

**SUPPORT STAFF
HANDBOOK**

2018 - 2019

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Superintendent**



**PERRY TOWNSHIP SCHOOLS
6548 Orinoco Avenue
Indianapolis, Indiana 46227**

This booklet is not to be construed as a contract of employment.

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NON-DISCRIMINATION AND ANTI-HARASSMENT

Perry Township Schools (the "District") does not discriminate on the basis of a protected class including but not limited to race, color, national origin, age, religion, disability, genetic information, or sex, in the programs or activities which it operates or the employment therein or admission thereto. The School strictly adheres to all non-discrimination and anti-harassment laws and does not tolerate acts of harassment. The School has designated several staff members as coordinators of non-discrimination and anti-harassment. The identity and contact information for these staff members are listed on the School website. The coordinators are responsible for monitoring and ensuring compliance with all non-discrimination and anti-harassment law. The coordinators shall document all reports of discrimination or harassment and establish a protocol for recordkeeping.

COMPENSATION

The District will compensate each employee for the value of his/her contribution through his/her assigned work. In doing so, the District will attempt to maintain competitive wage relationship with similar school systems in order to retain qualified personnel.

The amount of the pay raise will be determined by budget availability. A year of service is considered as 120 working days during the school year.

SUPPORT EXPERIENCE AND SENIORITY/NEW HIRES:

For the purpose of salary schedule placement, all twelve (12) month, full time employees may qualify for advance placement on the salary schedules. The following conditions will govern these placements:

A. Hiring Salary:

The District bases employee starting salaries on work experience and internal salary rates for comparable positions. A newly hired individual with adequate experience will normally have a starting salary in the lower quarter of the range. An employee with several years of similar work experience would usually start around the midpoint. A starting salary in the upper quarter is reserved for expansive depth of experience and requires approval by the Human Resources Director in consultation with the CFO.

To be eligible for an increase in base pay, an employee must have received a performance rating of Effective or Highly Effective. All increases in base pay are dependent upon budget availability and are usually retroactive to July 1st. Employees become eligible for the increase after their first evaluation. Generally, support staff are evaluated beginning in March of each year and after 90 days of employment. An employee hired after March 1st is not eligible for an increase the year of hire.

B. Length of service in continuous regular employment shall date from the first day of continuous employment with the District.

C. Salary Schedule

The District's wage and salary structure consists of salary ranges for each position. The ranges serve as a guide and basic control in assisting supervisors and HR in determining the salary offer for a candidate.

D. Employment Classifications

Exempt- An exempt employee is not required to be paid overtime under applicable laws for work in excess of forty hours per week. Exempt employees are expected to work a sufficient number of hours to complete the assigned work tasks. Exempt employees are paid on a bi-weekly schedule.

Non-exempt- A non-exempt employee is required to be paid overtime under applicable federal and state wage and hour laws. Non-exempt employees are paid one and one-half times their regular rate for actual hours of work in excess of forty hours per week. Non-exempt employees are paid on a bi-weekly schedule. Paid leave, such as holiday, sick or personal leave pay does not apply towards work time.

NEW HIRE EVALUATION PERIOD

All support staff employees will serve a ninety (90) day, new hire, evaluation period to complete performance standards as defined by administration. Supervisors may extend the new hire evaluation period. The District retains the right to terminate employees during the initial or extended new hire evaluation period who do not meet prescribed standards.

Employees serving the initial or extended new hire evaluation period must abide by the personnel policies and all other District policies. Employees may not use vacation leave during their first ninety (90) days of employment, unless granted for extenuating circumstances and pre-approved by the supervisor.

TIME RECORDS

The District is required by law to keep accurate records on each employee's time worked. An employee's pay will be determined by the time record. Time records and attendance records kept by the employee's principal/supervisor must clearly verify pay for holidays, sick, leave, vacations and overtime hours.

Non-exempt employees must follow the below steps:

1. The employee must clock in or report in no sooner than seven (7) minutes before the beginning of the employee's shift.
2. The employee must clock out or report out no later than seven (7) minutes after the employee's shift has ended.
3. The supervisor must certify the accuracy of the entries on the time record. Any corrections or changes on an employee's time record must be approved by the employee's supervisor.

Falsification or manipulation of an employee's own or any other time record may result in discipline up to and including termination. Late arrival or early departure is cause for deduction from pay and disciplinary action for non-exempt employees. Any employee who fails to clock in or clock out must notify their department management. The correct recording in and out each day is the employee's responsibility and totaling of hours worked is checked and approved by the employee's supervisor.

OVERTIME PAY:

Overtime pay is calculated based on the number of hours actually worked each workweek. (ie, vacation days, sick days, holidays, and personal days will not count toward overtime pay). A workweek consists of seven consecutive 24-hour periods, equaling 168 hours total. Though the District does not permit overtime without prior authorization, for purposes of overtime calculations, the workweek begins Saturday at 12:00 am and ends Friday at 11:59 pm. The District will comply with federal and state overtime laws.

Additional information on federal overtime laws can be reviewed on <https://www.dol.gov/whd/regs/compliance/whdfs23.pdf>

REASSIGNMENT TO A DIFFERENT POSITION

Persons reassigned from a position in one salary range to a position in a different salary range, will retain their seniority.

When a position becomes available within your own department or school, Supervisors may transfer a qualified candidate from within that department or school without posting the position, with prior approval from Human Resources. However, if an internal candidate cannot be transferred to the open position within that department, the position will be posted. Supervisors can determine when a position is posted externally and in all cases, unless waived by the Superintendent or designee, positions posted externally will be posted for five (5) consecutive days. Positions may be posted internally and /or externally as deemed appropriate by Department Head or Principal.

WORKER'S COMPENSATION

The District provides worker's compensation insurance in accordance with Indiana's Worker's Compensation Act. Worker's compensation insurance generally provides limited benefits to eligible workers for work-related injury or illness that requires medical treatment. If you sustain work-related injuries or illnesses, no matter how minor, you must inform your supervisor immediately. Prompt reporting to the employee's supervisor is required for eligibility. The supervisor must complete, sign, and file the Supervisor's Accident Investigation form at the time of injury, or the employee may not be eligible for compensation. All claims must be reported through the District's business office.

Benefits are generally available after a short waiting period. Generally, worker's compensation benefits will not be available for the first seven (7) days unless the disability continues for longer than twenty-one (21) days. Thus, the Employees may use sick, personal business, or vacation days for the first seven (7) days off due to an injury on the job. Vacation days or personal business days will not be used unless instructed by the employee. If the

employee does not have adequate days to cover the seven (7) days, the employee will have to go without pay.

Employees who incur an injury at work must report to the prescribed provider for care and diagnosis of the injury. Failure to do so may cause the claim to be unpaid.

The following are the two locations that must be used (no personal physicians allowed under Workers' Compensation):

Franciscan Working Well
747 E. County Line Road
Greenwood, IN 46143
Phone: 317-528-8009
For injuries between 7 AM- 7 PM

Franciscan ExpressCare
1001 N. Madison Avenue
Greenwood, IN 46142
Phone: 317-528-7500
For injuries between 7 PM -11 PM

RETURN TO WORK PROGRAM:

This program was adopted by our District to cover any employee who is unable to perform his or her normal work duties due to an injury incurred on the job. The important concepts of this program are outlined below:

It is the goal of our District to provide meaningful work activity for support staff employees who temporarily become unable to perform all, or portions, of their regular work assignments due to work-related injury or illness. By providing temporary alternate duty or modified duty work activity, injured employees remain an active and vital part of the District. Return to Work duties may be in the form of either changed duties within the scope of an employee's current position, or other available alternate duties for which they may be qualified, or through a reduced work-hours schedule.

If work is available which meets the limitations/restrictions set forth by the attending physician, the employee may be assigned transitional or modified duty work for a period of time, not to exceed 180 days. Alternate and/or Modified work or light duty is a temporary program and an employee's eligibility in a temporary assignment will be based on medical documentation and continued recovery.

Employee Procedures:

All work-related injuries should always be reported immediately to your Supervisor, no later than the end of the shift on which the injury occurs.

An Indiana Worker's Compensation First Report of Employee Injury/Illness form will be completed and submitted by the District.

