such a disability as long as the employee is not abusing alcohol. If the employee comes forward and seeks treatment for alcoholism, the system will provide one chance for the employee to overcome a drinking problem. If there is a reoccurrence, the employee may be deemed to be a practicing alcoholic and lose the protection of the ADA.

Although the system offers assistance to employees who abuse drugs, they will be terminated based on the zero tolerance policy. Both federal and state courts have ruled that current drug addiction is not a disability protected by law, as is the case with alcoholism.

**Theft**

Unethical behavior such as theft will not be tolerated. An employee who steals must expect severe punishment up to and including termination. Every adult knows stealing is wrong, and the expectation is that those who are caught will be terminated.

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**Falsified Documents**

Lying on the system's job application is grounds for termination. Once the falsehood is discovered, termination should follow. Falsification also includes time card fraud. This will also include other employees who cover for absent employees, such as fraudulently punching or filling out a card for someone else.

**Insubordination**

Insubordination is among the most serious employee infractions, subject to severe discipline, up to and including termination. Lesser penalties may be given depending on the situation, the employee's past record, past working relationship with the supervisor, and his/her value to the system.

Insubordination can take many forms. Much depends on the personalities involved, whether the incident occurred in private or in front of other employees or the public, and the intent. Insubordination damages the efficient management of the system, lowers morale, and undermines the supervisor's authority.

Although insubordination is often defined as a refusal to obey a supervisor's orders, there are other employee actions that may fall under insubordination:

- Refusal or failure to obey orders or perform a job assignment given by a supervisor or any authorized representative;
- Disrespect, publicly displayed on system premises, toward a supervisor or the system;
- Threatening, intimidating, or coercing a supervisor;
- Abusive language to any supervisor;
- Openly making or publishing false, vicious, or malicious statements concerning supervisors;
- Countermanding the order of a supervisor.

However, there are legitimate reasons for refusing to follow a supervisor's order. Generally, orders such as these need not be followed:

- Orders that endanger the health, welfare, or safety of the employee or any other person;
- Orders requiring the performance of an illegal, improper, or immoral act;
- Orders that require action that is beyond the employee's capability;
- Orders in the nature of unlawful harassment; for example, orders accompanied by a racial, religious, or sexist slur.

**Fighting / Assault**

Assault and fighting is behavior that will bypass the progressive disciplinary procedure and proceed directly to a recommendation of termination. A thorough investigation of the facts of the incident will be done to determine who is at fault and who began the aggression. The facts will determine if either will be subject to termination.

**Sub-standard Performance**

Poor performance can lead to discharge. If you have been advised you are not performing as expected you should consider taking the following actions:

1. Meet with the supervisor so that he/she can give you guidance on where you are not meeting expectations;
2. Provide the supervisor with a plan to improve your performance;
3. Request remedial instruction if necessary;
4. Periodically ask the supervisor how you are doing.

The system can not afford to hire or retain individuals who can not or will not perform in the manner expected for the position. Supervisors should constantly evaluate the job that their employees are doing and be prepared to address disciplinary action with anyone who has substandard performance. As progressive discipline is followed in correcting poor performance, the employee will have a chance to improve his/her quality of work and retain his/her position. Otherwise, termination will eventually result from poor performance.

**Excessive Absences**

Be sure you understand the attendance policy at your school or department. Excessive absences create severe problems for the system. Because of the staffing of the schools and other departments, when one person is out, it usually means that the work is not done or that other employees have to stop what they are doing to catch up on your work.



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Repeated unpaid absences of two days or more per month can be suspect for employee abuse. That means the employee is not at work one day almost every week. Repeated absences on Mondays, Fridays, or the days immediately before or after holidays, are also suspect.

Excessive absences are a matter for corrective discipline. The employee will be given a chance to improve attendance, but if the behavior continues, it will lead to termination. In extreme circumstances, the employee may be recommended for termination prior to the progressive discipline process.

