

SUPPORT STAFF

HANDBOOK

2022-2023

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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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EMPLOYMENT

NATURE OF EMPLOYMENT

This handbook describes important information about Perry Township Schools (the “District”), and employees should understand they should consult the Human Resources (HR) Department at hrdept@perryschools.org regarding any questions not answered in the handbook.

The District complies with all applicable federal laws including but not limited to: Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Civil Rights Law passed as part of the Education Amendment of 1972, the Fair Labor Standards Act of 1938, the Occupational Safety and Health Act of 1970, American with Disabilities Act of 1990, as amended, the Family and Medical Leave Act of 1993, as amended, the Health Insurance Portability and Accountability Act of 1996, and the I-9 Immigration Reform and Control Act of 1986. Since the information, policies, and benefits described in the employee handbook are necessarily subject to change, employees need to acknowledge revisions to the handbook that may occur. All such changes will be communicated through official notices, and employees need to understand that such revisions may supersede, modify, or eliminate existing policies. Only the Superintendent has the authority to implement revisions to the policies in the handbook.

These policies will apply to full-time, part-time, temporary, and substitute support (non-classified) staff. Employees enter into the relationship with the District voluntarily and acknowledge that there is no specified length of employment. Accordingly, employment at will may be terminated with or without cause at any time.

This handbook is not a contract for employment nor a legal document. Employees need to understand it is their responsibility to read and comply with the policies contained in the handbook.

MISSION, VISION, AND VALUES

The Mission of Perry Township Schools is to provide educational opportunities that create a desire for lifelong learning that inspires all students to maximize their academic success.

The Vision of Perry Township Schools is that all students will be empowered to grow academically, socially, and behaviorally.

The Core Values of Perry Township Schools are Integrity, Respect, Collegiality, Empathy, Courage, Loyalty, and Commitment to Learning.

DIVERSITY, EQUITY, AND INCLUSION

The District is committed to creating a safe, supportive, and welcoming learning environment for all students and staff regardless of race, sex, religion, nationality, sexual identity, ability, or immigration status. We recognize the value and diversity that all staff, students, and families bring to the District and are committed to supporting an anti-racist culture free of racism, bias, and other forms of bigotry by:

- Providing a safe and welcoming place
- Promoting cultural diversity, and anti-racism ideals and practices

- Responding to areas of disproportionality to provide an inclusive and equitable learning environment
- Recruiting, retaining, and hiring staff who are committed to anti-racist ideals
- Supporting the enforcement of laws and policies that provide sanctions against racial and ethnic discrimination in education
- Supporting legislative reform
- Collaborating with policymakers, parents, and the public regarding how they can best support conversations about racism and bigotry in our multilingual and multicultural society

NON-DISCRIMINATION, ANTI-HARASSMENT AND ANTI-BULLYING

The District does not discriminate based on a protected class, including but not limited to sex, race, color, religion, national origin, ancestry, age, sexual orientation, gender identity, disability, or genetic information in the programs or activities in which it operates or the employment therein. The District strictly adheres to all non-discrimination and anti-harassment laws and does not tolerate acts of harassment or bullying. The HR Department monitors and ensures compliance with non-discrimination, anti-harassment, and anti-bullying processes involving staff members.

Employees who believe they have been discriminated against should notify their supervisor or the HR Department. Employees should give thought to the following:

- The exact nature of the complaint, how they may have been discriminated against, and any persons they believe may be responsible
- The date, time, and place of the event
- The witnesses or persons who know the complaint
- Any available documentation or evidence that is relevant to the complaint
- The action that could be taken to resolve the complaint

Employees who feel harassed, bullied, or discriminated against should contact HR, and HR will review the concerns. A Complaint Form for staff is available on the district website. An employee who has a complaint should voice their concerns immediately so the District can do its best to remedy the situation as quickly as possible.

EMPLOYMENT STATUS AND RECORDS

MANDATORY PAYROLL FORMS

The employee must complete a W-4 form for federal and a WH-4 for state income taxes to receive pay. Employees shall submit the electronic documents before the first day of employment and update any information changes.

PAYROLL DEDUCTIONS

According to law, 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. The District requires all employees to participate in direct deposit.

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. Flexible Spending Account (Medical and Dependent Care)
5. Group Term Life Insurance and Accidental Death and Dismemberment (no deduction)
6. Health Savings Account - with High Deductible Plan (HDHP) only
7. Tax-Deferred Annuity Program
8. PERF Employee Contributions
9. Voluntary Insurance Deductions (AFLAC, Supplemental Life, and Short-Term Disability)
10. Perry Township Education Foundation

COMPENSATION

The District will compensate each employee for the value of their contribution through their assigned work. The District will attempt to maintain a competitive wage relationship with similar school systems to retain qualified personnel.

The amount of annual pay raises will be determined by budget availability. A year of service is considered a minimum of 120 working days during the school year.

Substitute employees (those who do not work a set schedule or hours) are generally not given annual pay increases. These positions are not eligible for PERF contributions, and substitute hours are not counted for creditable years of service.

DIPLOMA, LICENSURE, AND CERTIFICATION VERIFICATION

The District employs individuals with proper licensure, certification, or registration by the appropriate agency in positions necessitating such requirements. The employee must maintain the license, certification, or registration and keep current if required. Failure to maintain appropriate licensure, certification, and/or registration may result in disciplinary action, including discharge from employment. Falsifying a degree or diploma on a resume or Application for Employment will result in disciplinary action, most likely resulting in dismissal from employment.

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.

EXPERIENCE AND SENIORITY/NEW HIRES:

1. All employees (excluding substitute and temporary employees) will be reviewed at the time of hire for relevant experience for salary determination to determine if they qualify for advance placement on the salary schedule. The following conditions will govern these placements:
2. Hiring Salary:
 - a. The District bases employee starting salaries on work experience and internal salary rates for comparable positions. A newly hired individual with relevant experience generally has a starting salary in the lower quarter of the range.
 - b. 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 depend on budget availability and may be retroactive to the first pay period following the first pay date in July. Employees become eligible for the increase after their first evaluation. Generally, support staff are evaluated beginning in March of each year. An employee hired after March 1st is not eligible for an increase in the year of hire.
3. Service:
 - a. Length of service in regular employment shall start from the first day of continuous work with the District.
4. Salary Schedule:
 - a. The District's wage and salary structure includes salary ranges for each position. The range serves as a guide and necessary control in assisting supervisors and HR in determining the salary offer for a candidate.
5. Employment Classifications:
 - a. **Exempt** - An exempt employee is not required to be paid overtime under applicable laws for work over forty (40) hours per week. Exempt employees are expected to work sufficient hours to complete the assigned tasks. Exempt employees are paid on a bi-weekly schedule.
 - b. **Non-exempt** - A non-exempt employee must 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 above forty (40) hours per week. Multiple rate positions are calculated based on a blended/weighted calculation. Non-exempt employees are paid on a bi-weekly schedule. Paid leave such as holiday, vacation, sick, bonus, or personal leave pay does not apply towards time worked.

NEW HIRE EVALUATION PERIOD

All support staff employees will serve a sixty (60) day new hire evaluation period to learn and understand performance standards defined by the job description.

The District retains the right to terminate employees who do not meet defined new hire expectations for job performance, behavior, or attendance standards during the initial evaluation period. Employees serving the initial new hire evaluation period must abide by personnel and other District policies.

Sick time will not be paid during the new hire and rehire evaluation period until the employee has reached sixty (60) days of employment. If an employee or family member is ill during the first sixty (60) calendar days, the employee will not be paid for the time off work. If the employee has accrued the time off, personal and vacation days may be used.

RESIGNATION/TERMINATION

Support staff employees are “at-will” employees and may be terminated 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. An employee who fails to provide two weeks’ notice will not be eligible for rehire without consultation from HR. The reason for resignation should be included in the written statement. The supervisor has final authority over whether they will allow the employee to continue working throughout the notice period. The District will code the employee as voluntarily resigned (job abandonment) from their position following an employee’s failure to notify their supervisor or a designee of absences for three (3) scheduled workdays and is ineligible for rehire. The resignation/separation date shall be coterminous with the last date worked. No sick, personal, or vacation time will be granted during the notice period (and would require extenuating circumstances such as being on an approved leave of absence) without specific written permission from HR. The final payment of vacation pay will be contingent upon completing all assigned work and returning any property. Employees must return their identification badge and all school property (including keys) no later than the last scheduled workday. The Perry Township Schools Police Department may be asked to assist if District property is not returned timely.

The building principal and/or appropriate administrator may recommend dismissal to HR. The school board's notification of dismissal will be made by the Superintendent and/or the HR Director. Employees dismissed for just cause will not be rehired unless extenuating circumstances can be documented and approved in advance by HR.

Employees will not be paid for any transferred or accrued vacation days for the current school year, which was not earned upon separation. Employees will be paid vacation balances that have been earned. Employees will not be paid for any unused sick, personal, or family illness days. Unused sick days may be reinstated for rehired employees by the District.

