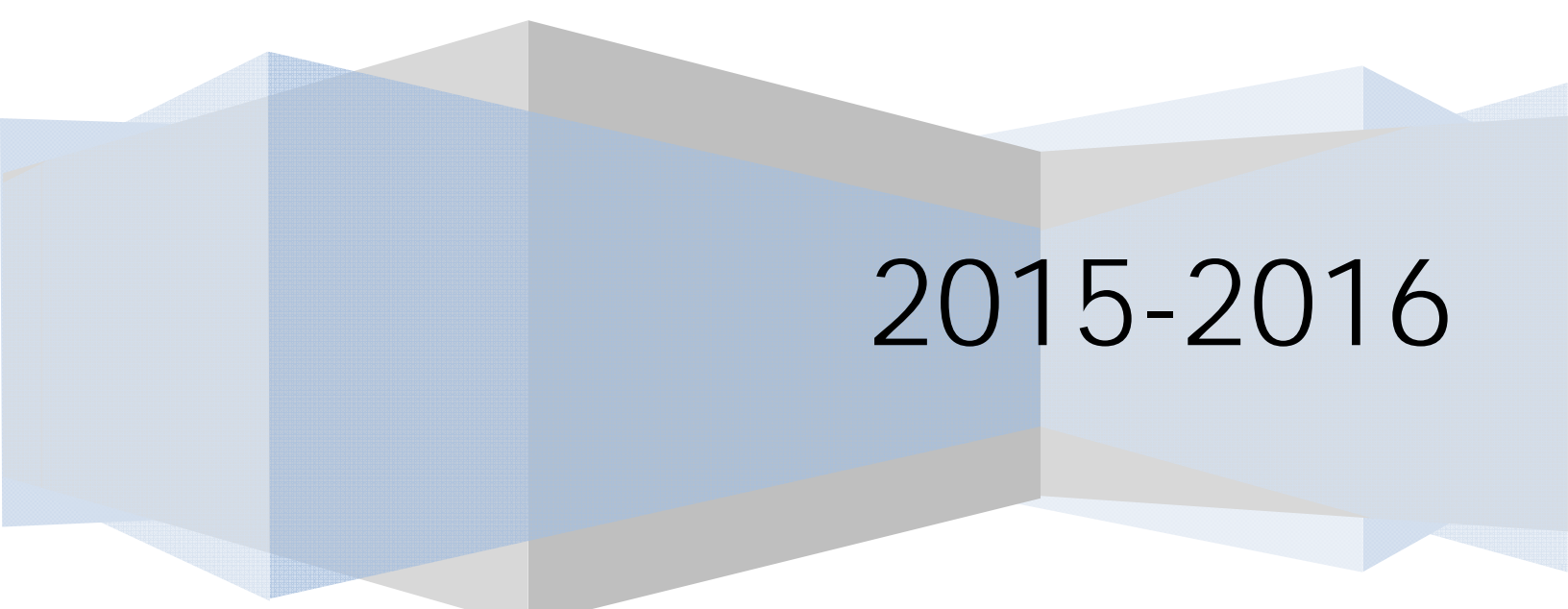


# CENTRAL COMMUNITY SCHOOL SYSTEM

Michael W. Faulk  
Superintendent

## Section F: Personnel Policy

2015-2016



## TECHNOLOGY AND INTERNET USE

The Central Community School Board recognizes the role of educational technologies in stimulating innovative approaches to teaching and learning and shifting the way educators and students access and transmit information, share ideas, and contact others. In addition, technology is a key component in transacting the business of the school district and School Board.

Network resources and technology are provided for educational purposes and to carry out the legitimate business of the school district. The term *educational purposes* includes classroom activities and assignments, directed student research, interpersonal communication, professional development, collaborative projects, and dissemination of successful educational practices, methods, and materials. The School Board expects all employees, students, School Board members, and any other users, who use computing and network resources of the School Board, including electronic mail and telecommunications tools, to apply them in appropriate ways to the performance of responsibilities associated with their positions and assignments. The School Board directs the Superintendent or authorized designee(s) to specify those behaviors that are permitted and those that are not permitted as well as disseminate appropriate guidelines for the use of technology resources, including the *Employee iPad Acceptable Use Regulations and Procedures* handbook.