When medical treatment is sought, you must advise your supervisor that you are seeking such treatment. Your supervisor will provide you the locations of our approved medical providers for you to choose from. The attending physician will complete a Return to Work Evaluation

form, which you must return to your supervisor. This remains true even if/after you have been referred to a specialist or to your own physician.

Under the return to work program, temporary modified duty work may be available for up to 180 days (with a frequent review) while you are temporarily unable to work in your regular job capacity.

If you are unable to return to your regular job, but are capable of performing alternate duty work, you will be requested to return to transitional duty. Failure to do so might result in you not being eligible for full benefits under the Worker's Compensation Program and may result in disqualification for certain employee benefits.

Additional information may be obtained by contacting the Employee Safety Manager or the Business Office Specialist.

SHOE REQUIREMENT

Child nutrition employees, mechanics, maintenance workers, and grounds employees must wear protective shoes as part of their daily dress while on the job. All custodians, including substitutes, must purchase and wear non-slip shoes as part of their work uniform. The custodial supervisor will determine whether shoes meet the standards of non-slip shoe protection. The District expects employees to replace worn out shoes. Generally, tennis shoes do not meet the standards of non-slip shoes and shall not be worn unless designated as a non-slip sole. All employees required to wear non-slip shoes may be reimbursed once a year, up to ninety dollars (\$90.00), for purchasing adequate non-slip shoes.

SAFETY

Maintenance of a safe work environment is the shared responsibility of Perry Township Schools and all employees from all levels. The District will take all reasonable steps to assure a safe environment and compliance with federal, state and local safety regulations.

The District does not allow possession of a firearm inside its buildings (except by law enforcement personnel acting in their official capacity).

All District owned vehicles must be operated in a safe and responsible manner in accordance with local, state and federal regulations to encourage the safety of drivers and passengers and to minimize physical damage to the vehicles. All District vehicle drivers must possess a valid driver's license from the state of Indiana.

The District has installed video cameras in designated areas of the facilities, some vehicles and grounds in order to enhance the security in and around all District owned property.

USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using District property, an employee is expected to exercise care and follow all operating instructions, safety standards and guidelines.

An employee must notify his/her supervisor of any equipment, machine, tool or vehicle that appears to be damaged, defective or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to an employee or others. An employee involved in an accident during work hours using work equipment may be required to take a fitness for duty exam.

IDENTIFICATION BADGES

Wearing an ID badge is mandatory at all times while working for the District. The District will furnish an initial ID badge at its expense. If an employee loses an ID badge, he/she must report the loss immediately to Human Resources. A lost badge will necessitate an employee paying for a new badge at the employee's expense

PAYROLL DEDUCTIONS

The District deducts the following from employee paychecks: Federal Withholding Tax, State Adjusted Gross Income Tax, Social Security and Medicare, County Option Tax according to law, and PERF.

If the eligible employee chooses to apply to participate in any of the below programs¹, the District will deduct designated amounts from an employee's paycheck:

1. Health Insurance
2. Dental Insurance
3. Vision Insurance
4. Long Term Disability Insurance
5. Long Term Health Care
6. Term Life Insurance and Supplemental Life Insurance
7. Generation I Flexible Benefit Program

¹ This invitation to inquire allows eligible full time employees an opportunity to inquire further about the insurance currently offered and is limited to a brief description of the loss for which benefits may be payable. The policies have exclusions, limitations, reduction of benefits, and terms under which the policy may be continued in force or discontinued. When a range of benefits levels is present, the insured will only receive the coverage written in the contract selected and issued. The policies contain waiting, elimination, probationary, and similar time periods before coverage begins and when benefits may be payable for losses. Certain losses are not covered if the cause of the loss is traceable to a condition existing prior to the coverage effective date. For costs and complete details of coverage, contact the HR department or the insurance company for a sample contract.

8. Generation II Flexible Benefit Program
9. Short Term Disability Insurance
10. Tax-Deferred Annuity Program
11. Cancer/Intensive Care Insurance
12. Perry Township Education Foundation
13. United Way Contributions

HEALTH AND DENTAL INSURANCE ELIGIBILITY AND EFFECTIVE DATES

An employee in an eligible position must work a minimum of twenty hours per week to participate in benefit plans.

All new, non-substitute, employees shall become eligible to participate in the insurance plans currently offered on the first of the month following 30 days of employment. These same rules shall apply to employees who become eligible to participate because of a change in employment status. The employee must complete enrollment through the online enrollment portal within 30 days of the eligibility date. If the District receives the employee's request for coverage after the enrollment period, and coverage is approved by the insurance company, insurance will become effective on the first of the following month.

ADDITIONAL BENEFITS OFFERED:

DIRECT DEPOSIT

All employees shall participate in the Direct Deposit Program. The employee must submit the requisite direct deposit form to the payroll office to participate in this program and, once requested, the designated financial institution shall remain in effect for each pay period unless changed in writing by the employee. The employer shall deposit all wages minus required and voluntary withholdings to the employee's designated account(s) provided the District's originating bank recognizes it as a qualified financial institution.

LONG TERM DISABILITY

The employer will pay the premium for Long Term Disability insurance less one dollar (\$1.00) which the employee is required to pay through payroll deduction.

MANDATORY PAYROLL FORMS

In order for an employee to receive pay, he/she must complete a W-4 form for both federal and state income taxes. Employees shall submit the forms on the first day of employment and updated when any information on these forms changes.

PERF

Employees scheduled to work 600 or more hours per year (3.5 hours per day) are required to join the Public Employees' Retirement Fund. The employee is required to contribute 3% of his or her gross earnings to this retirement program and the employer contributes a statutory amount based upon total cost experience. Visit the PERF website at www.inprs.in.gov for details.

TERM LIFE INSURANCE

The employer will pay the premium less one dollar (\$1.00) per year which the employee is required to pay through payroll deduction. The amount of the term life insurance coverage is \$50,000 and offers an Accidental Death and Dismemberment benefit.

VOLUNTARY BENEFIT PROGRAMS:

CANCER/INTENSIVE CARE AND OTHER SUPPLEMENTAL INSURANCE POLICIES

Various supplemental insurance policies are available to employees and their dependents. The employee pays the entire premium. Employees may apply during the annual open enrollment period by meeting with an agent from the current carrier. Contact the District Benefits Manager for details on how to apply.

FLEXIBLE BENEFIT PLAN (Generation I and II)

The employer has established a Generation I Flexible Benefit Program. This program is intended to qualify as a "Cafeteria Plan" within the meaning of Section 125 of the Internal Revenue Code and any other applicable provision of law. Generation II of this program was also established and is available to eligible employees.

PERRY TOWNSHIP EDUCATION FOUNDATION

Payroll deduction will be available for employees desiring to contribute to the Perry Township Education Foundation.

SHORT TERM DISABILITY

The employer offers payroll deductions for a program of short term disability. Participation in this program is an individual decision and premium is paid solely by the employee.

TAX DEFERRED ANNUITIES

Eligible employees may participate in the employer's 403b retirement plan. You may elect to participate in a 403b plan or change 403b vendors semiannually, on January 1st, and July 1st. You may also adjust your 403b contributions quarterly on January 1st, April 1st, July 1st, and October 1st.

VISION INSURANCE

Vision insurance is available to employees and their eligible dependents. The employee pays the entire premium.

VOLUNTARY LIFE INSURANCE

An employee shall have the option to apply for coverage under a supplemental term-life insurance contract at his/her own expense. The minimum coverage amount is \$10,000, employees can apply for additional increments of \$10,000, and the maximum is the lesser of five times the employee's annual salary or \$500,000. Supplemental coverage in excess of \$200,000.00 is subject to evidence of insurability, as approved by the carrier.

For those employees retiring after June 1, 1998, the supplemental life insurance may continue after employment ends by applying and paying premium timely to the insurance company.

UNITED WAY

Payroll deduction will be available for employees desiring to contribute to the United Way.

LEAVES

Notwithstanding the below guidelines regarding the various types of unpaid leaves the District may grant, employees may be required to use all but five (5) days of paid time off concurrently when taking leave time. The 5 reserved days may be any combination of personal, vacation, or sick days at the employee's discretion.

ATTENDANCE/TARDINESS POLICY:

1. DEFINITIONS:

Absence: When an employee is not at work for a regularly scheduled shift/workday.