**Tardiness**

Employees are expected to be present and prompt for their work day. Make a point of talking to your supervisor if you know you may be late. When appropriate, you will be docked when late or absent without a valid excuse. The system does not permit attendance problems to continue without further corrective measures. Eventually, poor attendance could result in termination.

As with excessive absences, tardiness is a matter for progressive discipline. The employee will be given a chance to improve attendance, but if he/she is unable or unwilling to report to work on time, termination will eventually follow.

**GRIEVANCES**

Any employee who feels that he/she has been treated in an unprofessional manner or adversely affected by a violation of a policy may file a grievance with his/her immediate supervisor. A careful investigation shall be made by the supervisor to see if it is valid and if there is a way to resolve the situation.

Formal grievances have two basic criteria that must be met before they can proceed under the grievance policy:

1. An action must be taken that affects the employee.
2. That action must have a substantial adverse affect on the employee's working conditions or employment rights.

An action is defined as:

1. Violation, misinterpretation, or misapplication of existing board policy, administrative rule, or administrative procedure.
2. Unprofessional conduct directed towards the grievant or impugning his/her good name or professional reputation.
3. A change in a recognized administrative practice which has been consistently followed for at least one calendar year which imposes a hardship on the grievant.

Grievances will not include matters dealing with:

1. Promotions or voluntary transfers (unless a board policy or procedure has been violated or misinterpreted)
2. Involuntary transfers or matters covered under the applicable state law.
3. Alleged violations of state or federal law or existing court orders.

Before taking grievances to a higher level, employees shall be encouraged to discuss them with their immediate supervisors. Employees should exhaust all means of remedying their grievances prior to contacting the Board. The Board has no obligation and, furthermore, believes it unwise to study and analyze problems of aggrieved persons until they have been first brought to the attention of administrators and the Superintendent.

This is based on the assumption that administrators at all levels will be patient, careful, and understanding in consideration of problems, complaints, and grievances experienced by employees working under their supervision. The Board's intent is that its employees have fair, just, and humane treatment. It also desires faithful and efficient service and a demonstrated spirit of teamwork on the part of all its employees.

Because personalities and "chemistries" between people differ, supervisors' interactions with each of their employees are bound to be different. Do not become upset should a supervisor seem to act friendlier to another employee. What is required is that every supervisor should treat every employee in the same job classification essentially the same way.

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Normally, what is done for one should be done for all, as long as they have the same or similar circumstances. However, different circumstances will normally dictate different responses by the supervisor. An example of this is that just because one employee was allowed to leave early, it does not mean that you should be allowed to leave early. Your circumstances may be different, the other employee may have had a sick child and you may have an appointment to have your hair cut.

A formal grievance must be filed by the employee within 30 work days of the alleged incident or, if the behavior has been ongoing, within 30 work days from the last occurrence. The policy requires that the grievance be filed with the immediate supervisor, but there are instances when it is appropriate to file a grievance at the supervisory level that can grant the proposed resolution.

Employees unfamiliar with the grievance process may contact the Employee Relation's office to request guidance and a flow chart illustrating the various steps involved in the grievance procedure and what actions must be taken and by whom in order to properly pursue the grievance process.

### **TITLE IX GRIEVANCE PROCEDURE**

Any employee, individual or student who feels that, on the basis of sex, there was exclusion from participation in, or denial of benefits, or discrimination under any education program or activity receiving Federal financial assistance may file a grievance with the Title IX coordinator. The grievance procedures are located on the system website ([www.mcpss.com](http://www.mcpss.com)) under Policies and Procedures.

### **DISCIPLINARY ISSUES**

It is our desire that all employees of MCPSS are treated consistently and fairly should disciplinary action be considered. As such, our objective is to create a workable disciplinary procedure for all employees. This in turn will allow all employees to have an expectation of the results of their actions. This should help create an atmosphere of trust in supporting our educational mission.

The School Board needs the highest quality employees who are willing to devote themselves to the education and welfare of the students. The Board is committed to attract and retain employees who are capable, interested, and motivated to accomplish the desired goals of the school system.