EMPLOYEE REFERENCE POLICY

Administrators and other supervisors may provide a reference for current or former employees if the supervisor has direct knowledge of the employee's work performance. HR will provide reference information that is verifiable from the personnel file. If an employee has separated from employment and the School receives a request for information from a prospective future employer, the HR Department will provide the employee's start and end dates, ending title, and ending salary. If the former employee submits a signed written release, additional information may be provided if verifiable from the personnel file. The Director of HR may also provide additional information 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>. All school year employees will be ineligible for unemployment compensation during scheduled breaks. The District will send an Assurance Letter at the end of each school year to those ineligible for unemployment during scheduled breaks.

WORKING CONDITIONS AND HOURS

TIME RECORDS

The District must keep accurate records of each employee's time worked. The time record will determine an employee's pay. Time and attendance records maintained by the employee's supervisor must verify payment for holidays, personal, sick, FMLA, vacations, any other leave, and overtime hours. Employees are expected to work their scheduled work hours. Leaving work early or arriving late to work may still be grounds for discipline, regardless of the rounding schedule. For example, if an employee's work schedule is from 7:30 AM to 3:30 PM, they are expected to work their entire work schedule. Clocking out at 3:23 PM is not working the whole workday, and the employee may be disciplined for leaving early.

Non-exempt employees must follow the below steps:

1. Following rounding of time to the nearest quarter hour for payroll, an employee must clock in or report in no sooner than seven (7) minutes before the beginning of the employee's shift.
2. Following rounding of time to the nearest quarter hour for payroll, an 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. The employee's supervisor must approve any corrections or changes on an employee's time record.
4. Different departments have different expectations regarding whether the employee is given a grace period for clocking in and the definition of late. For some departments, late is defined as

no later than the beginning of the scheduled shift time. For other departments, depending on the position, late may be defined within seven (7) minutes of the clock in schedule. An employee is responsible for knowing the department policy through the orientation process when meeting with the supervisor at the time of hire or during the annual evaluation process. The supervisor is responsible for setting the employee's schedule at the time of hire.

Falsifying or manipulating an employee's own or any other time record may result in discipline, including termination. Late arrival or early departure (without prior supervisory approval) may cause disciplinary action for non-exempt employees. If an employee is approved to take time off during the day to attend to a personal issue, an hourly employee must clock out and back in for the time they are not working. Any employee who fails to clock in or clock out must notify the department supervisor. The employee's responsibility is correct recording in and out each day, and the employee's supervisor checks and approves the total number of hours worked. An employee who regularly fails to clock in or out, necessitating the supervisor to adjust the time card, may receive disciplinary action for failing to follow expected timekeeping mandates per state and federal law.

OVERTIME PAY

Overtime pay is calculated based on the number of hours worked each workweek. (i.e., vacation leave, sick leave, holidays, and personal leave time will not count toward overtime pay). A workweek consists of seven (7) consecutive twenty-four (24)-hour periods, equaling 168 hours. Though the District does not permit overtime without prior authorization, for purposes of overtime calculations, the workweek begins Saturday at midnight and ends Friday at 11:59 pm. The District will comply with federal and state overtime laws.

Additional information on overtime laws can be viewed at www.dol.gov/whd/regs/compliance/whdfs23.pdf

REASSIGNMENT TO A DIFFERENT POSITION

Employees reassigned from a position in one salary range to a position in a different salary range will retain their seniority. However, if an employee transfers to a lower salary grade position, the salary may (and most likely will) be lowered or capped for future increases until the wage is within the range for the position.

When a position becomes available within the same department or school, supervisors will notify HR so the position may be justified and posted. Supervisors can determine when a position is posted externally. In all cases, unless waived by the Superintendent or designee, positions posted externally will be posted for a minimum of three (3) consecutive days. Jobs may be posted internally and /or externally as the supervisor or principal deems appropriate.

Employees who meet the qualifications for the position are typically afforded the courtesy of an interview; however, the supervisor is expected to select the best candidate for the position. Seniority within the District does not guarantee an employee assignment to an open position.

CONFLICT OF INTEREST AND NEPOTISM

Conflict of Interest

A conflict of interest occurs when an employee knowingly or intentionally benefits financially from a contract with the District or a purchase made by the District. Employees shall not engage in, nor have a financial interest in (directly or indirectly) any activity that conflicts or raises a reasonable question of conflict with their responsibilities to the District.

Any employee who believes they may have a conflict of interest must disclose the potential conflict annually on an electronic form available from HR.

Employees who fail to disclose the conflict of interest may be subject to disciplinary action.

Nepotism

Relatives of persons currently employed may be hired only if they are not working directly for or supervising a relative. A relative is defined as spouses, parents, grandparents, grandchildren, children, or siblings (in-law and step included). This policy may also apply to individuals who are not legally related but reside with or have an intimate or close personal relationship with another employee.

An employee must electronically disclose the relationship to HR to ensure the District adheres to the policy.

Employees who fail to disclose the relationship may be subject to disciplinary action.

SAFETY

Maintaining a safe work environment is the shared responsibility of the District 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).

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

All District-owned vehicles must be operated safely and responsibly, following local, state, and federal regulations to encourage drivers' and passengers' safety and minimize physical damage to the vehicles. All District vehicle drivers must possess a valid driver's license from the state of Indiana. If an employee who drives a District vehicle has more than four (4) points on their license or is charged with a serious traffic offense, the employee must report this immediately (not more than 48 hours) to the HR Department and Business Office, so the District's liability carrier is notified. An unfavorable record will result in the loss of school-owned vehicle driving privileges and potential termination of employment if driving is an essential job function.

If an employee is required to drive a personal vehicle to perform job duties, the employee must carry and maintain automobile liability and property damage coverage. An employee's coverage is primary in

the event of an accident. The District's policy will cover as long as the employee drives for District business, but only after exhausting personal liability limits. The District does not provide Comprehensive or Collision coverage for an employee's vehicle if in an accident.

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 must exercise care and follow all operating instructions, safety standards, and guidelines.

Employees must notify their supervisor of any equipment, machine, tool, or vehicle that appears damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent equipment deterioration and 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. Employees are prohibited from using district-owned equipment or supplies for personal use without prior approval by the building administrator or supervisor. Following Internal Control processes, failure to report personal use of District equipment or supplies may be grounds for immediate discharge.

SHOE REQUIREMENT

Child nutrition employees, custodians, mechanics, maintenance workers, and grounds employees must wear approved non-slip shoes as part of their daily dress while on the job. The supervisor will determine whether the shoes meet the standards of 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. Custodial staff must have laced shoes only. Different departments/buildings may have specific dress code standards, and the employee must follow the department dress code standards following communicated policy.

IDENTIFICATION BADGE

Wearing an ID badge is mandatory while working for the District. ID badges should be visible so all staff can be readily identified. The District will furnish an initial ID badge at its expense. If an employee loses an ID badge, they must report the loss immediately to the Perry Police Department due to the safety risk of potential unauthorized building access. A lost or damaged badge will necessitate an employee to pay for a new badge at the employee's expense. Employees who voluntarily or involuntarily terminate employment with the District must return their ID badge, keys, and computer no later than the last scheduled workday. The Perry Township Schools Police Department may be asked to assist if District property is not returned timely.

COMMUNICABLE DISEASE AND WORK STATUS

The District recognizes an employee with a life-threatening, infectious, or communicable illness such as cancer, heart disease, hepatitis, or AIDS may wish to continue work to the extent the condition allows. An employee with actual or suspected infectious or contagious conditions may be referred to the school nurse or HR. If the nurse or HR suspects an infection or communicable illness, the employee will be

advised to seek the service of their physician. If an employee is off work for three or more consecutive days because of a personal illness, they must present a medical release to return to work. The employee is expected to contact HR, or if notified, HR will contact the employee to determine FML eligibility. The decision to allow the employee to continue work will be based on the ability to meet normal performance standards and receipt of satisfactory medical evidence that the employee does not present a risk to themselves or others.

TOBACCO USE

An employee cannot consume or use tobacco while on District property. Tobacco includes any form of smoked tobacco products (i.e., cigarettes, cigars, pipes, electronic cigarettes, or vaping), applied to the gums (i.e., dipping, chewing tobacco, or snuff), and/or inhaled.

WORKERS' COMPENSATION

The District provides workers' compensation insurance in accordance with Indiana's Workers' Compensation Act. Workers' compensation insurance offers limited benefits to eligible workers for work-related injuries or illnesses requiring medical treatment. If an employee sustains work-related injuries or illnesses, they must promptly inform their supervisor immediately, no matter how minor the injury or illness appears. Effective March 1, 2022, all injured employees must call Paradigm, our Workers' Compensation liaison, to verbally report an injury. The Paradigm phone number is 1-844-454-1143. Paradigm will triage all medical care and coordinate reporting to the HR Department. All injury-related questions should be directed to the HR department or the workcomp@perryschools.org email.

Benefits are generally available after a waiting period. Worker's compensation benefits will not be available for the first seven (7) calendar days unless the disability continues for longer than twenty-one (21) calendar days. Thus, the employee may use sick, personal, and/or vacation leave for the first seven (7) calendar days off due to an injury on the job. Vacation or personal leave will not be used unless instructed by the employee. If the employee does not have adequate leave to cover the seven (7) calendar days, the employee will have to be off work without pay.