Excused Absence: An absence approved by the employee's supervisor. Excused absences include: **bereavement leave, court duty (unless for personal litigation), declared weather emergencies and other declared closings as applicable, military leave, approved personal leave, and leave covered under Worker's Compensation and/or FMLA.**

Unexcused Absence: An absence not approved by the employee's supervisor or absences that exceed the employee's available accrued time.

Tardiness: An employee's failure to report to work at his/her scheduled time.

2. NOTIFICATION GUIDELINES:

Vacations/Personal Business:

Employees must request leaves in advance from the supervisor or the designated alternate(s) in order for the District to consider the absence excused. **Employees are encouraged to request vacation leave of more than one day in length at least seven (7) calendar days in advance in order to permit scheduling coverage.** The supervisor may deny any vacation leave request if the vacation request conflicts with business needs.

Absences:

Employees taking an absence must attempt to notify the direct supervisor or designated alternate by 6:30 a.m. on the day of the absence or **no less than 2 hours in advance of the shift/workday.** An employee's failure to contact direct supervisor will result in the absence being classified as a no call/no show. An employee's or designee failure to call within the required timeframes may result in disciplinary action. Failure to report absences, and absences beyond those outlined in this handbook could ultimately result in dismissal. Three days of no call/no show will be considered a voluntary resignation from employment.

Excessive Absenteeism:

Employees are subject to progressive discipline for excessive absenteeism. Supervisors may consider the following factors in determining whether to apply progressive discipline: **the number of days absent, the pattern or frequency of absences, and the reasons for the absences.** Generally, the below progression outlines the appropriate consequences for the corresponding number of unexcused absences in a 12 month period. Supervisors have the discretion skip directly to more severe consequences depending on the severity of the violation.

Unexcused Absences

- 3 absences/4 tardies = Verbal Reprimand
- 4 absences/6 tardies = Written Reprimand
- 5 absences/8 tardies = Termination

Multiple absences taken in consecutive days will be counted as one occurrence for the purpose of discipline.

BEREAVEMENT LEAVE

Bereavement leave will be granted without loss of compensation and will not be charged against sick leave. These days do not accumulate from year to year. Bereavement leave may be taken following death of a specified relative listed below and/or to attend the funeral of a specified relative listed below. All bereavement leave must be taken within 5 days of these events and cannot exceed the total listed below for the death of a particular specified relative.

When there is a death in the immediate family, up to five (5) days of bereavement leave may be granted. Immediate family in this section includes: spouse, child, grandchild, parent, grandparent, sibling, father-in-law, mother-in-law, son-in-law, daughter-in-law brother-in-law, sister-in-law, and a relative or legal dependent living with the employee.

Bereavement leave for the death of a relative by marriage or through co-parenthood beyond those listed above, including your children's grandparents, shall be granted not to exceed two (2) days. Bereavement leave for death of an aunt, uncle, niece, nephew, or cousin related either within the family or by marriage shall be granted for one (1) day.

Under extenuating circumstances, arrangements for additional bereavement leave days, especially in cases in which extensive travel is required, may be approved upon written request to the principal and the Superintendent or his/her designee. The Superintendent will make the final determination if the additional leave time is granted. The employee should make the request for any additional bereavement leave days before the actual leave days are taken. Those additional days may be charged against the employee's available sick leave days.

EDUCATIONAL LEAVE

An unpaid leave of absence of up to six months in a calendar year may be granted at the discretion of the Superintendent (or his designee) for the purpose of educational improvement. Employees requesting such a leave must meet the following to be considered for approval:

1. The employee must be employed with the District for the year immediately prior to the beginning of such leave.
2. The educational improvement must lead to a degree or fulfillment of the requirements to be certified in a particular area related to school operations and/or employee's current position.
3. An employee must make application to the Superintendent of Schools (or his designee) at least sixty (60) days prior to the beginning of the leave.

An employee granted such a leave will have the option to apply and pay 100% of the premium to continue coverage certain benefit(s) for which they are enrolled at the time of the request for the leave. Experience credit will not be given during the time an employee is on leave. The employee granted such a leave will be returned to the same assignment or one which is comparable and equal in benefit as determined by the administration.

FAMILY ILLNESS

Full time employees are eligible for family illness days. These days will be subtracted from the employee's accumulated sick leave. Employees may take up to ten (10) family illness days per school year (if available in sick day balance) for an illness of an immediate family member. Immediate family in this section includes any relative or dependent living within the household of the employee. Also included are spouse, child, father, mother, sibling, daughter-in-law, son-in-law, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, grandparents, grandchild living within or outside the household of the

employee. These days may be granted by Supervisors as unpaid if the employee has no accumulated sick leave days.

An employee may petition the Superintendent for family illness leave days in excess of ten (10) where the illness constitutes a serious health condition under the Family Medical Leave Act. Family leave days granted by the Superintendent shall be deducted from the employee's available accumulated sick leave days.

HALF DAY LEAVE

Employees may take paid time off in increments no less than one half day increments. Half day increments means the employee shall work half the number of hours during their given assignment. Notwithstanding the above, and with **prior** approval of Supervisor, an employee may take off time and make it up within the same week without having to take a half day of paid time off.

PERSONAL BUSINESS

Full year (260) employees are entitled to four (4) personal business days per school year. Employees shall use personal business days to conduct business that cannot otherwise be accomplished during non-working hours. Unused personal business days transfer to accumulated sick leave at the start of the first pay period of each school year. The employee's supervisor may deny a request to use a personal business day if the request conflicts with business needs or is not requested in advance of the request.

SICK LEAVE

Full time employees in their first year of employment/employment tenure are entitled to sick leave prorated by the number of months remaining in the school year.

Supervisors are responsible for monitoring employee attendance; particular attention should be paid to frequent unscheduled absences, usage of sick leave to extend weekends or holidays, or situations where the supervisor has reason to believe that sick leave was not used for the intended or allowable purposes.

An employee is required to remain in the immediate vicinity of his/her home while on sick leave except to receive medical treatment or to attend ordinary and necessary activities directly related to personal or family needs. An employee who feels he or she has a need to leave the immediate vicinity of his or her home while on leave pursuant to this policy must submit a request for review by Human Resources. Human Resources will review the request to determine whether travel is warranted and will be approved.

The District reserves the right to require the employee to submit a physician's statement to support the use of five (5) or more consecutive sick leave days. An employee who misuses their sick leave days can be subjected to discipline or further monitoring.

Sick leave vests each year at the start of the first pay period of each school year. Sick leave may accumulate to an unlimited maximum. Sick leave is granted on a prorated basis for employees who begin work after the start of their work year. Child Nutrition employees and

Bus Drivers who work a regular schedule are entitled to five (5) sick leave days each school year.

PREGNANCY LEAVE

The School District will grant leave to a pregnant employee as outlined in this section.

1. An employee who is pregnant may continue in active employment as late into the pregnancy as she desires, if she is able to fulfill the requirements of her position.
2. An employee who is pregnant may use available sick leave days for any medically-related absences during the pregnancy.
3. An employee who is pregnant is entitled to a leave of absence any time between the commencement of her pregnancy and the birth of the child. Such leave, except in the case of medical necessity, will be unpaid leave. Such request should be made at least thirty (30) days before the date on which she desires to start her leave and should include the length of the leave. In case of a medical emergency caused by the pregnancy, the employee shall be granted a leave, immediately upon her request and certification of the emergency from an attending physician.
4. An employee granted such a leave will be returned to the same assignment or one which is comparable and equal in pay and benefits as determined by the administration.
5. An employee on pregnancy leave, upon the birth of the child, is entitled to maternity leave and maternity benefits as outlined in the Maternity Leave section.
6. The leave will be consistent with and shall not interfere with any rights the employee may have under the Family Medical Leave Act (FMLA).

MATERNITY LEAVE AND MATERNITY BENEFIT:

Maternity leave (utilizing sick leave or unpaid time off) and **maternity benefit** (paid time off) for those with a regular work schedule will be defined as follows:

This leave will be consistent with and shall not interfere with any right the employee may have under the Family Medical Leave Act (FMLA).

- A. Upon the birth of a child, the mother who is an employee shall be granted ten (10) consecutive paid days of **maternity benefit**. These days will not be charged against the employee's available sick leave and shall commence on the first work day following the birth of the child.
- B. **Maternity leave** utilizes the employee's available sick leave days, after the 10 paid days described in section A. **Maternity leave** will not extend beyond eight (8) consecutive weeks following the day after the birth of the child. During maternity leave, you must use paid time before going into an unpaid leave time.