The Board does not believe that it should employ or retain employees who feel they are forced or pressured to do acceptable work, or who are incapable of satisfactory job performance. It is with these goals in mind that this disciplinary process is utilized.

#### **Progressive Discipline**

In general, MCPSS uses a system of progressive discipline, which provides a tool to help insure consistent and fair treatment of employees who exhibit behavior or performance problems. In general, it works because the employee gets warned and a chance to change the offending behavior or performance.

The progressive discipline program may consist of:

1. Verbal warning(s);
2. Written warning(s);
3. Final warning;
4. Suspension;
5. Termination.

This provides several chances for the employee to improve the behavior or performance. However, the degree of seriousness of the infraction will determine where in the process the employee will fall. Serious misconduct will get no warnings. In practice, tardiness, absenteeism, or inadequate performance would be the subject of progressive discipline, while incidents of violence, theft, or vandalism would warrant immediate termination.

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Poor performance is handled with progressive discipline. A failing employee should be given a chance to improve by being provided with training and instruction to help improve performance. An employee doing poor work will be dealt with fairly, but firmly. The employee's performance will be documented to show improvement or failure to improve under progressive discipline. If the employee doesn't make the changes necessary to improve performance, a termination recommendation will follow.

The following sections discuss the progressive discipline process in more detail, starting with the initial warning, which is usually verbal, and may involve a counseling session with the employee's supervisor or manager.

**Documentation**

Documentation of disciplinary actions by supervisors and managers is a necessary part of your employment with MCPSS. Written documentation can also decrease the chances that the supervisor's communications will be misunderstood.

All employees have the right to see every adverse document placed in their personnel file. A warning notice will not just be placed in the employee's file without giving the employee a chance to see it and respond to it.

A last chance warning should always be in writing and dated, and the employee should receive a copy of the written warning.

**Consistency of Disciplinary Actions**

Consistency in the enforcement of rules means that a given policy should always be enforced, but it does not mean that the policy should always be administered in the same way. Our policies are not so rigid that we are unable to consider the circumstances. Consideration may be given as to whether the infraction was intentional or whether the employee has been a valued worker or a marginal performer.

Penalties for minor infractions should depend on the employee's prior disciplinary record, length of service, work performance, and attitude. This policy incorporates the two fundamentals of a progressive disciplinary system: the predictability of the discipline and the discretion to vary the penalty in light of circumstances.

**Initial Warning / Counseling**

A supervisor will meet with an employee to discuss problem performance or behavior and issues a verbal warning that the behavior must not continue. Most performance or behavioral issues are cleared up through such counseling.

Avoid arguing with the supervisor about any excuses for failing to meet system standards, especially if you want to point out that another employee is doing the same thing. You are responsible for your actions and the other employee is responsible for his/her actions. Do not spend your emotional energy worrying about what other people are doing; you need to only worry about what you are doing. Their actions will catch up with them just as yours have caught up with you.

The best approach is to listen to the criticism, then simply state the facts surrounding the incident and acknowledge that the rule in question will be followed in the future. If you are having legitimate personal problems that are interfering with the job, you can request an appointment with Employee Relations for referral to outside sources of help.

The number of verbal warnings will vary depending on the severity of the infraction or poor performance. For minor infractions several verbal warnings may be warranted before a written warning. For more severe infractions, no verbal warning may be necessary before a written warning is issued.

**Written Warning**

The next step is a written warning. If the supervisor determines that verbal warnings have not resulted in improved performance, a written memo to the employee will be issued. The written warning is solid documentation and should it be necessary, it will be the basis for further disciplinary action.

The number of written warnings will vary depending on the severity of the infraction or poor performance. For minor infractions numerous written warnings may be warranted before a final written warning. For more severe infractions, one to two written warnings may be necessary before a final warning is issued.

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**Plan for Improvement**

At the time of the written warning, the employee needs to work with the supervisor in developing a plan of improvement where a set time frame is given for demonstrated performance improvement. It is important that deadlines be built into the plan, because it gives the employee a goal to work towards. If successful, the progression of disciplinary steps will come to a stop. If not, the next step in progressive discipline would normally be implemented when the deadline arrives.