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

In the event an employee is required to be absent due to an injury sustained as a result of an assault or battery which is determined to be compensable under workers' compensation laws while the employee is appropriately discharging their duties, the employee shall receive the difference between the daily rate paid through worker's compensation and the employee's daily rate for a period up to the number of days in the employee's scheduled workdays for the school year and shall not be charged against the employee's sick leave. The District may require an independent medical or psychological examination at the District's expense if there is a question about the employee's condition. The HR Department shall assist the employee in filing all necessary forms for workers' compensation. Employees must comply with the worker's compensation reporting provision to receive the benefits.

As promptly as the nature of the assault or battery allows, the employee shall report to their supervisor all cases of assault or battery, whether injured or not, connected with their employment. The

supervisor shall, in turn, promptly inform the HR department in writing with a copy of the report being given to the supervisor or building administrator.

Paradigm will work with the employee to direct the appropriate care level at a district-approved provider. Personal physicians are not allowed under Workers' Compensation, and generally, employees are required to seek medical care at the following clinic.

Franciscan Working Well

747 E. County Line Road

Greenwood, IN 46143

Phone: 317-528-8009

For injuries between 7 AM- 7 PM

All injury related questions, including after hours, always call Paradigm at 1-844-454-1143 for guidance.

For more information on Indiana Workers' Compensation, please visit the following link:

<https://www.in.gov/wcb/2382.htm>

RETURN TO WORK POLICY:

The District has a Return to Work program to cover any employee who cannot perform their regular work duties due to an injury incurred on the job. The essential concepts of this program are outlined below:

Our District's goal is 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. Injured employees remain an active and vital part of the District by providing temporary, alternate duty, or modified duty work activity. Return to Work duties may be in the form of changed responsibilities 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 that 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.

If an employee cannot return to their position due to restrictions, the District will determine if a position that meets the new position pay rate restrictions is available. However, if an employee can't return to work after 180 days, the employee will be separated from service.

Worker's Compensation may run concurrently with FMLA.

Employee Procedures:

All work-related injuries should always be reported immediately to the employee's supervisor and no later than the end of the shift when the injury occurs. Every employee is responsible for calling Paradigm the first step in injury reporting. An employee who fails to report an injury timely (no more

than five (5) days after the date of injury) will be subject to the disciplinary process as the District must meet the Indiana “First Report of Injury” requirements.

An Indiana Workers’ Compensation First Report of Employee Injury/Illness form will be completed after HR receives the report from Paradigm.

When medical treatment is sought, the employee must advise the supervisor and call Paradigm to ensure the provider is aware of the employee seeking medical care for a potential workers’ comp injury. Paradigm will provide the locations of the District’s approved medical providers. The attending physician will complete a Return to Work Evaluation form, which must be returned to the supervisor, and a copy sent to HR on the same day as the appointment. Specialists and personal physician visits will also require a Return to Work Evaluation form.

An employee approved for medical treatment will be paid for the date of the injury if unable to return to regular duty on the date of the injury. All follow-up care, including physical therapy appointments, should be scheduled outside the employee’s regular work schedule and is not considered paid work time. If an employee can only schedule appointments during the workday with prior supervisory approval, the employee must clock out and be unpaid for the appointments. The employee cannot use scheduled lunch breaks for appointments without clocking out as lunchtime is unpaid time.

Under the “Return to Work” program, temporary modified duty work may be available for up to 180 days (with frequent review) while temporarily unable to work in an employee’s regular job capacity.

If the employee is unable to return to their regular job but can perform alternate duty work, the District will maintain the employee in the light-duty assignment (if available given the work restrictions) until the employee reaches Maximum Medical Improvement (MMI) or will pay Temporary Total Disability (TTD) until such time frame if light duty is not available for a maximum 180 calendar days. If an employee reaches the MMI, workers’ compensation ends, and there is no obligation to continue light duty if the employee has permanent restrictions. If a position is open and available that satisfies the permanent restrictions that the injured worker is qualified for, the injured worker will be considered for the new position at the pay rate for the new position. An employee’s failure to accept the new position may not be eligible for full benefits under the worker’s comp program. It may disqualify certain employee benefits or separation from employment.

If the employee cannot return to work at the end of 180 days, the employee will be eligible for Long Term Disability (LTD). When an employee transitions to LTD, the employment relationship is separated. If the employee can return to work at a later date, the employee must apply for an open position as an external candidate.

Employees who can never return to their previous position may ask for reassignment to a different position as a “reasonable accommodation of last resort” under the ADA. The District will attempt to accommodate the employee with an existing vacant position at the current pay range but will not be obligated to create a new position for the employee.

Additional information may be obtained by contacting the HR Department. Workers’ Compensation may run concurrently with Family Medical Leave.

MANDATORY TRAINING EXPECTATIONS

Employees whose job competencies require them to attend or view mandatory training classes must attend or complete the training classes no later than the expiration date of the course. If there are extenuating circumstances (approved FMLA or death in the family) that preclude an employee from completing the training within the required time frame, the employee must provide a written explanation to the supervisor, who will then forward it to HR. An employee who fails to complete mandatory training by the due date may be suspended without pay until training has been completed and may be required to take the training on their own time and at their own expense. An employee on approved leave will have up to thirty (30) days after returning from leave to complete the mandatory training that expired during the employee's approved time off.

If approved in advance by the Department Head, employees assigned training (virtual or in-person) during severe weather days must complete training on the severe weather day(s). Failure to complete the training on the designated day will result in a day without pay.

EMPLOYEE CONDUCT AND WORK RULES

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 District's and their co-worker's best interest. By way of example, rather than limitation, the following conduct provides sufficient cause for disciplinary action up to and including discharge:

1. Abusive, unprofessional, or inconsiderate treatment of fellow employees, students, visitors, and/or the public.
2. Insubordination or neglect of duty.
3. Deliberately giving false information on an employment application, time records, or other records or altering, removing, or destroying records, reports, or documents without authorization.
4. Any unauthorized removal of property from the District, i.e., theft.
5. Being under the influence of or possessing alcohol, illegal drugs, or controlled substances at work and not properly prescribed for the employee by a physician.
6. Fighting or inappropriate conduct on the District's property, including the use of profanity, verbal abuse, or violent acts or threats.
7. Violence in the workplace, including bullying.
8. Sleeping during working hours.
9. Illegal gambling on property or while on duty.
10. Failure of the employee to report an arrest, the filing of criminal charges, and/or the conviction of criminal offenses to their supervisor or the Superintendent within 48 hours of the occurrence.
11. Failure to respect the confidentiality of information and records.
12. Deliberate, careless handling of materials resulting in damage to the District's property.
13. 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.

14. Acts of harassment or intimidation toward another employee.
15. Excessive absenteeism, tardiness, or unauthorized departure from work (abandonment of job duties) or being paid while not working (ghost employment).
16. Serious misconduct or criticism of authority, i.e., misconduct of a nature that would bring discredit and/or harm upon the District.
17. Failure to meet and maintain established performance standards as provided in job descriptions and performance appraisal criteria, including mandatory training expectations.
18. Use of tobacco on District property.
19. Failure to report accidents, damaged equipment, or other hazardous conditions.
20. Absence from assigned duty station without permission of the employee's supervisor.
21. Consistently failing to clock in or out when arriving or leaving work.
22. Violation of fire or safety regulations.
23. Violation of Social Media policy. Staff should review the handbook and the board policy regarding "Responsible Use of Social Media" on the District's website.
24. 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 District.
25. Failure to submit to a drug or alcohol test when there is cause for reasonable suspicion due to behavior or performance concerns.
26. Unsatisfactory performance or conduct.

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

Staff on a performance improvement plan may not receive a pay increase and may not transfer to another position within the District without HR consultation.

REQUIRED REPORTING

During employment with the District, an employee shall be required to immediately report to DCS or law enforcement any suspected child abuse and/or neglect; shall be required to report to law enforcement any suspected violations of law in the school environment (including, but not limited to harassment, battery, intimidation, or threats to staff, minor alcohol consumption, general controlled substance violations, and criminal organization activity); and shall be required to report their arrest or the filing of criminal charges against the employee; and conviction of criminal charges to their supervisor, HR or Superintendent or designee within 48 hours of the occurrence.

The Supervisor or designee shall obtain a review of each reported arrest and/or conviction. They shall recommend appropriate action to the District considering the risk to members of the school community presented by the employee's continued employment. Failure to self-report within forty-eight (48) hours may lead to a recommendation of termination for insubordination.

At any time during employment, if an employee is arrested or charged with a crime with DCS, the employee is required to report the arrest or charge within 48 hours to the supervisor. The supervisor will consult with HR as most DCS charges require an employee to go on an immediate "leave" status because of the proximity to children on the District's premises. Each case will be reviewed on a case-by-case basis but may subject the employee to immediate dismissal, depending on the allegation.