- C. If the employee is medically disabled, as verified by a physician's statement, beyond the provisions cited in this Agreement, the employee may use more of her available sick leave days to cover the time period of the disability.
- D. Uncompensated leave may continue for up to one (1) year following the birth of the child. The employee granted such a leave shall have the option to apply and pay 100% of the premium to maintain current insurance in which she was enrolled at the time of the request.* An employee on uncompensated leave is required to return within one (1) year following the birth of the child. The return date may be adjusted beyond the child's first birthday to the first day of the next grading period.

This leave will be consistent with and shall not interfere with any rights an employee may have under the FMLA.

PATERNITY LEAVE AND PATERNITY BENEFIT

Paternity leave (utilizing sick leave or unpaid time off) and **paternity benefit** (paid time off) for those with a regular work schedule will be defined as follows:

This leave will be consistent with and shall not interfere with any right the employee may have under the Family Medical Leave Act (FMLA).

1. Upon the birth of a child, the father who is an employee shall be granted ten (10) consecutive contractually paid days of **paternity benefit**. These days will not be charged against the employee's available sick leave and shall commence on the first work day following the birth of the child.
2. Uncompensated **paternity leave** may continue for up to one (1) year following the birth of the child. The employee granted such a leave shall have the option to apply and pay 100% of the premium to maintain current insurance in which he was enrolled at the time of the request.* An employee on uncompensated leave is required to return within one (1) year following the birth of the child. The return date may be adjusted beyond the child's first birthday to the first day of the next grading period.

ADOPTION LEAVE AND ADOPTION BENEFIT

Adoption leave (utilizing sick leave or unpaid time off) and **adoption benefit** (paid time off) for those with a regular work schedule will be defined as follows:

This leave shall be consistent with and shall not interfere with any rights the employee may have under the FMLA.

- A. Upon the placement of a child, the parent(s) who is an employee shall be granted ten (10) consecutive contractually paid days of **adoption benefit**. These days will not be

charged against the employee's available sick leave and shall commence on the first work day following the placement of the child.

- B. **Adoption leave** utilizes the employee's available sick leave days. **Adoption leave** may not extend beyond eight (8) consecutive weeks following the placement of the child. During adoption leave, you must use paid time before going into an unpaid leave time.

If both parents of the adopted child are employees of the District, both parents shall use the adoption benefit. However, only one parent may use the adoption leave.

- C. Uncompensated leave may continue for up to one (1) year following the placement of the child. The employee granted such a leave shall have the option to apply and pay 100% of premium to maintain current insurance in which he/she was enrolled at the time of the request.* An employee on uncompensated leave is required to return within one (1) year following the placement of the child. The return date may be adjusted beyond one (1) year to the first day of the next grading period.

VACATION LEAVE

Each 12-month (260 days per contract year) employee, following the first full year of employment is entitled to vacation leave time based on terms or years of employment as follows:

After the 1st year of employment and each new school year, vacation days are prorated if the employee does not complete the entire school year.

After 1 full year -10 days

After 2 full years- 12 days

After 3 full years an additional day will be added each year up to maximum of 20 days

260 employees in their first year of employment are entitled to vacation leave prorated by the number of months remaining in the school year.

Since vacation time is front loaded at the beginning of the school year or at time of hire, if an employee retires or resigns employment before the year is completed, he/she will be expected to pay back on a pro-rata basis the days of vacation for the time period not worked. Vacation time cannot be taken during the probationary period unless permission is granted pre-hire or due to extenuating circumstances and approved by the Human Resources Director.

Employees who work on a less-than-12 month basis (less than 260 days per contract year) are not entitled to vacation leave.

Vacation leave balances above 40 days will be transferred into the sick leave balance. If you have any questions regarding leave payback, contact the payroll department.

If an employee transfers from a 12-month (260 days per contract year) position to a lesser day or school year position, then employee's accrued vacation days will be paid to the employee at time of transfer.

FAMILY AND MEDICAL LEAVE

The District will allow eligible employees to take leave for the following qualifying events in accordance with the Family and Medical Leave Act ("FMLA") of 1993, as amended. 29 CFR §825.100(a):

1. Up to 12 workweeks of leave in a 12-month period for the following qualifying events:
 - a. Birth of a child;
 - b. Placement of a child for adoption or foster care;
 - c. For the care of a spouse, child or parent who has a serious health condition;
 - d. The serious health condition of the employee which prevents the employee from performing the essential job functions of his/her job;
 - e. Because of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or called to covered active duty 29 CFR §825.200; or
2. Up to 26 workweeks in a single 12-month period for the care of a covered service member with a serious injury or illness. 29 CFR § 825.127

The District is prohibited from interfering with exercise of rights under the FMLA and retaliating against individuals for the use of FMLA leave.

I. Limits on Leave

a. Generally

Under no circumstances can the amount of leave taken during a 12-month period exceed 12 workweeks, unless the leave is to care for a covered service member (see Section XI).

b. Parenting Leave for a Newborn, Adopted, or Foster Child

A husband and wife who are eligible for FMLA and are both employed by the District are limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for employees' newborn, adopted, or foster child. Parenting leave for a newborn, adopted, or foster child cannot be taken intermittently or on a reduced schedule without the approval of the District. 29 CFR §825.202(c)

Eligible employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement or foster care to proceed. Permissible absences include, but are not limited to, the employee attending a required counseling session, appearing in court, consulting with his/her attorney or the doctor(s) representing the birth parent submitting to physical examinations, or traveling to another country to complete an adoption.

II. Definitions Applicable to All FMLA Leave

- a. **“1250 hours of work”** means actual work hours and does not include holidays, time spent in paid or unpaid leave, vacation leave, sick leave, or personal leave, compensatory time off, time spent receiving benefits under the Long Term Disability Plan or time during the elimination period prior to receiving benefits under the Disability Plan. In determining whether a veteran meets this requirement, the hours that were actually worked for the District should be combined with the hours that would have been worked during the twelve months prior to the start of FMLA leave but for the military service. The District has the burden to demonstrate through documentation or other means, that a full time employee for whom the District generally does not keep accurate records of hours has not worked the requisite 1250 hours to be eligible for FMLA leave. 29 CFR §825.110(c)(1) & (2)
- b. **“12 month period”** means a “rolling” 12-month period. Thus, in determining the amount of FMLA leave available to a particular employee the District will subtract the leave taken by the employee during the immediately preceding 12 months from the 12 weeks of FMLA qualified leave granted to the Eligible Employee.
- c. **“Child”** (i.e., son or daughter) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and "incapable of self-care" because of a mental or physical disability, at the time the FMLA leave is to commence. 29 CFR 825.122(d)
- d. **“Eligible Employee”** means an employee who has:
 - i. Been employed by the District for at least twelve (12) months;
 - ii. The 12 months may be consecutive or non-consecutive employment with the District as long as there is a combined total of twelve (12) months. 29 CFR §825.110(b)
 - iii. Worked at least 1250 hours in the twelve-month period immediately preceding the need for family-medical leave; and
 - iv. Not exhausted their allotment of the family-medical leave in the applicable time period. 29 CFR §825.110.
- e. **“Incapacity”** means inability to work, attend District or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery therefrom. 29 CFR §825.113(b)
- f. **“Instructional Employees”** are those District employees whose principal function is to teach and instruct students in class, a small group, or an individual setting. The term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for hearing impaired. It does not include teacher assistants or aides, counselors, psychologist, or curriculum specialists. 29 CFR §825.600(c)
- g. **“Intermittent Leave”** means FMLA leave taken in separate blocks of time due to a single qualifying reason. 29 CFR §825.202

- h. “Health Care Provider”** means one of the following persons who may complete a Certification for Health Care Provider form and certify a serious health condition:
- i. doctors of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices;
 - ii. podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice under State law;
 - iii. nurse practitioners, nurse-midwives, clinical social workers, and physician’s assistants authorized to practice under State law and performing within the scope of their practice as defined under State law;
 - iv. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts;
 - v. any health care provider recognized by the District or the District's group health plan's benefit manager; and a health care provider listed above who practices in a country other than the United States and who is authorized to practice under the laws of that country.