**Final Warning**

The next step is a final warning. If an employee has not corrected either the poor performance or offending behavior after the written warnings, a final written warning will be issued. This is the last documentation before referral for suspension or termination.

**Suspension**

When warnings fail to result in improvement, the next disciplinary action is often suspension without pay. This will usually be the employee's last opportunity to improve before termination proceedings.

Suspension is also used without any preceding verbal and written warning when a major infraction has occurred. It is usually the appropriate response if the seriousness of the wrongdoing is extreme.

Suspension from work should be sufficient warning that the school system is serious about its performance standards. Each case is considered individually to determine whether a suspension would serve its purpose. Some employees might regard mandatory time off as a form of unpaid vacation, but it is simply the final step before termination.

**Termination**

When all efforts fail, termination will result. When no course of action will convince the worker to improve, discharge is the final step. Because of the cost of hiring and training an employee, MCPSS tries to avoid termination when possible. It is reserved for only grave offenses or for continued willful violations of system rules. Termination should not be the result for minor or easily correctable offenses.

**PROGRESSIVE DISCIPLINE PROCESS**

The following process may be followed in disciplinary actions for all employees. This applies to tenured and non-tenured teachers and probationary and non-probationary support personnel.

**1) Verbal warning:**

- a. For minor infractions, there may be multiple verbal warnings.
- b. For serious infractions, there may be possibly only one verbal warning.
- c. For major infractions, there may be no verbal warning; it may be an immediate written warning and/or referral to Human Resources for review for a possible conference.
- d. For willful misconduct, there may be no verbal warning or written warning, there should be an immediate referral to Human Resources for review for suspension or termination.

**2) Written warning:**

- a. For minor infractions, there may be several written warnings.
- b. For serious infractions, there may be possibly only one written warning and/or referral to Human Resources for review for a possible conference.
- c. For major infractions, there may be a referral to Human Resources for review for a written warning or a final written warning.
- d. For willful misconduct, there will be no written warning; there should be an immediate referral to Human Resources for review for suspension or termination.

**3) Final warning:**

- a. For minor, serious and major infractions, there will be a referral to Human Resources for review for a written final warning and possible conference.
- b. For willful misconduct, there should be an immediate referral to Human Resources for review for suspension or termination.

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**4) Suspension:**

- a. For minor, serious, major or willful infractions there is a referral to Human Resources for review for suspension or termination.
  1. Suspensions are for a period of time that is:
    - a. Up to twenty (20) days
    - b. Greater than twenty (20) days.

**5) Termination:**

- a. In all instances where there is a recommendation for termination, there is a referral to Human Resources for review for possible termination.

**DEFINITIONS**

The following definitions are to be considered only as a guide. Depending on the severity of the action, infractions may move from one classification to another. As an example, the abusive language violation of an employee, which is listed under Minor Infractions, may be so severe that it should be treated as a Major Infraction. Violations may also move from the more severe to less severe. As an example, the physical abuse infraction listed under Willful Misconduct may be so insignificant that it should be treated as a Minor Infraction.

**Minor infraction:**

1. Failure to perform satisfactory work
2. Failure to follow established work procedures
3. Disruption of the school/work environment
4. Tardiness
5. Infrequent absenteeism without valid excuse
6. Abusive or foul language
7. Offensive conduct
8. Loafing, loitering or sleeping on the job
9. Conducting personal business on system time
10. Unauthorized solicitation or distribution during working hours
11. Gambling on system property or on system time
12. Failure to follow system guidelines and procedures
13. Violation of the Dress Code policy
14. Insubordination of a minor nature
15. Any other conduct of which the magnitude or consequences are considered a minor violation of conduct expected by the system