House Bill 1079-2017 requires the following:

1. The District must contact references and, if applicable, the most recent employer provided by a prospective employee before the District may hire the potential employee.
2. The District must conduct an expanded child protection index check concerning each applicant for employment before or not later than 60 days after the applicant's employment. Employees must comply by the deadline, or the District will separate employment until the DCS check returns as favorable.
3. The District must conduct an expanded criminal history check on each employee every five years. The expanded background check will be done through the HR Department in the fall. Employees will be notified if they must complete said expanded criminal history check. Employees must comply by the deadline, or the District has the right to discipline up to and including termination for non-compliance. An employee on approved leave will have up to thirty (30) days after returning from leave to complete the mandatory background check requested during the employee's approved time off.

RESPONSIBLE USE OF SOCIAL MEDIA

The District encourages responsible self-expression, and employees are expected to develop practices regarding social media that are consistent with this policy.

Social Media Defined

Social media includes but is not limited to all means of communicating or posting information or content of any sort on the Internet, including the employee's own or someone else's weblog or blog, journal or diary, personal website, social networking or affinity website, web bulletin District or a chat room, whether or not associated or affiliated with the employer.

General Provisions

Employees are responsible for monitoring their content postings, and they should be aware of privacy settings and deliberate about how they would like their content to be consumed. Employees should also assume that anything posted or shared online could become public information. Employees could be personally liable for defamatory, obscene, proprietary, or libelous content.

Employees shall not disclose any confidential information (information that is declared or permitted to be treated as confidential by State or Federal law or employer policy, including the Family Educational Rights and Privacy Act (FERPA)) obtained in the course of their employment about individuals or organizations, including students and/or their families or another member of the school community. For example, employees may never post a student's behavior or attendance on an employee's personal social media platform or website.

Official versus Personal Content

Unless specifically instructed, employees are not authorized to and therefore are restricted from speaking on behalf of the District. Employees should deliberately describe that their views expressed in a blog or on social networking sites are their own, not their employers. Using an employer's email address, job title, seal, logo, or letterhead is considered to represent the employer in an official capacity.

Other communications leading an average consumer to conclude that posted content was made in an official capacity could also be considered to represent the employer in an official capacity. Absent evidence of previous steps taken to distinguish content as personal expression, statements made in blogs or on social media networking sites may be perceived as being in the scope of the employee's official job duties. If the media or press contacts about their employer, employees should contact the Marketing and Communications Director or designee.

Employees are subject to discipline and employment termination for content that exceeds legal protections, even if they disclaim their expression as personal. For example, when making statements in blogs or social media networking sites, employees shall not make threatening, harassing, obscene, defamatory, or hostile comments. Employees also shall not knowingly or recklessly disregard the truth or make false statements of fact about the employer or its District members, students, or employees.

Communications with Students

Employees should not use social media for discussion with a student(s). All student/staff discussions must be on approved communication platforms, not personal cell phones or personal email.

Extra-curricular leaders may use group social media platforms to communicate with students about travel plans, schedule changes, and similar topics, provided the building administrator is aware of the communication platform.

Employees who wish to create websites for student support, such as listing athletic events or classroom support materials, shall have those sites approved by the administration and linked to employer websites. These pages are subject to all employer policies and procedures. Employees shall allow the Superintendent and/or designee to access any school-related social media site as a "friend," "follower," or similar access request.

Reporting Violations

Any violations of this policy should be shared with supervisors, managers, or the HR department. Violation of this policy will result in disciplinary action up to and including immediate termination.

USE OF COMMUNICATION SYSTEMS

Employees are provided access to the internet to assist them in performing their job. Email, instant messaging, text messaging, and voicemail can provide excellent communication with other employees and external resources. The internet, voice mail, and telephones must be tempered with common sense and good judgment.

Content created, stored, or received on the District's computer and/or telephone systems or created using District property may and likely will be reviewed by administrative staff and other authorized representatives. Employees should have no expectation of privacy in anything they create, store, or receive on the District systems, and the systems belong to the District and should be used for District purposes.

Material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate may not be sent by email or other forms of electronic communication (bulletin District systems, blogs, newsgroups, chat groups), downloaded from the internet, or displayed or stored in the District's computers. Employees encountering or receiving this kind of material should immediately report this to the supervisor.

DRUG-FREE WORKPLACE

The District believes quality education is not possible in an environment affected by illegal drugs. It will, therefore, seek to establish and maintain an educational setting not tainted by the use or evidence of the use of any controlled substance that is mood-altering except for appropriately prescribed medication reported to an employee's supervisor.

The District 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/distributing of any illegal substance at any time will be subject to disciplinary action, which may lead to termination. Employees who refuse to submit to a drug test when their behavior meets the reasonable suspicion standard due to behavior or performance concerns may be terminated.

Employees required to take medication prescribed by a physician that may impair job performance should report this to their supervisor. The treating physician may be asked to verify whether the medication may impair performance and identify precautions required to ensure the employee does not endanger themselves, co-workers, or students. If an employee cannot function safely or effectively while using prescribed medication, the employee may be placed on a medical leave of absence, alternate duty, suspended, or terminated, depending upon the time needed off from work.

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. HR should be consulted before taking an employee for testing, and the employee is required to use the clinic mandated by the District. In cooperation with HR, the supervisor will document the specific observations and behaviors that create reasonable suspicion. Under no circumstances will the employee be allowed to drive themselves to the testing facility. An HR or a supervisor-level employee must escort the employee. Arrangements will also be made for the employee to be transported home. The District will pay the actual cost for drug and alcohol impairment testing required by the District for its employees. The District will provide transportation costs to its employees to travel to and from the testing facility. An employee who fails testing or refuses a test may be subject to disciplinary action, including discharge from employment. Employees who admit they need assistance may be eligible for a last chance agreement with the EAP.

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 appropriately dressed and well-groomed. Different departments may have stricter or different dress code standards, and employees are expected to follow department policy. In the absence of department policy, the following applies:

Staff members assigned to District duty are expected to:

1. Be physically clean, neat, and well-groomed;
2. Dress in a manner that reflects their position and setting in the District. For example, the dress of an instructional assistant may be different from that of maintenance personnel.
3. Cover tattoos that are offensive.
4. Not wear any visible body piercings except for pierced ears. Clear or flesh spacers are allowed to fill piercings.
5. Be groomed in such a way that their dress or hair does not disrupt the educational process or cause a health/safety hazard;
6. Wear the prescribed uniform as applicable and approved by the District. Departments may have stricter grooming standards due to health codes, safety regulations, or professional standards. Department policy will be primary if the building policy differs.

The District will provide reasonable accommodation from the above dress requirements because of an employee's religious practices, disability, medical condition, or other legitimate reasons unless such reasonable accommodation imposes an undue hardship. Employees are encouraged to contact HR to request a reasonable accommodation.

WORKPLACE VIOLENCE

The District is committed to promoting a safe and secure work environment. All employees are expected to treat co-workers, students, families, and vendors in the workplace in a mature and professional manner. The following are examples of behavior that is considered violent, threatening, or harassing:

- Repeated abusive or profane language
- Bullying
- Allusions to violence against self or others
- Aggression, intimidation, or hostile behavior
- Dangerous pranks or aggressive horseplay
- Fighting or assault
- Persistent inappropriate anger or conflict
- Sexual harassment, stalking, or unwanted pursuit
- Refusal to respect the rights of others

Employees who become aware of troubling persons or situations that cause severe anxiety, stress, conflict, or fear are required to report such situations to their immediate supervisor, HR, or the police department

Employees who are aware of or are experiencing personal situations involving domestic or family violence that may adversely affect the safety and security of the workplace should report such situations to their immediate supervisor.

EMPLOYEE BENEFITS

HEALTH, DENTAL, AND VISION INSURANCE ELIGIBILITY AND EFFECTIVE DATES

An employee in an eligible position must work a minimum of thirty hours per week to participate in these benefit plans unless indicated differently on the information below.

All new, non-substitute or part-time eligible employees shall become eligible to participate in the insurance plans currently offered on the first of the month following thirty (30) days of continuous 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 portal within thirty (30) days of the eligibility date.

Every fall, eligible employees will be offered an open enrollment opportunity. Employees may elect to add/drop/change coverage during the annual open enrollment period, add or delete eligible dependents, or change the current health, dental, vision, and voluntary benefit options. Changes made during the open enrollment period will be effective on January 1. Changes outside of open enrollment are prohibited unless a Qualifying Life Event (change in family status) occurs.

A Qualifying Life Event or change in family or personal status shall be defined as a change in marital status, a change in employment status of either the employee or the employee's spouse, loss of coverage, or a change in family size. Employees shall have thirty (30) days from the Qualifying Life Event date to request coverage under the Plan. If coverage is not requested during the thirty-one (31) day period, the employee must wait until the next annual open enrollment period or next Qualifying Life Event, whichever occurs first.

Different employee groups have different employee deduction schedules for health, dental, and vision deduction schedules. Job class, workdays, and hours determine rates.

The District has a spousal carve-out provision for the health insurance plan following the Hoosier School Benefit Trust guidelines.

The District complies with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) and its amendments which give employees and their families who lose their health benefits the right to choose to continue group health benefits provided by the District for a limited period of time under certain circumstances such as a voluntary or involuntary job loss, reduction in the hours worked, the transition between jobs, death, divorce, and other life events. Qualified individuals will be required to pay the

premium for coverage up to 102% of the plan's cost. The District uses a third-party administrator for those who are COBRA eligible.