In compliance with the *Children's Internet Protection Act*, the School Board shall use a technology protection measure that blocks and/or filters Internet access to Internet sites which contain harmful materials or information, such as sites that contain obscene, pornographic, pervasively vulgar, excessively violent, or sexually harassing material or information, or sites that may contain information on the manufacturing of bombs or incendiary devices. The technology protection measure that blocks and/or filters Internet access may be disabled by an authorized individual for bona fide research purposes with the permission of the Superintendent or authorized designee(s). This disabling is permissible only for a student seventeen (17) years of age or older or an authorized employee for the purpose as stated.

The network and Internet user shall be held responsible for his/her actions and activities. Responsibilities include efficient, ethical and legal utilization of network resources.

As a matter of public law, any document pertaining to the public business on a publicly funded system is a public record, unless specifically excepted by state law, and this law applies to records stored on district computers.

### INTERNET USAGE

Any use of the Internet that adversely affects its operation in pursuit of teaching and learning or jeopardizes its use or performance for other community members shall be

prohibited and may result in loss of Internet privileges, suspension or other appropriate disciplinary action. The provisions of this policy shall also apply to the use of private e-mail accounts when access is attained using School Board equipment or networks and to access attained through any authorized personal digital device while on School Board property. The Central Community School Board does not condone the use of the Internet for any illegal or inappropriate activities and shall not be responsible for any such use by staff or students.

### ACCOUNTABILITY

Faculty and staff use of school computers or the Internet shall be reserved for educational purposes and the conducting of business aspects of the school system. All personnel using school computers or a computer network located on school property, or computers accessing the Internet shall be accountable for their use. Teacher or class files on the network shall be treated as district property subject to control and inspection by School Board personnel. Access codes or passwords shall be kept on file in a secured location by the principal or his/her designee in case an inspection is warranted. Use of the Internet, the School Board's network, and/or any computers shall be considered a privilege and any inappropriate use may result in appropriate disciplinary action and loss of privileges to use the School Board's technology network and computers.

The School Board does not guarantee the right of any user to use the Internet and reserves the right to suspend or terminate user privilege of any individual at its sole discretion without notice, cause, or reason. Failure to adhere to these regulations may result in the loss of computer privileges, access to the Internet and electronic mail account and may result in further disciplinary action up to and including termination. Furthermore, any activity that may be in violation of local, state, or federal laws shall be reported to the appropriate law enforcement agency.

Access to the information resources infrastructure, sharing of information, and security of intellectual products, all require that each and every user accept responsibility to protect the rights of the community. Any materials or files, such as, but not limited to, lesson plans, schedules, letters, memos, documents, programs, spreadsheets, databases, and/or presentations created with Central Community School Board equipment and/or facilities, or during periods for which the employee is compensated by the School Board becomes the intellectual property of Central Community School Board. Any employee of the School Board who, without authorization, accesses, uses, destroys, alters, dismantles or disfigures any School Board information technologies, properties or facilities, including those owned by third parties, thereby threatening the atmosphere of increased access and sharing of information, threatening the security within which members of the network may create intellectual products and maintain records, and shall be considered to have engaged in unethical and unacceptable behavior.

Users shall be responsible for the content of e-mail messages in their account. Communications on the network should be viewed as public in nature. E-mail is not a

confidential medium for transmitting personal messages. School Board administrators may at any time review communications to maintain integrity system-wide and ensure that staff members are using the system responsibly. The School Board shall have access to all e-mail, which may be routinely and randomly checked. Inappropriate or profane messages, as well as messages that disrupt the educational and administrative goals of the School Board may result in loss of privileges and/or disciplinary action. Messages relating to, or in support of, illegal activities may be reported to the appropriate authorities. The School Board shall cooperate fully with any local, state, or federal officials in any investigation concerning or relating to any mail transmitted on School Board computers.

Accordingly:

1. E-mail shall not be left on the server. Users shall be expected to remove old messages on their computers in a timely fashion (monthly) and School Board administrators shall be authorized to remove such messages if not attended to regularly and properly by the user.
2. E-mail chain letters and joke lists shall be expressly forbidden and should immediately be deleted.

An employee who encounters a problem with a School Board computer, the School Board's network or his/her assigned e-mail accounts, shall immediately report the problem to the Superintendent or his/her designee. Anyone witnessing an employee or student abusing a School Board computer and/or the School Board's network shall report such information immediately to the Superintendent or his/her designee.

#### UNAUTHORIZED AND ILLEGAL USE

While using School Board computers and the technology network, faculty and staff shall not be under direct supervision, but shall abide by School Board policy.