29 CFR §825.125

- i. “Parent”** means a biological, adoptive, or foster parent or an individual who had day-to-day responsibility for care and support of the employee when the employee was a child as defined above. In-laws do not qualify. 29 CFR §825.122

- j. “Reduced Schedule”** means a leave schedule that reduces an employee’s usual number of working hours per workweek or hours per workday for a period of time. 29 CFR §825.202

- k. “Serious health condition”** means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- 1) Hospital Care 29 CFR §825.114

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

- 2) Incapacity Plus Continuing Treatment 29 CFR §825.115(a)

A period of incapacity of more than three (3) consecutive calendar days that also involves in-person treatment by a health care provider on at least one occasion within seven (7) days of the beginning of the incapacity which results in a regimen of continuing treatment under the supervision of the health care provider involving either (a) additional visit(s) required by the health care provider within thirty (30) days of the beginning of the incapacity; or (b) the prescription of medications, therapy requiring special equipment, or other treatment that can only be initiated on orders of a health care provider.

- 3) Pregnancy 29 CFR §825.115(b)

Any period of incapacity due to pregnancy or for prenatal care.

4) Chronic Conditions Requiring Treatments 29 CFR §825.115(c)

A chronic condition which:

- a) Requires at least two (2) visits annually for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy).

5) Permanent/Long-term Conditions Requiring Supervision 29 CFR §825.115(d)

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6) Multiple Treatments (Non-Chronic Conditions) 29 CFR §825.115(e)

Any absences to receive multiple treatments for restorative surgery after an accident or other injury or for a condition that would likely result in a period of incapacity of more than three consecutive days if not treated, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), and kidney disease (dialysis).

Non-eligible medical conditions include (but are not limited to): taking over-the-counter medications, bed-rest, drinking plenty of fluids, or any similar activities that can be initiated without a visit to a health care provider unless something more serious is involved. The common cold, flu, ear aches, upset stomach, minor ulcers, headaches, routine dental problems, and periodontal diseases are conditions that do not qualify for family-medical leave. Cosmetic treatments and plastic surgery are not serious health conditions unless inpatient hospital care is required or complications develop. 29 CFR §825.113(c) & (d)

Treatment of substance abuse by a health care provider or by a provider of health care services on referral by a health care provider will be covered by family-medical leave. However, absence because of the employee's abuse of the substance, rather than for treatment, does not qualify for family-medical leave. Treatment for substance abuse does not preclude disciplinary action in instances where the employee has violated the employer's policy against substance abuse, even during a time period of treatment covered by family-medical leave. 29 CFR §825.119

Family-medical leave may not be used for short-term conditions for which treatment and recovery are brief, such as minor illnesses and out-patient surgical procedures with expected brief recuperating periods. It does not provide for the intermittent care of a child for such commonplace illnesses as colds and flu. Routine medical, dental or vision examinations do not qualify for FML. 29 CFR §825.113(c) & (d)

For intermittent leave or leave on a Reduced Schedule, there must be a medical necessity for leave (as distinguished from voluntary treatments and procedures) and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition must meet the requirement for certification of the medical necessity of intermittent leave or leave on a reduced schedule. Employees needing intermittent leave or a reduced schedule must attempt to schedule their leave so as not to disrupt the District's operations. In addition, an employer may assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent leave or reduced schedule due to planned medical treatment. 29 CFR §825.202

- I. **“Spouse”** as defined by law, means a husband or wife.

- m. An employee is **"unable to perform the functions of his/her position"** where the Health Care Provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position. Additionally, an employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment. 29 CFR §825.123(a)

- n. To the extent not listed herein, the District adopts the definitions of words and phrases as defined in the FMLA and its corresponding regulations.

III. Requests for Family Medical Leave

- a. If the need for leave is foreseeable, requests must be submitted at least thirty (30) days prior to taking the leave, or if this is not possible, on the same or next business day of learning of the need for leave. Documentation supporting the need for foreseeable leave must be submitted prior to the beginning of the leave, but in no circumstances later than fifteen (15) calendar days after notice of the need for leave. 29 CFR §825.302
- b. If the need for leave is not foreseeable, requests must be submitted in accordance with general leave request policies - barring extenuating circumstances which prevent notice by the employee, or employee's spokesperson, within that time frame. Documentation supporting the need for unforeseeable leave must be submitted no later than fifteen (15) calendar days after the beginning of the leave. 29 CFR §825.303
- c. Initial requests may be oral; however, employees must complete and submit to the Superintendent or designee a written request for FMLA leave.
- d. Employees requesting leave for which FMLA may apply are required to provide sufficient information to the District for a determination to be made whether the absence qualifies for FMLA leave coverage. The District is responsible for designating leave as FMLA if appropriate based on the information available without regard to an employee's request to have or not have the leave so designated. 29 CFR §825.301
- e. The following certifications are required to support requests for leave and must be provided, (see further explanation in Section V below):

- i. Eligible employees who apply for FMLA leave to care for an immediate family member must submit DOL Form WH-380-F; "Certification of Health Care Provider for Family Member's Serious Health Condition."
 - ii. Eligible employees who apply for FMLA leave for the employee's own serious health condition must submit DOL Form WH-380-E;"Certification of Health Care Provider for Employee's Serious Health Condition."
 - iii. Eligible employees who apply for Military Caregiver Leave must submit DOL Form WH-385; "Certification for Serious Injury or Illness of Covered Service Member- for Military Family Leave". The form may be completed by a Department of Defense (DOD) health care provider, Veterans Affairs health care provider, a DOD TRICARE network authorized private health care provider, or a DOD non-network TRICARE authorized private health care provider. Additionally, with respect to Military Caregiver Leave, the District will accept the submission of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA), in lieu of the DOL Form, for the time period specified in the ITO or ITA, if there is an immediate need for employee at the service member's bedside. The ITO or ITA submitted by the employee need not list the employee as the named recipient of the ITO/ITA, provided the employee is the spouse, parent, son, daughter or next of kin of the covered service member. If the covered service member's need for care extends beyond the expiration date specified in the ITO or ITA, the employee is responsible for submitting the DOL Form for the remainder of the employee's leave period.
- f. The following documentation may be required to support requests for leave, and must be provided if requested: 29 CFR §825.302(c)
- i. documentation of the qualifying exigency includes a copy of the orders for active duty and, if the leave is to meet with a third party, contact information and the purpose of the meeting; 29 CFR §825.309
 - ii. documentation of the birth, adoption, or foster care relationship for which parenting leave is requested;
 - iii. documentation of family relationship(s) may be required. 29 CFR §825.122(k)
- g. Leave may be taken in increments of no less than half days. 29 CFR §825.205(a)
- h. Leave requested for birth, adoption, or foster care placement must be taken within one (1) year of the birth or initial placement. 29 CFR §825.120(a)(2) and 29 CFR §825.121(a)(2)

IV. Employee Certifications and HIPAA Release

For employee certifications, the Superintendent or designee shall attach a statement of the essential functions of the employee's position for the health care provider to review. In order for the Certification Form to be considered sufficient, the health care provider must specify what function of the employee's position the employee is unable to perform so that the District can then determine whether the employee is unable to perform one (1) or more essential functions of the employee's position.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the District to support the employee's FMLA request. 29 CFR §825.307

In all instances in which certification is requested, it is the employee's responsibility to provide the District with complete and sufficient certification, and failure to do so may result in denial of FMLA leave. 29 CFR §825.307

Eligible employees who apply for FMLA to care for an immediate family member, for the employee's own serious health condition, or Military Caregiver Leave may be asked to execute and provide to his/her health care provider a HIPAA-compliant release form if the District needs to clarify or authenticate the Certification. If the employee does not provide the necessary authorization and does not otherwise clarify the certification, then the District may deny FMLA leave. 29 CFR §825.307

If the Superintendent or designee deems a medical certification to be incomplete or insufficient, the Superintendent shall notify the employee, in writing, what information is lacking, and the employee will have seven (7) calendar days to cure the deficiency. The Superintendent or designee (not the employee's direct supervisor) may contact the certifying health care provider for clarification concerning or to authenticate the content of a medical certification provided proper privacy releases have been made. The District shall not ask the health care provider for additional information beyond that required by the certification form. 29 CFR §825.307