DENTAL INSURANCE

Dental insurance is available to employees and their eligible dependents. There are two dental plans available; basic and enhanced. Information regarding the dental plans is available in the Benefits Portal.

DISABILITY INSURANCE

Short-Term Disability (LTD) – see Voluntary Benefits

Long-Term Disability (STD) - The District pays the Long-Term Disability insurance premium for eligible employees who are regularly scheduled more than 20 hours per week. An eligible employee is automatically enrolled on the first of the month following thirty (30) days of employment, and the benefit terminates at the end of the month of active work. The waiting period for LTD is ninety (90) days.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The EAP offers short-term counseling to all employees and anyone who lives in their household. The EAP has numerous locations and can direct you to the office most convenient for you. An EAP counselor can also be reached by phone 24 hours a day. The EAP is confidential, and services are provided at no charge to you. The phone number to contact the EAP is 1-800-543-4158 or 317-621-7742.

HEALTH INSURANCE

Health insurance is available to eligible employees and their eligible dependents. There are two types of plans available; Traditional PPO and HDHP (high deductible health plan). Information regarding the health insurance plans is available in the Benefits Portal.

HEALTH SAVINGS ACCOUNT (HSA)

A Health Savings Account is available to eligible employees who participate in a high deductible health plan (HDHP). Information regarding the HSA is available in the Benefits Portal.

LIFE INSURANCE (TERM)

All employees regularly scheduled more than 20 hours per week will be enrolled on the 1st of the month following thirty (30) days of continuous employment. The District pays the total cost for the life insurance plan for eligible employees. The term life insurance coverage amount is \$50,000 and offers an Accidental Death and Dismemberment benefit. Beneficiaries for the life insurance plans should be reviewed and updated annually in the benefit portal.

PUBLIC EMPLOYEES' RETIREMENT FUND (PERF)

Employees scheduled to work 600 or more hours per year (3.5 hours per day) and not classified as substitute or temporary employees must join the Public Employees' Retirement Fund. The eligible

employee must contribute three percent (3%) of their gross earnings to this retirement program, and the employer contributes a statutory amount. Vesting in the District contributions occurs after ten (10) years of PERF service, and the employee is always 100% vested in their contributions. Visit the PERF website at www.inprs.in.gov for details.

VISION INSURANCE

Vision insurance is available to employees and their eligible dependents. Information regarding the vision plan is available in the Benefits Portal.

VOLUNTARY BENEFITS:

AFLAC SUPPLEMENTAL INSURANCE POLICIES

Various supplemental insurance policies are available to employees who are regularly scheduled to work at least 20 hours per week, including eligible dependents. The employee pays 100% of the premium. Employees may apply during new hire enrollment and the annual open enrollment period.

FLEXIBLE SPENDING ACCOUNT (FSA)

The employer has established a Flexible Spending Account Program. This program is intended to qualify as a “Cafeteria Plan” within Section 125 of the Internal Revenue Code and any other applicable provision of law. Information regarding the FSA plan is available in the Benefits Portal.

PERRY TOWNSHIP EDUCATION FOUNDATION (PTEF)

Payroll deduction will be available for employees desiring to contribute to the Perry Township Education Foundation. The PTEF is a grant-making organization that raises funds to support innovative and creative programs to enhance learning throughout Perry Township Schools.

SHORT-TERM DISABILITY (STD)

The District offers payroll deductions for a short-term disability program. Employees regularly scheduled to work 20 hours a week or more pay 100% of the premium. Information regarding the STD plan is available in the Benefits Portal. An employee must exhaust all paid leave time, except the employee may save up to five (5) paid leave days before STD eligibility. The STD elimination period is fourteen (14) days.

SUPPLEMENTAL LIFE INSURANCE (EMPLOYEE, SPOUSE, CHILDREN)

An eligible employee shall have the option to apply for coverage under a supplemental term life insurance contract. The eligible employee will pay 100% of the premium for approved amounts. Information regarding voluntary life insurance is available in the Benefits Portal.

TAX-DEFERRED ANNUITIES

Eligible employees may participate in one of the employer's 403(b) and/or 457(b) retirement plans but must use one of the District's approved vendors. Participation in the plan and plan deduction changes may be done at any time of the year. Information regarding the retirement plan options is available in the Benefits Portal.

TIME OFF

TIME OFF GUIDELINES

Hourly eligible employees may take paid time off in increments of a half-day or full-day. If an employee transfers from a non-eligible position to an eligible position, vacation time is calculated on the original hire date. Time with the District must be continuous.

Notwithstanding the above, and with **prior** supervisor approval, an employee may take time off and make it up within the same week without taking paid time off, with supervisory discretion and prior approval. Salaried employees are expected to work the core hours of their workweek and may flex time with the Supervisors' prior approval with an expectation of working 40 hours in a workweek. A salaried employee should request time off in half-day or full-day increments.

Part-time staff scheduled to work more than 20 but less than 30 hours per week are entitled to 10 days of unpaid time off per school year.

ATTENDANCE/TARDINESS POLICY:

DEFINITIONS:

1. **Absence:** An employee is not at work for a regularly scheduled shift/workday.
2. **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 Workers' Compensation and/or FMLA.
3. **Unexcused Absence:** An absence not approved by the employee's supervisor (usually at least 24 hours notice is required for an absence to be excused) or absences that exceed the employee's available accrued time.
4. **Tardiness:** An employee's failure to report to work at their scheduled time.

NOTIFICATION GUIDELINES:

1. **Vacation/Personal Leave:** Employees must request leaves in advance (usually at least 24 hours prior) from the supervisor or the designated alternate(s) 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 to permit scheduling coverage.** The supervisor may deny any vacation or personal leave request if the vacation or personal leave request conflicts with business needs.

2. **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.** Employees' failure to contact their direct supervisor will result in the absence being classified as a no-call/no-show. An employee's (or their 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, and the employee will be separated from employment and ineligible for rehire.
3. **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.** A progressive system of discipline for absences is used for excessive absenteeism. Supervisors have the discretion to skip directly to more severe consequences depending on the severity of the violation.
4. **Unexcused Absences:** An *unexcused absence* occurs when an employee is absent without prior approval by the supervisor, has no accrued time off to cover the absence, and/or does not notify the supervisor within the required call-in procedures by the employee's specific department guidelines. Tardiness and late arrival and/or early departure from an assigned shift may also fall under the unexcused absence policy. Both instances may result in discipline up to and including termination.

COURT DUTY

Non-substitute/non-temporary employees will receive the difference between their daily rate and the per diem provided by the court when called to serve as jurors. It is the employee's responsibility to secure from the court and submit to the building principal/supervisor verification of the court duty and the amount of payment for such duty. The confirmation will then be forwarded to payroll within 48 hours of jury duty. If an employee fails to provide the jury verification notice, the employee will have to take vacation, personal, or lost time.

If an employee receives a school-related subpoena, said employee should contact their building principal/supervisor for further assistance.

HOLIDAYS/SCHEDULED BREAKS/BONUS DAYS

An eligible employee must be in paid status the day before and the day after the eligible holiday, without sick leave, to be paid holiday pay. To be in paid status, the day must be worked, or a non-sick leave day must be used. Use of sick leave immediately before or immediately after a holiday will result in not being paid holiday pay for the eligible holiday.

If an employee uses a sick day before or after the holiday, the employee may use a sick day instead of lost pay for the holiday. If an employee is in an unpaid status before or after the holiday, the employee is not eligible to receive holiday pay.

2022-2023 Holiday Schedule

Independence Day – July 4, 2022

Labor Day - September 5, 2022

Thanksgiving Break - November 23, 24, 25, 2022

Christmas Eve and Christmas Day – December 23 and December 26, 2022

New Year's Eve and New Year's Day - December 30, 2022, and January 2, 2023

Memorial Day - May 29, 2023

Administrative support staff (defined by position title as Assistant Treasurer, Clerk, Secretary, Receptionist, and Treasurer and job class of Secretary School Year Pay 180 in the payroll system, 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 holidays.

Holiday Pay

All 260 non-exempt employees required to work on a paid holiday or a bonus day (if not a make-up snow day) will receive straight time pay for the holiday and straight time for the hours worked on the holiday.

If a less than 260 hourly employee is required to work on a holiday, they will receive two times their base pay rate for all hours worked on the holiday as defined by the holiday schedule above.

If an exempt employee is required to work on a holiday or scheduled break day, they will receive another half day or full day off. The employee must document the day worked for recordkeeping purposes, and their supervisor must approve the rescheduled day off. An exempt employee who chooses another day off but subsequently leaves the district before the end of the school year will not be paid for the day if it has not been taken.

2022-2023 Scheduled Break (12-month, 260-day employees):

Scheduled paid breaks for 260 staff also include the following days. These are not holiday days. If a 260-day non-exempt hourly employee is required to work one of these days, with prior authorization, the employee will be paid double time for the hours required to work. An exempt employee required to work, who has prior authorization, may request to take another day off in the school year. Another day off will not be granted if double time is paid for a scheduled break day. An employee who chooses another day off but subsequently leaves the district before the end of the school year will not be paid for the day if it has not been taken.