Tampering with selection menus, procedures, or icons for the purpose of misleading or confusing other users shall be prohibited. Any use by any person of the School District's internal network that incurs expenses to the school other than the monthly user fees and rates shall be strictly prohibited. Furthermore, the computer system shall not be used for commercial, political or religious purposes.

Use of the network for any illegal activities shall also be prohibited. Illegal activities may include but are not limited to: (a) tampering with computer hardware or software, (b) unauthorized entry into computers and files (hacking), (c) knowledgeable vandalism or destruction of equipment, and (d) deletion of computer files. Such activity is considered a crime under state and federal law.

## SECURITY

Teachers and other personnel who have computers in their charge shall be responsible for the security of those computers in terms of both hardware and software. Computers must be secured such that students acting without the consent or supervision of a teacher or administrator cannot enter the network or access the Internet.

Employees should not allow others to have access to or use their e-mail accounts or disclose their, or others' passwords. All employee passwords shall be on file with the employee's immediate supervisor. Should a password be changed, the employee shall notify their supervisor immediately.

Employee's e-mail accounts shall not be readily accessible by students.

## REGULATIONS FOR COMPUTER USE

The following regulations, terms, and conditions for the use of computers and other technology equipment and the School Board's network and Internet resources are not all-inclusive, but are only representative and illustrative. A user who commits an act of misconduct or inappropriateness which is not listed may also be subject to disciplinary action or suspension, or termination, or be subject to appropriate criminal or civil prosecution.

The Superintendent or his/her designee shall be responsible for developing and maintaining pertinent administrative regulations and procedures for the proper maintenance and monitoring of computers and the School Board's technology network's resources, including confidentiality and security, all in accordance with School Board policy.

1. The user shall abide by such laws, School Board policies, regulations, and procedures concerning technology use within the schools.
2. In general, employees are expected to communicate in a professional manner consistent with state laws governing the behavior of school employees and with federal laws governing copyright. Electronic mail and telecommunications shall not be utilized for unauthorized disclosure, inappropriate contact with employees or students, use and dissemination of personal identification or confidential information regarding any student or employee.
  - A. Employees shall not post any e-mail or other messages or materials on school or district networks or the Internet that are indecent, vulgar, lewd, slanderous, abusive, threatening, sexually harassing, or terrorizing, or considered inappropriate by School Board standards.
  - B. Employees shall not abuse or waste network resources through frivolous and non-educational use or send chain letters or annoying unnecessary letters to

large numbers of people.

3. The Central Community School Board reserves the right to review any stored record files or programs to which users have access and shall edit or remove any material which the School Board, through its Superintendent, or his/her designee, believes is in violation of its policies, regulations, and procedures. As a user of the School Board's technology and networks, including but not limited to the Internet, the user shall consent to the monitoring, access and review by the Superintendent or his/her designee of any stored electronic communications, including but not limited to e-mail transmission.
4. Any software not created by the user is copyrighted. A user shall not copy or distribute copyrighted or proprietary material without the written consent of the copyright holder nor violate copyright or patent laws or the license concerning computer software, documentation or other tangible assets.
5. The user shall not install any software without consent from the appropriate supervisor.
6. In consideration for the privilege of using the system, the user shall release the Central Community School Board from any and all claims arising from the use/inability to use the technology systems and networks.
7. The user shall agree to indemnify the Central Community School Board for any loss suffered by the School Board for any improper use of the School Board's technology network, and to compensate anyone harmed by its improper use of the technology system.
8. The information provided through the technology systems and networks shall be offered as a service and shall not be a substitute for individual professional consultation.
9. The proper use of any user ID/password which may be assigned is the ultimate responsibility of the individual to whom it has been assigned. User ID's and passwords shall not be shared under any circumstances.
10. The use of technology is a privilege which may be revoked at any time for any violation of laws, policies and procedures. The Superintendent shall decide what is inappropriate use and such decision shall be **final**. Such violations would include, but not be limited to,
  - a. submits, publishes, or displays on School Board owned or maintained resources any material that is illegal, defamatory, inaccurate, abusive, violent, profane, sexually oriented, racially offensive, obscene, encourages the use of controlled substances, or is otherwise offensive to users,