All of the certifications identified above must be submitted by the employee within fifteen (15) calendar days after the District provides the employee with the applicable DOL Form, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

V. Recertification

- a. If the employee's need for FMLA leave lasts beyond a single FMLA leave year, the District may require the employee to provide a new medical certification in each new FMLA leave year. 29 CFR §825.305
- b. Notwithstanding C below, the District may require employees to provide recertification of the medical necessity for intermittent leave every six (6) months in conjunction with an absence even if the certification is for a lifetime condition. 29 CFR §825.308(b)
- c. Upon expiration of the minimum duration of a condition certified as lasting more than 30 days, the District may request recertification no more than once every thirty (30) days in conjunction with an employee's absence unless:
 - i. the employee requests an extension of the leave;
 - ii. circumstances described by the previous certification have changed significantly

- (e.g. the duration of the illness, the nature of the illness, complications); or
 - iii. the District receives information that casts doubt upon the continuing validity of the certification.
 - b. Re-certifications are at the employee's expense. No second or third opinion on recertification may be required other than the annual certification.
 - c. Re-certifications are not permitted for leave to care for a covered service member if the documentation is issued by Department of Defense, Veterans Administration, or TRICARE or because of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active duty or call to active duty status for deployment to a foreign country.
- 29 CFR §825.308

VI. Second Opinion

The District may require a second medical opinion of an original certification by a Health Care Provider who does not regularly contract with the District. Pending receipt of the second (or third) medical opinion, an employee is provisionally entitled to FMLA benefits, including maintenance of group health benefits. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under the District's established leave policies. The District must reimburse an employee or the employee's spouse, parent, or child for any reasonable "out of pocket" travel expenses incurred to obtain the second opinion. If the opinion of the employee's and the District's designated Health Care Providers differ, the District shall require the employee to obtain certification from a third Health Care Provider, again at the District's expense. This third opinion shall be final and binding. The third Health Care Provider must be designated or approved by both employee and District acting in good faith to attempt to reach an agreement. The District shall provide the employee with a copy of the second and third medical opinions upon request. 29 CFR §825.307

VII. Use of Paid Leave

- a. Any use of compensatory time or paid sick leave for an FMLA-qualifying absence will run concurrently with the FMLA designation.
- b. The District shall designate paid or unpaid leave as FMLA within five (5) business days absent extenuating circumstances, if all the following apply:
 - o The employer has compelling information based on information provided by the employee that leave was taken for an FMLA-qualifying event; and
 - o The employee is properly notified of his/her FMLA rights.
- c. Employees shall be required to use any available sick leave simultaneously with FMLA after exhausting any available compensatory time as required above and prior to use of other accrued benefit leave (vacation or personal leave but may save a combined total of 5 days so all paid time is not exhausted during an approved FMLA leave).
- d. Employees may request to use vacation and/or personal leave simultaneously with FMLA leave for an FMLA-qualifying absence.
- e. FMLA leave may run concurrently with Workers' Compensation if the absence qualifies

for both programs.

- f. The employee shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.
- g. Whether FMLA leave is paid, unpaid, or a combination, the limits in Section II apply.

VIII. Intermittent Use of FMLA

- a. Employees are entitled to take intermittent leave for the employee's serious health condition or due to the serious health condition of a parent, spouse, or child, or to care for a covered service member or because of a qualifying exigency. 29 CFR §825.202
- b. To be entitled to intermittent leave, the employee must submit certification to establish the medical necessity of the leave (e.g. periodic testing and treatments) and work with the District to determine a schedule of treatments that causes the least disruption to operations subject to the approval of the health care provider. The District may consider a temporary transfer to an alternative, comparable position which better accommodates the intermittent leave or reduced schedule for planned medical treatment.
- c. The District may grant employees intermittent leave or a reduced work schedule for the birth or placement of a child if operational needs allow such intermittent leave or a reduced work schedule. Such leaves/schedule must be discussed and agreed upon by the employee and the District prior to the commencement of such leave/schedule.
- d. When planning medical treatment, the employee must consult with the District and make a reasonable effort to schedule the leave so as not to disrupt unduly the District's operations, subject to the approval of the Health Care Provider. 29 CFR §825.302(e)

IX. Provisions Specific to Instructional Employees

A. Leave for More than 20% of Working Days During Leave Period

If an Instructional Employee needs intermittent leave or leave on a reduced schedule to care for a family member with a serious health condition, to care for a covered service member, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than twenty percent (20%) of the total number of working days over the period the leave would extend, the District may require the Instructional Employee to choose either to:

- Take leave for a period or period of a particular duration, not greater than the duration of the planned treatment; or
- Transfer temporarily to an available position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than the Instructional Employee's regular position. 29 CFR §825.601

B. Limitations on Leave Near the End of a Semester

Any leave or return from leave by instructional employees during the last five (5) weeks of a semester shall be reviewed individually by the Superintendent to minimize disruption to the students' program.

X. Military Family Leave Entitlement

A. Military Caregiver Leave

Eligible employees may take up to twenty-six (26) weeks of unpaid FMLA leave, in a "single 12-month period," to care for a covered service member with a serious injury or illness. The "single 12-month period" begins on the first day the eligible employee takes Military Caregiver Leave and ends twelve (12) months after that date. If the employee does not use his/her entire twenty-six (26) work weeks leave entitlement during the "single 12-month period" of leave, the remaining work weeks of leave are forfeited. 29 CFR § 825.127

For purposes of Military Caregiver Leave, the covered service member may be a member of either the Regular Armed Forces or the National Guard/Reserves. Former members, including retired members, of the Regular Armed Forces or the National Guard/Reserves, and those service members on the permanent disability retired list, are not covered service members. 29 CFR § 825.127(b)

The term "next of kin" means the service member's nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of Military Caregiver Leave under the FMLA, in which case the designated individual shall be deemed to be the covered service member's next of kin. All family members sharing the closest level of familial relationship to the covered service member are considered the covered service member's next of kin, unless the covered service member has specifically designated an individual as his/her next of kin for Military Caregiver Leave purposes. While an eligible employee may care for more than one (1) seriously injured or ill covered service member at the same time, the employee may not take more than twenty-six (26) work weeks of leave during each "single 12-month period." 29 CFR § 825.127(d)

Military Caregiver Leave is a "per-service member, per-injury" entitlement. Therefore, an eligible employee may take twenty-six (26) workweeks of leave to care for one (1) covered service member in a "single 12-month period," and then take another twenty-six (26) work weeks of leave in a different "single 12-month period" to care for another covered service member or to care for the same service member with a subsequent serious injury or illness (e.g., if the service member is returned to active duty and suffers

another injury). Additionally, an eligible employee could take FMLA leave, after the end of the "single 12-month period" for Military Caregiver Leave, to care for a covered service member if the member is a qualifying family member under non-military FMLA and s/he has a serious health condition. 29 CFR § 825.127(e)

B. Qualifying Exigency Leave

Eligible employees may take up to twelve (12) weeks of unpaid FMLA leave for any of the following qualifying exigencies that are related to the fact that the employee's spouse, son, daughter or parent is on active duty, or has been notified of an impending call or order to active duty to support a contingency operation:

1. Issues arising from a covered military member's short-notice deployment (i.e., deployment on seven (7) or less calendar days of notice) for a period of seven (7) days from the date of notification.
2. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
3. Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new District or day care facility, and attending certain meetings at a District or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing child care on a routine, regular or everyday basis).
4. Making or updating financial and legal arrangements to address a covered military member's absence (e.g., preparing and executing financial and healthcare power of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust).
5. Attending counseling provided by someone other than a healthcare provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
6. Taking up to five (5) days of leave to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the deployment.

7. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member.
8. Parental care, of a parent of the military member who is incapable of self-care, and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative care for a parent, to provide care on a non-routine, urgent, immediate need basis to a parent, admitting or transferring a parent in a new care facility, and attending certain meetings with staff at a care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing parental care on a routine, regular or everyday basis).
9. Any other event that the employee and the Board agree is a qualifying exigency.