If a less than 260-day employee works during the scheduled break time, they will be paid straight time for hours worked on the scheduled break.

October 21, 2022 – Last Friday of Fall Break
December 27, 28, 29, 2022
January 3, 2023
March 31, 2023 – Last Friday of Spring Break

School year employees who agree to work during scheduled breaks (fall, winter, spring, or summer) will only be paid for actual days worked during the break. Paid time off will not be granted for an employee who has agreed to work during the scheduled break period. Days worked during scheduled breaks are extra paid days and are not considered part of the school year calendar.

2022-2023 Bonus Days

Bonus days are not paid holiday days or scheduled break days. These are bonus days only if school is not in session on snow makeup days. No premium rates will apply to the following days:

Martin Luther King Jr. Day – January 16, 2023
President’s Day – February 20, 2023

If the District issues an additional snow day on Martin Luther King Jr. Day and/or President’s Day, all 260-day employees should make a conscientious effort to report to work. If an employee cannot work, the employee must take time off as a personal day or vacation day but will not be granted a sick day. E-learning may be scheduled on a snow day. Employees will receive guidance from their supervisor regarding e-learning during a bonus or snow day.

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 ensure student and staff safety. Employees are expected to use their best judgment 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-day employees should make every effort to come to work and notify their supervisor if they cannot get to the worksite. The following is a list of essential personnel that may be required to report in case of an emergency condition. Staff are responsible for ensuring contact information is up to date for proper notification during an emergency. The appropriate department head will advise essential personnel by position if required to report.

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, with the supervisor's prior approval, the employee will receive an additional personal leave day that must be taken in the current school year.

SNOW DAYS

Snow days may be designated as e-learning days. Employees impacted by a closed school building may be required to take assigned training instead of coming into the building during inclement weather. Supervisors will guide designated e-learning days to ensure accurate timekeeping for recording hours worked.

Depending on the emergency, Facility and Transportation Directors may require other department staff to work; however, the Director must request the employee’s attendance in advance. Employees who arrive at work without prior approval may be sent home and will not be paid as their tasks for the day have not been defined as essential. Essential hourly employees who report to work with their supervisor’s prior approval will be paid their base rate times two (2) for any hours worked on the specified emergency closing day.

All 260-day employees will be paid for the day in case of an emergency condition closing; however, as a 260-day employee, the employee may be required to work an extra day at a later date. On two-hour delays, 260-day employees should report to work at their scheduled time using care to arrive at work safely, given road conditions and weather warnings.

2 Hour Delay for less than 260-day employees should report as follows:

Child Nutrition employees	Report at regular time
Custodian and Facilities employees	Report at the time communicated by supervisor
Designated Front Office employees	Report at the time communicated by supervisor in the event students arrive early
All other Support employees	Report on two-hour delay per below

In case of a two-hour delay, all employees will be paid their daily rate. The employee should report to work no later than the start of the rescheduled school day or the regular shift start time, whichever is earlier unless directed by the supervisor (i.e., if the employee’s normal start time is 10:00 AM but school start time is rescheduled to 9:00 AM, the employee should report to work at 10:00 AM not 11:00 AM as the regular work start time is after the rescheduled school day).

For less than 12-month (260 days), employees will not report to work unless otherwise directed by their supervisor and will not be paid on the day schools are closed. They may work later and be paid for the rescheduled day or be assigned training videos. Supervisors will decide on the snow day work schedule as late as the actual snow day.

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

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

SICK DAYS

Sick days are a benefit to employees when needing to be off for doctor's appointments or if the employee cannot fulfill the job requirements due to illness. A sick day is defined by the employee's scheduled work hours.

Sick days are granted as follows (and prorated if the employee begins after the beginning of the school year):

Full Year (260 day) employees = 10 sick leave days per school year
School Year (220 to 259 days) = 9 sick leave days per school year
School Year (200 to 219 days) = 8 sick leave days per school year
School Year (180 to 199 days) = 7 sick leave days per school year
Child Nutrition = scheduled 20 hours or more a week = 5 sick leave days per school year
Bus Drivers and Bus Monitors = 5 sick leave days per school year
Part-time (non-sub) regular employees scheduled 20 or more hours weekly = 5 sick days per school year.

Supervisors are responsible for monitoring employee attendance; particular attention should be paid to frequent unscheduled absences, sick day usage to extend weekends or holidays, or situations where the supervisor believes that a sick day was not used for the intended allowable purpose. An employee must be in a paid status, excluding sick pay, the day before and after a holiday to receive holiday pay. If an employee uses sick time before and after the holiday, the employee will be paid sick pay for the holiday and may be expected to provide documentation for return to work if requested.

Employees must remain near their home while using sick days except to receive medical treatment or attend ordinary and necessary activities directly related to personal or family needs. According to this policy, an employee who feels they need to leave the immediate vicinity of their home while using sick days must submit a request for review by HR. HR 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 three (3) or more consecutive sick days. In addition, the supervisor may require a physician's statement anytime an employee is in lost time or has used excessive sick days for the school year. Employees who misuse sick days may be subject to discipline or further monitoring. The employee's

responsibility is to contact HR for absences of more than three (3) consecutive days to ensure the District's compliance with FMLA.

Sick days are front-loaded each year at the start of the first pay period of each school year. For support staff hired after July 1, 2022, sick days are unavailable during the first 60 days of employment. Sick days will not be granted during the employee's two-week resignation period (unless HR is consulted in advance and under extenuating circumstances, such as an approved leave of absence). Sick days are not paid out when an employee leaves unless the employee is retiring from the District. Sick days may accumulate to an unlimited maximum. An employee in an unpaid status is not granted their sick days until the employee returns to paid status, and sick days will be prorated.

FAMILY ILLNESS DAYS

Full-time employees, part-time child nutrition employees scheduled to work 20 hours a week or more, and part-time regularly scheduled custodians are eligible for family illness days. These days will be subtracted from the employee's accumulated sick day balance. 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. The immediate family in this section includes any relative or dependent living within the employee's household. Also covered are spouse, domestic partner (with supporting documentation on file in HR), child, father, mother, sibling, daughter-in-law, son-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparents, grandchild living within or outside the employee's household. Supervisors may grant this time off unpaid if the employee has no accumulated sick days.

With final approval from the Superintendent, an employee may request the HR Director for family illness days above ten (10) days where the illness constitutes a serious health condition under the Family Medical Leave Act. Family leave granted by the Superintendent shall be deducted from the employee's available accumulated sick time. Family illness days will not be given during the employee's two-week resignation period (unless HR is consulted in advance and under extenuating circumstances, such as an approved leave of absence).

PERSONAL DAYS

Employees shall use personal days to conduct business that cannot be accomplished during non-working hours. Unused personal days will transfer to accumulated sick time after the first pay period following the first pay date in July. The employee's supervisor may deny a request to use personal time if the request conflicts with business needs or is not requested in advance (usually at least twenty-four (24) hours prior). Personal time is not paid out when the employee leaves employment unless the employee retires from the District. Personal days will be prorated if an employee begins employment in a covered position after the beginning of the school year. A day of leave is defined by the employee's scheduled work hours. Personal days are not granted during the employee's two-week resignation period (unless HR is consulted in advance and under extenuating circumstances, such as being on an approved leave of absence).

Personal Leave is granted as follows (and prorated if the employee begins after the beginning of the school year):

Full Year (260 day) employees = 4 personal leave days per school year

School Year (180 to 259 days) = 3 personal leave days per school year
Child Nutrition = scheduled 20 hours or more a week = 3 personal leave days per school year
Bus Drivers and Bus Monitors = 3 personal leave days per school year
Part-time (non-sub) regular employees scheduled more than 20 hours = 3 personal days per school year

VACATION DAYS

Vacation days are front-loaded at the time of hire but prorated based on the hire date if an employee is hired after the beginning of the school year.

Vacation days are granted to a Year-Round (260 day) employee based on terms or years of employment as follows:

First-year of employment = 10 days. 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 = 11 days

After 2 full years = 12 days

After 3 full years, an additional day will be added each year up to a maximum of 20 days. A day is defined by the employee's scheduled work hours.

260-day employees in their first year of employment are entitled to vacation time prorated by the number of pay periods remaining in the school year.

Since vacation time is front-loaded at the beginning of the school year or at the time of hire, if an employee retires or resigns before the year is completed, the employee will be expected to pay back on a pro-rata basis the vacation leave days for the period not worked. Vacation days will not be granted during the employee's two-week resignation period (unless HR is consulted in advance and under extenuating circumstances, such as an approved leave of absence).

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

Vacation balances above 40 days will be transferred into the employee's sick balance after the first pay period following the first pay date in July. If there are any questions regarding 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 the employee's accrued vacation days will be paid to the employee at the time of transfer and pro-rated through the transfer date.