- b. violates such matters as institutional or third party copyright, license agreements and other contracts,
  - c. interferes with the intended use of electronic information resources,
  - d. seeks to gain or gains unauthorized access to information resources,
  - e. uses or knowingly allows another to use any computer, network, system, program, or software to conduct any commercial or personal business or activity, or solicit the performance of any activity which is prohibited by law,
  - f. uses or knowingly allows another to use any computer, network, system, program, or software to devise or execute any artifice or scheme to defraud or obtain money, property, services, or other things of value by false pretenses, promises, or representations,
  - g. uses or knowingly allows another to use any computer, network, system, program, or software for commercial purposes, product advertisement, solicitation of other staff or students to use goods or services, or political lobbying,
  - h. without authorization, destroys, alters, dismantles, disfigures, prevents rightful access to, or otherwise interferes with, the integrity of computer-based information and/or information resources,
  - i. without authorization, engages in the use of real-time conference features (talk/chat/internet relay chat),
  - j. without authorization, utilizes newsgroups,
  - k. without authorization, utilizes guest books allowing comments on their web site,
  - l. engages in unbridled and open-ended use of the network in terms of access time, performing activities that limit, waste, or prevent other users from accessing finite resources,
  - m. refuses to develop, implement, or maintain security procedures that ensure the integrity of individual and institutional files,
  - n. uses or knowingly allows another to use any computer, network, or system to contact by electronic means any student or employee that would be considered unacceptable in content by a reasonable person.
11. No personal or student information which is protected by the *Family Education*

*Rights and Privacy Act* shall be disseminated on or through the School Board's technology systems and networks, including but not limited to the Internet.

### CONSEQUENCES OF INAPPROPRIATE USE

The use of the Internet is a privilege, not a right, and inappropriate use may result in the temporary or permanent cancellation of that privilege and/or other disciplinary action (including suspension, termination and/or legal action) as deemed appropriate by the Superintendent or designated personnel. Inappropriate use of the network may also result in legal action and/or prosecution, and may require restitution for costs associated with system restoration, hardware, or software costs.

No information on the network (including e-mail and personal files) is guaranteed to be private. Information relating to or in support of illegal activities must be reported to the authorities.

Users bringing illegal and/or inappropriate materials onto the network shall be subject to disciplinary action.

### DISCLAIMER

The Central Community School Board technology network and computer system is provided on an "as is, as available" basis. The School Board does not make any warranties, whether expressed or implied, including, without limitation, those of fitness for a particular purpose with respect to any services provided by the system and any information or software contained therein. The School Board uses a variety of vendor-supplied hardware and software. Therefore, the School Board does not warrant that the functions or services performed by, or that the information or software contained on the system will meet the user's requirements. Neither does the School Board warrant that the technology network and any components will be uninterrupted or error-free, nor that defects will be corrected.

The School Board shall not be responsible for any damage users may suffer, including, but not limited to, loss, damage or unavailability of data stored on school district diskettes, tapes, hard drives or servers, or for delays or changes in or interruptions of service or misdeliveries or nondeliveries of information or materials, regardless of the cause. The School Board shall not be responsible for the accuracy or quality of any advice, service, or information obtained through or stored on school district computers and technology network. The School Board shall not be responsible for financial obligations arising through unauthorized use of the School Board technology network or the Internet.

Opinions, advice, services, and all other information expressed by system users, information providers, service providers, or other third party individuals in the system are those of the providers and not necessarily the School Board.



The School Board shall cooperate fully with local, state, or federal officials in any investigation concerning or relating to misuse of the School Board's computer systems and networks.

Revised: October, 2013

Ref: 47 USC 254(h), *Children's Internet Protection Act* (CIPA); La. Rev. Stat. Ann. §§17:81, 17:100.7, 17:280; Board minutes, 8-12-13, 11-21-13.

## EQUAL EMPLOYMENT OPPORTUNITY

The Central Community School Board and all offices under its jurisdiction declare that no person shall, on the basis of race, color, religion, sex, national origin, disability, or age, be discriminated against in admission or access to or treatment or employment in, its programs and activities. The School Board is an equal employment opportunity agency and is dedicated to a policy of nondiscrimination in employment or training. Qualified persons, applicants or employees shall not be excluded from any course or activity because of age, race, creed, color, sex, religion, national origin, or qualified disability.

The Superintendent and/or appropriate representative, as designated by the School Board, shall investigate any and all complaints that may be brought against any individual school in the school district in regard to any alleged discriminatory action for appropriate treatment by the School Board.

All employees shall be responsible for complying with this policy. Any form of harassment or discrimination should be immediately reported to the immediate supervisor, who in turn shall report the incident to the Superintendent and/or his/her designee. If the supervisor is the alleged harasser or discriminator, or the employee does not wish to report the matter to his/her supervisor, the employee may submit the complaint directly to the Superintendent or his/her designee for appropriate inquiry, including, when appropriate, investigation. The investigation shall proceed in accordance with policy, *F-11.3, Investigations*.