**Serious infraction:**

1. Failure to follow directives of supervisor
2. Excessive tardiness
3. Excessive absenteeism
4. Repeated disruption of the school/work environment
5. Restricting work or interfering with the work of other employees
6. Intentional waste of system resources
7. Unauthorized possession of system property
8. Violating safety procedures or regulations posing no threat of injury or damage to property
9. Creating or contributing to an unsanitary condition
10. Insubordination which rises to the level of a serious infraction or is infrequently repeated
11. Repeated violation of minor infractions
12. Any other conduct of which the magnitude or consequences are considered a serious violation of conduct expected by the system

**Major infraction:**

1. Disorderly conduct
2. Immoral conduct on system time
3. Verbal abuse of children
4. Absence without notification for three or more consecutive days
5. Failure to return from leave of absence as released by the provider
6. Failure to follow directives of supervisor, thereby endangering students or employees

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7. Improper use of system property or damage to equipment
8. Disclosure of confidential system information without authorization
9. Intentionally or knowingly misrepresenting facts to a supervisor or other school official in the conduct of system business
10. Possessing firearms, weapons, explosives, etc., on system property
11. Violating safety procedures or regulations posing a minor threat of injury or damage to property
12. Horseplay or use of machinery, tools or equipment in a hazardous manner
13. Damage to system property through negligence
14. Any attempt to encourage or coerce a child to withhold information from the child's parents
15. Insubordination which rises to the level of a major infraction or is frequently repeated
16. Repeated violations of minor or serious infractions
17. Any other conduct of which the magnitude or consequences are considered a major violation of conduct expected by the system

**Willful Misconduct:**

1. Violations of minor, serious or major infractions which have been repeated beyond the Final Warning step in progressive discipline
2. Discrimination or Sexual harassment
3. Physical abuse of visitors, employees, parents or children
4. Violation of the drug/alcohol policy (zero tolerance)
5. Willfully bringing firearms, weapons, explosives, etc., on system property
6. Failure to maintain the appropriate credentials or certification required for the position
7. Starting an altercation or fight
8. Failure to follow directives of supervisor, resulting in injury to students or employees
9. Criminal offense on system property
10. Conviction of any felony or crimes involving moral turpitude
11. Falsification of system records or employment application
12. Violating safety procedures or regulations posing substantial threat of injury or damage to property
13. Damage to system property through a willful decision or choice
14. Abandonment of job (failure to report to work without authorization)
15. Theft, illegally selling or conversion of system property
16. Insubordination which rises to the level of willful misconduct or is repeated beyond the final warning step in progressive discipline
17. Repeated violations of minor, serious or major infractions
18. Any other conduct which does not meet the accepted standards of conduct of which the magnitude or consequences warrant discharge (other good and just cause)

**STUDENTS FIRST ACT**

All school system personnel are deemed to be either "certified" or "classified" employees and are generally defined as to whether they are directly involved in teaching children or support the general operations of the system.

The certified employees are teachers or those individuals who occupy jobs that require state teacher certification. These are usually individuals such as teachers, principals, and administrators who deal directly within the educational context of the system.

The classified employees are those individuals who provide support to the educational endeavor of the system and who occupy jobs that do not require state teacher certification. These employees are not involved in teaching or school administration and hold jobs such as cafeteria workers, bus drivers, maintenance personnel, clerks, and other jobs that do not require a teaching certification.

**Certified Employees**

Certified employees, except for contract principals, are either tenured or non-tenured. Educators obtain tenure when they work as a teacher for three complete, consecutive years of full-time employment unless the governing board approves and issues written notice of termination to the teacher on or before the last day of the third complete, consecutive year of employment. A complete year is deemed to include employment only begun prior to October 1.

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A non-tenured employee may be terminated at any time during the first three years of employment. The employee will not be given a reason for the termination.

A tenured employee may be terminated only for good and just cause. A proposed termination gives the employee a right to a hearing before the Board in order to determine if the system may terminate or transfer the tenured employee.

**Classified Employees**

Classified employees are either non-probationary or probationary. Classified employees obtain non-probationary status when they have worked for three complete, consecutive years of full-time employment unless the governing board approves and issues written notice of termination to the employee on or before the fifteenth day of June immediately following the third complete, consecutive year of employment. A complete year is deemed to include employment only begun prior to October 1.