LEAVES OF ABSENCE

Notwithstanding the below guidelines regarding the various types of unpaid leave, the District will require employees to use all but five (5) days of paid time off concurrently when taking leave time. The five (5) reserved days may be any combination of personal, vacation, or sick days at the employee's discretion. An employee who exhausts FMLA and/or ADA leave time is responsible for 100% of

insurance premiums at the end of the FMLA and/or ADA leave. Employees should use all appropriate paid leave days before going into lost pay status. However, sick time can only be used when a family member or employee is ill. An employee on a personal leave of absence is responsible for 100% of premiums on the first of the month beginning the leave.

If an employee is in an unpaid status while on leave when new balances are added, the paid time (sick, vacation, and personal time) will not be added until the employee returns to active employment. All paid time will be prorated upon the return to work date, and paid time will not accrue while the employee is on leave in an unpaid status.

LEAVE REQUEST GUIDELINES

Hourly eligible employees may take paid time off in half-day or full-day increments. Notwithstanding the above, and with **prior** supervisor approval, an employee may take time off and make it up within the same week without taking paid time off, with supervisory discretion and prior approval. Salaried employees are expected to work the core hours of their workweek and may flex time with the Supervisors' prior approval with an expectation of working 40 hours in a workweek. If a salaried employee is off for a scheduled workday, time off must be recorded for the day.

Part-time staff with a regular work schedule are entitled to 10 days of unpaid time off per school year.

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 the death of a specified relative listed below and/or to attend the funeral of a specified relative listed below. Bereavement leave is available to benefit-eligible staff. Time off is pro-rated for part-time regular staff (substitute and temporary staff are not eligible for paid bereavement leave). All bereavement leave must be taken within ten (10) calendar days of the date of death. The days do not have to be consecutive (unless HR is notified in advance and prior permission is obtained within ten (10) days) days of the death in the family – i.e., a memorial service scheduled at a predetermined date in the future) and cannot exceed the total listed below for the death of a particular specified relative. When returning from bereavement leave, an employee is expected to provide an obituary for inclusion in the personnel file for payment documentation for bereavement leave. HR will require documentation for bereavement time granted if more than ten (10) days from the date of death. Bereavement time will be approved up to 90 days after the date of death in these circumstances.

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, domestic partner (with supporting documentation on file in HR), 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 the employee's children's grandparents, shall be granted not to exceed two (2)

days. Bereavement leave for the death of an aunt, uncle, niece, nephew, or cousin related within the family or by marriage shall be granted for one (1) day.

Under extenuating circumstances, arrangements for additional bereavement leave, especially when extensive travel is required, may be approved upon written request to the principal, the superintendent, or a designee. The Superintendent will decide if the additional leave time is granted. The employee should request any additional bereavement leave before the actual leave time is taken, and the additional time will be charged against the employee's available sick leave.

EDUCATIONAL LEAVE

An unpaid leave of absence of up to (6) six months in a calendar year may be granted at the discretion of the HR Director for educational improvement. Employees requesting such leave must meet the following criteria to be considered for approval:

1. The employee must be employed with the District for the year immediately before the beginning of such leave.
2. The educational improvement must lead to a degree or fulfillment of the requirements to be certified or eligible for promotion in a particular area related to school operations and/or an employee's current position.
3. An employee must make an application through an electronic form at least sixty (60) days before the beginning of the leave. The HR Director will grant final approval.

An employee granted such leave will have the option to continue coverage of specific benefit(s) for which they are enrolled at the time of the request for the leave at the employee premium rate at the time of leave. Premiums must be paid a month in advance, or the employee will be subject to paying 100% of the premium if payment is not received timely. Experience credit will not be given when an employee is on leave. The employee granted such a leave may be returned to a similar assignment or comparable and equal in benefit as determined by the administration; however, a similar position is not guaranteed. The District must have a vacancy that needs to be filled.

MILITARY LEAVE

In the absence of a military draft, military leave will be available to an employee required to fulfill an annual tour of military reserve training duty (short-term military leave is defined as leaves not exceeding fifteen (15) consecutive or nonconsecutive working days in any calendar year). For an employee on short-term military leave, the District will make up the difference between the employee's regular pay and military pay rate if the military pay is less than the regular pay for the period involved. The employee must present proof of military pay for the District to reconcile the difference. An employee on short-term military leave must return to work on the first regularly scheduled shift after the end of the training, allowing for reasonable travel time.

In addition, an employee who enlists for a tour of military duty or is required to serve as defined as long-term military leave, greater than fifteen (15) days leave, will be entitled to only such reinstatement

rights as required by law. Procedures regarding leave without pay and separation from service to understand reemployment rights will be required unless mandated differently by federal law.

For additional information regarding military leave, visit the website:

<https://www.dol.gov/agencies/vets/programs/userra/aboutuserra>

PREGNANCY LEAVE

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

1. A pregnant employee may continue in active employment as late into the pregnancy as the employee desires if they can fulfill the requirements of their position.
2. A pregnant employee may use available sick leave time for any medically related absences during the pregnancy.
3. A non-substitute/non-temporary employee who is pregnant is entitled to a leave of absence at any time between the commencement of their pregnancy and the child's birth, provided documentation for time off is supported by FMLA or ADA rules guidelines. Such leave, except in the case of medical necessity, will be unpaid leave. Such requests should be made at least thirty (30) days before the date the employee desires to start their leave and include the leave length. If the pregnancy causes a medical emergency, the employee shall be granted a leave immediately upon their 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 comparable and equal in pay and benefits as determined by the administration.
5. Upon the child's birth, an employee on pregnancy leave is entitled to maternity leave and maternity benefits outlined in the Maternity Leave section.
6. The leave will be consistent with and shall not interfere with any employee's rights under the Family Medical Leave Act (FMLA).

The following policy provisions support mothers who want to express breast milk at work.

- Departments are to provide a location, to the extent reasonably possible, where an employee can express breast milk in private. The location can be a room designated just for this purpose, the employee's private office, a private office not in use, or any area other than a bathroom where the employee can have privacy from others.
- Departments are to ensure the availability of cold storage space to the extent reasonably practicable. The employee may provide her own portable cold storage device or access a refrigerator in the department or building.
- The time needed to express milk is paid time and should be reasonable, given student oversight or needs. The expectation is that the employee can express milk during meal breaks. Supervisors are encouraged to grant reasonable, flexible scheduling to accommodate the need if additional time is needed.

MATERNITY LEAVE AND MATERNITY BENEFITS

Maternity leave (utilizing sick leave or unpaid time off) and **maternity benefit** (paid time off) for those with a regular work schedule (non-substitute) will be defined as follows below. An employee must be in a paid status for at least 90 days to receive the Maternity Leave benefit.

1. Upon the birth of a child, the mother, 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 workday following the child's birth.
2. **Maternity leave** utilizes the employee's available sick leave time after the ten (10) paid days described in section 1. **Maternity leave** using paid time will not extend beyond eight (8) consecutive weeks following the day after the child's birth. During maternity leave, an employee must use paid time (except saving up to five (5) paid leave days) before going into an unpaid leave time.
3. If the employee is medically disabled, as verified by a physician's statement, beyond the eight (8) weeks, the employee may use more of their available sick leave time to cover the period of the disability.
4. Uncompensated leave may continue for up to one (1) year following the birth of the child. The employee granted such leave shall have the option to apply and pay 100% of the premium to maintain current insurance in which the employee was enrolled at the time of the request after exhaustion of FMLA. An employee on uncompensated leave must return within one (1) year following the child's birth.* The return date may be adjusted beyond the child's first birthday to the first day of the next grading period. An employee must pay all back premiums for the time in an unpaid status no later than the exhaustion of FMLA leave. Premium payment at 100% will begin on the first month following 12 weeks of an approved FMLA leave or accommodation for maternity leave.

The employee's supervisor and HR must approve a request for uncompensated (extended) maternity leave over and above medical leave approval (but not to exceed one (1) year following the birth of the child). The employee must complete an extended maternity leave request form and provide it to their supervisor before the end of approved family medical leave or maternity leave for those that do not qualify for FML. The employee will be considered for a similar position upon returning to work.

*This leave will be consistent with and shall not interfere with any employee's rights 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 (non-substitute) will be defined as follows below. An employee must be in a paid status for at least 90 days to receive the Paternity Leave benefit.

1. Upon the child's birth, the parent who is an employee shall be granted ten (10) consecutive paid days of **paternity benefit**. This leave will not be charged against the employee's available sick leave and shall commence on the first workday following the child's birth.

2. Uncompensated **paternity leave** may continue for up to one (1) year following the child's birth. The employee granted such 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 must return within one (1) year following the child's birth.* 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 employee's rights under the FMLA.

ADOPTION LEAVE AND ADOPTION BENEFIT

Adoption leave (utilizing sick leave or unpaid time off) and **adoption benefit** (paid time off) will be defined below for those with a regular work schedule. An employee must be in a paid status for at least 90 days to receive the Adoption benefit.

1. Upon the child's placement for adoption, the parent(s) who is an employee shall be granted ten (10) consecutive paid days of **adoption benefit**. This leave will not be charged against the employee's available sick leave and shall commence on the first workday following the child's placement.
2. **Adoption leave** utilizes the employee's available sick leave time, and **adoption leave** may not extend beyond eight (8) consecutive weeks following the child's placement. During adoption leave, the employee 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 may qualify for the adoption benefit. However, only one parent may use the paid eight (8) week adoption leave.