Further, the School Board prohibits retaliation against any individual for making a complaint under this policy or participating in the investigation of any such complaint.

### PERSONS WITH DISABILITIES

In accordance with federal and state statutes addressing nondiscrimination of disabled persons, namely Section 504 of the *Vocational Rehabilitation Act* of 1973 and the *Americans with Disabilities Act* of 1990, the School Board attests that no qualified person with a disability shall, solely by reason of a disability, be denied the benefits of, be excluded from participation in, or be otherwise subjected to discrimination under any program or activity; nor shall a qualified person with a disability be subjected to discrimination in employment.

Ref: US Constitution, Amend. XIV, Sec. 1; 20 USC 1681 (*Title IX of the Education Amendments of 1972*); 29 USC 621 et seq. (*Age Discrimination in Employment*); 29 USC 701 (*Vocational Rehabilitation and Other Rehabilitation Services*); 29 USC 794 (*Nondiscrimination under Federal Grants*); 42 USC 2000d (*1964 Civil Rights Act*); 42 USC 12101 (*Americans with Disabilities Act of 1990*); Constitution of Louisiana, Art. I, Sec. 3, Art. X, Sec. 10; La. Rev. Stat. Ann. §§17:111, 23:301, 23:302, 23:303, 23:311, 23:312, 23:314, 23:323, 23:332, 23:334, 23:342, 23:352, 23:368; Griggs v. Duke Power Company, 91 S. Ct. 849 (1979); Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211 (5th Cir. 1979).

## INDIVIDUALS WITH DISABILITIES

The Central Community School Board believes that no otherwise qualified person shall, on the basis of disability, be subjected to discrimination in employment, promotion demotion, transfer, or any employment-related function or process, under any program or activity in the school system.

The School Board further believes that no student, parent or other citizen with a disability should be denied access to any program or activity, where reasonable accommodations may be made without imposing undue financial or administrative burdens, or where such modifications would result in a fundamental alteration in the nature of the program or activity.

### REASONABLE ACCOMMODATION

The School Board shall make every effort to provide reasonable accommodations for the known disabilities of its employees and/or applicants. A *reasonable accommodation* is defined as a modification to the job or work environment that will enable a qualified individual with a disability to enjoy equal employment opportunity.

In general, it is the responsibility of the applicant and/or employee with a disability to inform the School Board that an accommodation may be necessary. If an employee requests an accommodation and the need for such is not obvious or if the School Board does not believe that the accommodation is needed, the School Board may request that the employee provide documentation from his/her physician regarding the employee's functional limitations in order to support the request. The School Board is not required to provide an accommodation that is primarily for the personal use of the employee. The School Board further is not required to provide an accommodation which would result in an undue hardship on the School Board.

Requests for a reasonable accommodation need not be in writing, but such is preferred. It is also permissible for another person, such as a friend, family member, or physician, to request an accommodation on behalf of an employee. The employee who believes that a reasonable accommodation may be necessary should report such to his/her immediate supervisor. The supervisor will then report the request to the Personnel Department. At that point, the Director of Personnel or his/her designee, together with the employee's immediate supervisor, shall meet with the employee to discuss the request and attempt to identify possible accommodations which could be made in order to allow the employee to perform the essential functions of his/her job. The School Board may choose the accommodation that is less costly or that is easier to provide.

Once a request for an accommodation has been made, the Director of Personnel shall schedule an initial meeting with the employee and his/her immediate supervisor as

soon as practical, but in no case longer than fifteen (15) days following receipt of the request. Multiple meetings may be necessary however, before a determination regarding the request can be made.

Following the meeting(s) discussed above, the Director of Personnel shall render a written decision regarding the request for accommodation, including whether the request is to be granted and how or, if the request is not to be granted, the reasons why. Such report shall be rendered within a reasonable time following the conclusion of the meeting(s) with the employee and the immediate supervisor, but in no instance shall the report be rendered longer than thirty (30) days following the last meeting.

In case a decision is made not to grant an accommodation because of an undue hardship, written documentation of the reasons therefore shall be sent to the individual and a copy maintained in the employee's personnel file.

Any employee who is denied a request for accommodation may file a grievance as provided in policy *F-4, Complaints and Grievances*.