A probationary support employee may be terminated at any time during the first three years of employment. The employee will not be given a reason for the termination.

A non-probationary employee may be terminated only for good and just cause. A proposed termination gives the employee a right to a hearing before the Board in order to determine if the system may terminate the non-probationary employee.

**GOOD AND JUST CAUSE REASONS FOR TERMINATION**

Supervisors have the responsibility to recommend removal from employment any person that can not do his/her job. It reduces the efficiency of our operations and creates low morale and low performance for other employees if certain people are allowed to get away with not doing their job properly.

The following causes for cancellation of the contract for a certified or classified employee are contained in the Students First Act.

1. Incompetency.
2. Insubordination.
3. Neglect of duty.
4. Immorality.
5. Failure to perform duties in a satisfactory manner.
6. Justifiable decrease in the number of positions.
7. Other good and just cause.

The following prohibitions for termination for a certified or classified employee are contained in the Students First Act.

1. Actions may not be taken for political reasons.
2. Actions may not be taken for personal reasons.

The following list gives some other reasons that may be good and just cause for terminating an employee. This is not a comprehensive list as there are other good and just causes for termination that are not listed.

1. Repeated and continued neglect or incompetence in the performance of duties.
2. Excessive absences or tardiness.
3. Repeated failure to comply with official directives or established Board policy.
4. Repeated failure to correct deficiencies pointed out in written formal evaluations or communications.
5. Dishonorable conduct during the school day towards students, employees, parents or the general public, including extreme disrespect, rudeness and the use of abusive and/or foul language.
6. Conviction of any felony or other crime involving moral turpitude.
7. Conducting personal business during school hours when it results in neglect of duties.
8. Repeated failure to follow established campus rules and guidelines approved by the principal/supervisor and the campus-level planning and decision-making committee.
9. Sexual harassment of employees, students, parents, or volunteers.
10. Removing school system property, records, or confidential information from school premises without proper authority.

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11. Failure to maintain the appropriate credentials or certification required for the position to which the employee is assigned.
12. Possessing firearms, weapons, explosives, etc., on system property
13. Physical or verbal assault of any employee, volunteer or Board member of the school system, a student, a parent/legal guardian of a student or the general public during the work day or as a result of the employee's employment with the school system.
14. Consuming, possessing, or delivering to another during the school day, or while attending a school-sponsored student function, either of the following; An alcoholic beverage or a controlled substance except in compliance with a written prescription for medication for that person issued by a licensed doctor of medicine or dentistry.
15. Being under the influence of an alcoholic beverage or a controlled substance during the school day while on duty or while attending a school-sponsored student function except in compliance with a written prescription for medication issued by a licensed doctor of medicine or dentistry.
16. Intoxication by alcohol or impairment by drugs.
17. Falsification of records or other documents related to the school system's activities.
18. Intentionally or knowingly misrepresenting facts to a supervisor or other school system official in the conduct of school system business.
19. Any attempt to encourage or coerce a child to withhold information from the child's parent.
20. Failure to report to work or abandonment of one's job. Any employee who has been absent from work for more than ten (10) consecutive days and who has not obtained an approved leave or otherwise accounted for the absences may be considered to have abandoned his/her job. The employee may be recommended for termination.
21. Failure to report to duty after all school system leave has been exhausted.
22. Reduction in force as a result of a budgetary shortfall or financial emergency.
23. Disability, not otherwise protected by law, that impairs performance, even with reasonable accommodation, of the essential functions of the job.
24. Reasons specified in individual employment contracts reflecting special conditions of employment.
25. Any other conduct which fails to meet the accepted standards of conduct for the school system, which the magnitude or consequences warrant discharge.



**SHOULD YOU HAVE ANY QUESTIONS ABOUT THE INFORMATION  
CONTAINED IN THIS HANDBOOK, DO NOT HESITATE TO CALL HUMAN  
RESOURCES FOR CLARIFICATION.**