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

*This leave shall be consistent with and shall not interfere with any employee's rights under the FMLA.

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

- e. performing the essential job functions of their 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;
2. Up to 26 workweeks in a single 12-month period for the care of a covered servicemember with a serious injury or illness. 29 CFR § 825.127

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

When an employee exhausts the limit of FMLA leave days, they will be responsible for the full cost of insurance premiums at the end of the month of the leave.

Limits on Leave

1. **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).

2. **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 their attorney or the doctor(s) representing the birth parent submitting to physical examinations, or traveling to another country to complete an adoption.

Definitions Applicable to All FMLA Leave

1. **"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 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)
2. **"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.

3. **"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)
4. **"Eligible Employee"** means an employee who has:
 - a. Been employed by the District for at least twelve (12) months;
 - b. 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 without more than a seven (7) year break in service. 29 CFR §825.110(b)
 - c. Worked at least 1250 hours in the twelve-month period immediately preceding the need for family-medical leave; and
 - d. Not exhausted their allotment of the family-medical leave in the applicable time period. 29 CFR §825.110.
5. **"Incapacity"** means inability to work, attend school events or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery therefrom. 29 CFR §825.113(b)
6. **"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 the hearing impaired. It does not include teacher assistants or aides, counselors, psychologists, or curriculum specialists. 29 CFR §825.600(c)
7. **"Intermittent Leave"** means FMLA leave taken in separate blocks of time due to a single qualifying reason. 29 CFR §825.202
8. **"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:
 - a. doctors of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices;
 - b. 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;
 - c. 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;
 - d. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts;
 - e. any health care provider recognized by the District or the District's group health plan's benefits 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.

9. **“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
10. **“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
11. **“Serious health condition”** means an illness, injury, impairment, or physical or mental condition that involves one of the following:
 - a. 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.
 - b. 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.
 - c. Pregnancy 29 CFR §825.115(b)
Any period of incapacity due to pregnancy or for prenatal care.
 - d. Chronic Conditions Requiring Treatments 29 CFR §825.115(c)
A chronic condition which:
 - i. 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;
 - ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy).
 - e. 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.
 - f. 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, earaches, 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 outpatient 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 FMLA. 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

12. **"Spouse"** as defined by law, means a husband or wife.
13. An employee is **"unable to perform the functions of their 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 of treatment. 29 CFR §825.123(a)
14. To the extent not listed herein, the District adopts the definitions of words and phrases as defined in the FMLA and its corresponding regulations.

Requests for Family Medical Leave

1. 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

2. 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
3. Initial requests may be oral; however, employees must complete and submit to the Superintendent or designee a written request for FMLA leave
4. 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
5. The following certifications are required to support requests for leave and must be provided, (see further explanation in Section V below):
 - a. 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."
 - b. 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."
 - c. 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.
6. The following documentation may be required to support requests for leave and must be provided if requested: 29 CFR §825.302(c)
 - a. 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
 - b. documentation of the birth, adoption, or foster care relationship for which parenting

- leave is requested;
- c. documentation of family relationship(s) may be required. 29 CFR §825.122(k)
7. Leave may be taken in increments of no less than fifteen (15) minutes. 29 CFR §825.205(a)
 8. 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)

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 their 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.

Recertification

1. 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

2. 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)
3. 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:
 - a. the employee requests an extension of the leave;
 - b. circumstances described by the previous certification have changed significantly (e.g., the duration of the illness, the nature of the illness, complications); or
 - c. The District receives information that casts doubt upon the continuing validity of the certification.
4. Re-certifications are at the employee's expense. No second or third opinion on recertification may be required other than the annual certification.
5. 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

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

Use of Paid Leave

1. Any use of paid time or paid sick leave for an FMLA-qualifying absence will run concurrently with the FMLA designation.
2. The District shall designate paid or unpaid leave as FMLA within five (5) business days absent extenuating circumstances, if all the following apply:

- a. The employer has compelling information based on information provided by the employee that leave was taken for an FMLA-qualifying event; and
 - b. The employee is properly notified of their FMLA rights.
3. Employees shall be required to use any available sick leave simultaneously with FMLA after exhausting any available paid time as required above and prior to use of other accrued benefit leave (vacation or personal leave but may save a combined total of five (5) days, so all paid time is not exhausted during an approved FMLA leave).
4. Employees may request to use vacation and/or personal leave simultaneously with FMLA leave for an FMLA-qualifying absence.
5. FMLA leave may run concurrently with Workers' Compensation if the absence qualifies for both programs.
6. The employee shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.
7. Whether FMLA leave is paid, unpaid, or a combination, the limits in Section II apply.

Intermittent Use of FMLA

1. 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
2. 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.
3. 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.
4. 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)

Provisions Specific to Instructional Employees

1. **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:

- a. Take leave for a period or period of a particular duration, not greater than the duration of the planned treatment; or
- b. 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

2. **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.

Military Family Leave Entitlement

1. **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 their entire twenty-six (26) workweeks leave entitlement during the "single 12-month period" of leave, the remaining workweeks 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 their 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 their 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) workweeks 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) workweeks 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)

2. 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:

- a. 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.
- b. 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.
- c. 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 daycare 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).
- d. 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).
- e. 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.
- f. 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.
- g. 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.
- h. 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).

- i. Any other event that the employee and the District 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:

1. appropriate facts supporting the need for leave, including any available written documentation supporting the request;
2. the date on which the qualifying exigency commenced or will commence and the end date;
3. where leave will be needed on an intermittent basis, the frequency and duration of the qualifying exigency; and
4. 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.

Light Duty

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

District Notices to Employees

1. 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.

2. 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 HR 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.

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.

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 workweek 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

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 (30) 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 (15) 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.

Reinstatement

The employee is responsible for notifying the District of their 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 their 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 FML.

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

Support staff 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 may require the use of an unpaid personal leave of absence. 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.

The District will not routinely grant unpaid personal leaves of absence. All available paid leave must be used before an employee may request additional unpaid leave, except for saving a combined total of 5 paid leave days (sick, vacation, or personal) that can be used when an employee returns from unpaid leave. The District reserves the right to grant an unpaid personal leave of absence on an individual basis and at 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 district will continue to pay the premium for basic life and long-term disability during the time of the approved leave.

The employee will complete an electronic 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 resign voluntarily because the employee is unwilling or unable to fulfill the attendance requirements of the position, even with reasonable accommodation. Employees who document the need for time off for their chronic health condition will be granted a leave not to exceed eight (8) weeks of time off. Employees who cannot return to work at the end of the eight (8) week accommodation will have their employment terminated and be responsible for 100% of their premiums after eight (8) weeks.

RETIREMENT

DEFINITION

Employees who have completed ten (10) or more years of service to the District may retire at or after age fifty-five (55). Time must be credible years of service and will not include years as a substitute or temporary employee.

RETIREMENT AND INSURANCE BENEFITS

An employee who meets the definition of retirement may remain on the health, dental, vision, and basic term life insurance programs until age 65. The Board of Education will contribute \$1,000 annually to a health plan and contribute 85% toward the yearly life insurance premium. The retiree contributes half the balance by January 1, and the remaining balance is due by July 1. The retiree is responsible for 100% of the premium cost for dental and vision insurance. The benefits cease when the retiree becomes sixty-five (65) years of age or is eligible for Medicare, whichever comes first. Retirees have no right to reinstate insurance plans after enrollment in the insurance plan has been terminated. A retired spouse may remain on the plan until the spouse reaches age 65 if the retired employee ages off the plan first.

To qualify for the retirement benefit, the employee must be age fifty-five (55) at the time of retirement and have ten years of credible service with the District. Sub years are not counted as credible years of service. Employees who retire are asked to provide three months' notice of intent to retire.

RETIREMENT REMUNERATION

A 260-day employee who has completed ten (10) or more years of service to the District, upon reaching age fifty-five (55) and who is still actively employed, shall, upon retirement from the District, receive the following:

1. One hundred dollars (\$100) for each year of service in the District.
2. Twenty-five dollars (\$25) for each unused accumulated sick leave day. If retirement is caused by a personal disability, illness, or accident, the District may waive the age fifty-five (55) requirement upon request from the retiring employee and certification of disability by an attending physician. This benefit will only be paid if the employee is living at the time of retirement. The disability option is a one-time benefit. If the District rehires a retired employee, sick time will not be reinstated since it was paid out at the time of retirement.

An employee who is employed less than 260 days but 180 days or more, who have completed ten (10) or more years of service to the District, upon reaching age fifty-five (55) and who is still actively employed, shall upon retirement from the District receive the following:

1. Seventy-five dollars (\$75) for each year of service in the District.
2. Twenty-five dollars (\$25) for each unused accumulated sick leave day. If retirement is caused by a personal disability, illness, or accident, the District may waive the age fifty-five (55) requirement upon request from the retiring employee and certification of disability by an attending physician. This benefit will only be paid if the employee is living at the time of retirement. The disability option is a one-time benefit. If the District rehires a retired employee, sick time will not be reinstated since it was paid out at the time of retirement.