Eligible employees who apply for FMLA leave for Qualifying Exigency Leave must submit DOL Form WH-384; "Certification of Qualifying Exigency for Military Family Leave". Specifically, the first time the employee requests Qualifying Exigency Leave, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military that indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service. Additionally, each time that the employee requests leave for one of the above-listed qualifying exigencies, the employee must certify the exigency necessitating leave. Such certification supporting leave for a qualifying exigency includes:

- a. appropriate facts supporting the need for leave, including any available written documentation supporting the request;
- b. the date on which the qualifying exigency commenced or will commence and the end date;
- c. where leave will be needed on an Intermittent basis, the frequency and duration of the qualifying exigency; and
- d. appropriate contact information if the exigency involves meeting with a third party.

Employees are advised that if the qualifying exigency involves a meeting with a third party, the Superintendent or designee may verify the schedule and purpose of the meeting with the third party. Also, the Superintendent or designee may contact the appropriate unit of the Department of Defense to confirm that the covered military member is on active duty or call to active duty status.

XI. Light Duty

Time spent performing "light duty" work does not count against an employee's FMLA leave entitlement.

XII. District Notices to Employees

A. Duty to Inquire

The District must inquire further to determine whether an absence may be covered by FMLA, in circumstances where information provided by the employee, or the employee's spokesperson if the employee is unable to provide the information personally, indicates that FMLA may be appropriate but additional information is required for a definitive determination. 29 CFR §825.301.

B. Notices

If the information included in The Employee's Rights and Responsibilities Notice changes, the Superintendent or designee will inform the employee of such changes within five (5) business days of receipt of the employee's first notice of the need for FMLA leave subsequent to any change. The Director of Human Resources is charged with responsively answering questions from employees concerning their rights and responsibilities. 29 CFR §825.300.

The District is responsible for designating leave as FMLA-qualifying and for giving notice of the designation to the employee. When the District has enough information to determine whether the leave is being taken for an FMLA-qualifying reason, the District must notify the employee that the leave will be designated and will be counted as FMLA leave within five (5) business days absent extenuating circumstances. 29 CFR §825.300(d).

The District must provide the required forms and identify the fifteen (15) calendar day time limit for submission of completed forms and the consequences for failure to submit the documentation within the fifteen (15) calendar day time limit. 29 CFR §825.300. The District should provisionally designate an employee's leave as FMLA-qualifying in the interim prior to the employee's return of required certification. It is the employee's responsibility to provide the District with complete and sufficient certification. Failure to provide the required Certification may result in a delay, denial of FMLA-qualifying leave, or unauthorized leave subject to disciplinary action.

If it is not possible to provide the number of hours, days or weeks that will be counted as FMLA leave (e.g., where the leave will be unscheduled), the Superintendent or designee will provide this information upon request by the employee, but no more often than every thirty (30) days and only if leave was taken during the period. The notice of the amount of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing, no later than the following payday that is at least one (1) week after the oral notice. Such notice may be in any form, including a notation on the employee's pay stub. 29 CFR §825.300.

XIII. FMLA Leave and Mandatory Overtime

Employees with proper medical certification may use FMLA leave in lieu of working required overtime hours. Thus, hours that an employee would have been required to work but for the taking of FMLA leave will be counted against the employee's FMLA entitlement.

XIV. Calculating the Amount of FMLA Leave Used by an Employee

The actual workweek is the basis of leave entitlement. For example, if an employee who would otherwise work 40 hours a week takes off eight (8) hours, the employee would use one-fifth (1/5) of a week of FMLA leave.

For purposes of determining the amount of FMLA leave used by an employee, the fact that a holiday may occur within the work week taken as FMLA has no effect; the week is counted as a week of FMLA leave. If, however, the employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, when an employee is not scheduled to work during winter, spring, or summer vacation (i.e., during a period when some or all employees are not expected to work for one (1) or more weeks), the days the employee is not scheduled to work shall not count against the employee's FMLA leave entitlement. 29 CFR 825.601

XV. Maintenance of Employee Benefits

The same group health plan benefits provided to an employee prior to taking FMLA leave shall be maintained during the FMLA leave (e.g., if family member coverage is provided to an employee, family member coverage shall be maintained during the FMLA leave). Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., shall be maintained during leave if provided in the District's group health plan, including a supplement to a group plan.

If an employee chooses not to retain group health plan coverage during FMLA leave, the employee will be reinstated, upon return from leave, on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.

The District is required to continue paying the employer's portion of health insurance premiums during approved FMLA. Employees are required to continue paying the employee's portion of health insurance premiums during FMLA. Employees shall be given a thirty-day grace period from the due date of their health insurance premium. Employees who fail to pay their portion of the health insurance premium within this grace period may, with fifteen days' notice, be removed from their respective health insurance plan.

The District may seek reimbursement for any health insurance premiums paid on behalf of the employee if the employee fails to return to work after FMLA, unless the reason for the employee failing to return to work is due to the continuation or recurrence of the serious health condition or is otherwise beyond the employee's control as defined in the FMLA.

XVI. Reinstatement

The employee is responsible for notifying the District of his/her intent to return or not to return to work. Employees are entitled to reinstatement to the same or similar position upon return from FMLA.

If an employee who has exhausted his/her entitlement to FMLA remains on leave under provisions of workers' compensation, disability plan, or as a reasonable accommodation under the Americans with Disabilities Act (ADA), the District is responsible for applying the reinstatement requirements under the applicable law or program rather than the reinstatement provisions under FMLA.

An employee who fraudulently obtains FMLA leave is not protected by the FMLA and is not protected by its job restoration or maintenance of health benefits provisions.

UNPAID LEAVE

This policy applies to support staff employees who do not qualify for FMLA leave, who have exhausted FMLA leave but may still require additional unpaid leave, or who have other extenuating circumstances that may require the use of unpaid leave. The District recognizes the importance of providing unpaid leave to employees in circumstances such as these that are beyond employees' reasonable control and therefore offers this policy. Reasonable accommodations necessary for the employee to perform the essential functions of their position (ADA accommodations) will be considered when determining whether unpaid leave requests are granted.

Absenteeism is one of the most serious problems any employer faces. It is harmful to both the employer and employee. The District considers repeated or habitual absences to be unacceptable and may result in disciplinary action up to and including termination. However, the District also realizes that there will be some exceptions, such as extended illness, that require special consideration.

The District will not routinely grant unpaid personal leaves of absence. All available paid leave days must be used before an employee may request additional unpaid leave. The District reserves the right to grant an unpaid personal leave of absence on an individual basis and in its sole discretion. The decision to grant an unpaid leave will be based on the length of requested leave, the employee's length of service, the employee's past job performance, the overall

operational needs of the District, and whether the leave request is based on unforeseen circumstances such as an employee's extended illness.

The employee will complete an Unpaid Leave Request Form when requesting leave that falls into this category. If the employee's leave is not approved, the employee will be expected to voluntarily terminate employment due to the fact that the employee is unwilling or unable to fulfill the attendance requirements of the position, even with a reasonable accommodation.

COURT DUTY

Full time employees will receive the difference between their daily salary and witness or jury pay when they are subpoenaed as a witness in court or to serve as a juror. However, employees will not receive such payment if absent due to personal litigation. It is the employee's responsibility to secure from the court, and provide to their immediate supervisor, verification of the court duty and the amount of payment for such duty or a waiver.

RESIGNATION/TERMINATION

Support staff employees are "at-will" employees and may be terminated at any time with or without cause or advance notice. Employees may resign at any time. An employee shall give at least a two (2) week written notice of their intention to resign. The reason for resignation should be included in the written notice. The supervisor has final authority whether he/she will allow the employee to continue working throughout the notice period. The same notice period shall be given by the District if employment is to be discontinued, except in the case of immediate dismissal. The District shall treat an employee as voluntarily resigning following an employee's failure to notify their supervisor or a designee of absences for three (3) scheduled workdays. The resignation/termination date shall be coterminous with the last date actually worked. No sick, personal or vacation time will be granted during the notice period without specific written permission from Human Resources. Final payment of vacation pay will be contingent upon satisfactory completion of all assigned work and return of any property.

Recommendation for dismissal may be made by the building principal and/or appropriate administrator to the Director of Human Resources.

The notification of dismissal will be made to the Board of Education by the Superintendent and/or the Director of Human Resources.

Employees dismissed for just cause will not be rehired.

Upon separation, employees will not be paid for any transferred or accrued vacation days for the current school year that were not earned by working the full school year.

Employees will be paid vacation balances that have been earned. Employees will not be paid for any unused sick, personal, or any family illness leave days. Unused sick days may be reinstated for rehired employees by the employer.

EMPLOYEE REFERENCE POLICY

Administrators and other supervisors may provide a reference for current or former employees with prior authorization from the Director of Human Resources. In the event an employee has separated from employment and the School receives a request for information from a prospective future employer, the Director of Human Resources will provide the employee's start and end dates, ending title and ending salary. If the former employee submits a signed release statement or initiates a request through the Central Indiana AppliTrack Consortium service, additional information may be provided as deemed appropriate by the Director of Human Resources. The Director of Human Resources may also provide additional information as may be required by law.

UNEMPLOYMENT COMPENSATION

Employees are eligible for benefits under this statutory program, but only within specific restrictions. Information about this program can be reviewed at <http://www.in.gov/dwd/2334.htm>.

RULES OF CONDUCT

The following rules of conduct create a positive work environment. Employees who violate these rules and regulations are not performing in the best interest of the District and their co-workers. By way of example, rather than limitation, the following conduct provides sufficient cause for disciplinary action up to and including discharge:

- A. Abusive, unprofessional, or inconsiderate treatment of fellow employees, students, visitors, and/or the public.
- B. Insubordination or neglect of duty.
- C. Deliberately giving false information on employment application, time records, or other records or altering, removing or destroying records, reports, or documents without authorization.
- D. Any unauthorized removal of property from the District, i.e. theft.
- E. Being under the influence of, or in possession of alcohol, illegal drugs, or controlled substances at work and not properly prescribed for the employee by a physician.
- F. Fighting or inappropriate conduct on the District's property, including the use of profanity, verbal abuse, or violent acts or threats.
- G. Sleeping during working hours.
- H. Illegal gambling on property or while on duty.
- I. Failure of the employee to report arrest, the filing of criminal charges, and/or the conviction of criminal offenses to his/her supervisor or the Superintendent within two (2) business days of the occurrence.
- J. Failure to respect confidentiality of information and records.
- K. Deliberate careless handling of materials resulting in damage to the District's property.

- L. Possession of a firearm in a school building or on school property while on duty as a school employee unless the firearm is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle or stored out of plain sight in the employee's locked vehicle.
- M. Acts of harassment or intimidation toward another employee.
- N. Excessive absenteeism or tardiness, or unauthorized departure from work (abandonment of job duties).
- O. Serious misconduct or criticism of authority, i.e., misconduct of a nature that would bring discredit and/or harm upon the District.
- P. Failure to meet and maintain established standards of performance as provided in job descriptions and performance appraisal criteria.
- Q. Smoking on property.
- R. Failure to report accidents, damaged equipment, or other hazardous conditions.
- S. Absence from assigned duty station without permission of the employee's supervisor.
- T. Violation of fire or safety regulations.
- U. Violations of rules or regulations published by any of the divisions, departments, or offices of the District or any resolutions, policies, rules or regulations adopted by the Board.
- V. Unsatisfactory performance or conduct

Steps of progressive discipline procedures may be waived for severe infractions.

DRUG FREE WORKPLACE

The School board believes that quality education is not possible in an environment affected by drugs. It will seek therefore to establish and maintain an educational setting not tainted by the use or evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, and any other drug paraphernalia, by any member of the District's professional staff at any time while on District property or while involved in any District-related activity or event.

Further, any staff member found in possession of, use, distribution/dispersing of any illegal substance at any time will be subject to disciplinary action which may lead to termination.

REASONABLE SUSPICION TESTING

Employees are subject to testing based on (but not limited to) observations by the supervision of apparent workplace use, possession or impairment. Human Resources should be consulted before sending an employee for testing. The supervisor in cooperation with Human Resources will document the specific observations and behaviors that create a reasonable suspicion. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A Human Resources or a supervisor level employee must escort the employee. Arrangements will also be made for the employee to be transported home. The actual cost for drug and alcohol impairment testing required by the District of its employees will be paid by the district. The District will provide or will pay reasonable transportation costs to its employees for travel to and from the testing facility.

STAFF DRESS AND GROOMING

Staff dress and grooming directly reflect the professional standards established in the District. Due to the visibility of our staff to students, other staff members, and the public, the District expects all employees to be dressed and well groomed.

Staff members assigned to District duty are expected to:

- A. Be physically clean, neat, and well groomed;
- B. Dress in a manner that reflects their position and setting in the district. For example, the dress of a fourth grade teacher may be different than a physical education instructor. The dress of an instructional assistant may be different than maintenance personnel.
- C. Cover tattoos that are offensive.
- D. Not wear any visible body piercings with the exception of pierced ears. Clear or flesh spacers are allowed to fill piercings.
- E. Be groomed in such a way that their dress or hair does not disrupt the educational process or cause a health/safety hazard;
- F. Wear the prescribed uniform as applicable and prescribed by the District.

The District will provide a reasonable accommodation from the foregoing dress requirements because of an employee's religious practices, disability, medical condition, or for other legitimate reasons, unless such reasonable accommodation imposes an undue hardship. Employees are encouraged to contact Human Resources if they think they are in need of a reasonable accommodation.

HOLIDAYS

Clerical staff employed less than 12-months (260 days per contract year) are paid only for Labor Day and the last Friday of Fall Break but must be regularly scheduled employees. All other less than 12 month employees are not paid for any holidays. To be eligible to receive holiday pay, an employee must be in a paid status the day before and after the holiday.

2018-2019 Holiday Schedule

July 4
Labor Day – September 3
Friday of Fall Break – October 19
Thanksgiving Break – November 21, 22, 23
Winter Break – December 24 – January 2
Friday of Spring Break – March 29
Memorial Day – May 27

Holiday Pay

All 12-month (260 days per contract year) non-exempt employees required to work on a paid holiday (excluding snow make-up days) will receive pay at two times the regular base hourly rate.

Bonus Days

Martin Luther King Day – January 21
President's Day – February 18

If the District issues a snow day on Martin Luther King Day and or President's Day, all 260 employees should make a conscientious effort to report on a designated snow day. If an employee is unable to work on a snow day, he/she must take the time off as a personal day or vacation day but will not be granted a sick day.

If a 260 employee has to work on a snow day, the Bonus Days will be worked as regularly scheduled days. No additional days off will be granted for working the Bonus Days. If the Bonus Days are not used as a snow day, employees will use the time as paid leave days.

If more than two snow days are used during the school year, the District will extend the school year calendar at the end of the school year by the number of snow days in excess of two.

EMERGENCY CONDITIONS

Emergency conditions such as severe weather, flood, or fire can disrupt operations and interfere with work schedules. Extreme circumstances may require unusual procedures to be followed to ensure student and staff safety. An employee is expected to use his/her best judgement if adverse weather creates extreme travel hazards commuting to and from the workplace. Employees should not endanger themselves nor ignore the statement of local law enforcement officials about traveling during adverse weather. 260 staff should make every effort to come to work and must notify the supervisor if she/she cannot get to the worksite. The following is a list of essential personnel in case of an emergency condition:

Superintendent
Associate Superintendent
Chief Technology Officer

Transportation

Director of Transportation
Transportation Coordinator
Special Services Coordinator
Fleet Supervisor
Fleet Assistant Supervisor
Mechanics

Facilities and Maintenance

Head Custodians
Head and Assistant Grounds Staff
Grounds Staff at SMS/PMMS, SHS/PMHS
Mechanical Systems Service at SHS/PMHS
Maintenance Personnel
Director of Facilities
Supervisor of Mechanical Systems
Supervisor of Custodial Services

If an essential exempt employee reports to work during an emergency condition, he/she would receive an additional personal day.

Essential hourly employees who report to work with their supervisor's approval will be paid time and a half for any hours worked on the specified emergency closing day.

Non-essential employees would be paid one and a half hours times their regular hourly rate per supervisor's approval if the Superintendent has required the employee the employee to work.

All 12-month (260 days per contract year) employees will be paid for the day in case of an emergency condition closing. In case of a two hour delay, all employees will be paid their daily rate.

All 12-month (260 days per contract year) employees must report to work at their scheduled time when there is a two hour delay.

Less than 12-month (260 days per contract year) employees, unless otherwise directed by their supervisor, will not report to work and will not be paid on the days schools are closed. They will work and be paid for rescheduled days(s).