Ref: 29 USC 791 (*Employment of Individuals with Disabilities*); 29 USC 794 (*Nondiscrimination under Federal Grants and Programs*), 42 USC 12101 et seq. (*Equal Opportunity for Individuals with Disabilities*); La. Rev. Stat. Ann. ' ' 23:322,

23:323, 23:324.

## **PROFESSIONAL DEVELOPMENT OPPORTUNITIES**

The Central Community School Board recognizes that a program of professional development and education is important for the constant professional growth and improvement of an employee. Therefore, professional personnel shall be encouraged to keep up with new developments and take part in development opportunities in their academic fields and to cultivate an open mind and an experimental attitude toward current educational practices.

To assist with the professional growth and development of teachers and other employees, the School Board supports the following:

1. The scheduling of regular faculty and in-service meetings to promote the involvement of all teachers in studying problems of mutual concern relating to the curriculum, personnel, or school policies.
2. The annual involvement of each school faculty in a study project directed toward improvement of the school (as is required of all schools which are accredited by, or affiliated with, the Southern Association of Colleges and Schools).
3. Grade-level, subject-matter, and departmental faculty meetings scheduled for purposes of curriculum and/or in-service development.
4. The participation of school administrators, teachers, and other employees in workshops and/or college courses for continued professional development. Federal and State mandated programs of staff development will be according to the comprehensive system of personnel development established by the State and Federal governing authorities.
5. Visitation of teachers within the school and visitation at other schools when possible.
6. An atmosphere which will permit teachers to experiment, to do action research, and to be creative in teaching.
7. Open lines of communication between teachers, school administrators, other employees, and the central staff.
8. Supervisory and evaluation procedures directed toward professional growth.

Ref: La. Rev. Stat. Ann. '17:24.1.

## COMPLAINTS AND GRIEVANCES

Any employee of the Central Community School Board shall have the right to appeal the application of a policy and/or procedure affecting him/her. Complaints or grievances about any job action taken against an employee are excluded from this policy. The person(s) filing the grievance shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal in presenting his/her appeal with respect to a personal grievance. The primary purpose of this procedure is to secure, at the most immediate level possible, an equitable solution to the claim of the aggrieved employee(s).

If at any step of the procedure outlined below, the administration fails to comply with the timelines set forth therein, the complaint and/or grievance will immediately move to the next higher step in the process for review and decision.

### DEFINITIONS

1. *Employee* - Employee(s) shall mean any person(s) regularly employed by the Central Community School Board, either full or part-time.
2. *Grievance* - Grievance shall mean a claim by an employee of the violation, misinterpretation or inequitable application of any of the School Board policies, rules or regulations under which such employee works. The term *grievance* shall not apply in any manner in which (1) a method of review is not prescribed by law, (2) the School Board is without authority to act, or (3) any reduction of personnel action.
3. *Days* – Days shall mean school days or working days. *Working day* shall mean any day the Central Community School Board *Central Office* is officially open for conducting business. The days at each level may be extended by mutual agreement of persons involved in resolving the grievance.
4. *Immediate Supervisor* – Immediate supervisor shall mean that employee possessing supervisory and administrative authority next in rank above the grievant.
5. *Transcript* – A written, printed, or typed copy of the testimony.

### PROCEDURE

Grievances shall be processed as rapidly as possible. All proceedings of a grievance shall be kept confidential.

### Level One

An employee with a grievance shall first discuss the grievance with his/her immediate supervisor or principal. Within five (5) days thereafter, the supervisor or principal shall render an oral decision.

### Level Two

If the employee is not satisfied with the disposition at Level One or if no decision has been rendered in the time specified, the employee may present a grievance in writing on the appropriate grievance form to the immediate supervisor or principal specifying:

1. The nature of the grievance;
2. The nature or extent of the injury, loss, or inconvenience;
3. The results of previous discussions; and
4. The dissatisfaction with decisions previously rendered.

The written grievance shall be presented to the immediate supervisor or principal within five (5) days after the employee's receipt of the Level One oral decision or five (5) days after the oral deadline. If the grievance is not submitted within the time specified, the employee shall have no further right with respect to the grievance.

Within five (5) working days of the receipt of the grievance, the immediate supervisor and the grievant(s) shall meet to attempt to resolve the grievance. The immediate supervisor shall receive, investigate and consider information from all affected parties he/she believes is necessary to resolve the complaint.

Within five (5) working days following the meeting between the grievant(s) and his/her immediate supervisor, the immediate supervisor shall render his/her written decision and communicate his/her decision to the employee.

### Level Three

If the employee is not satisfied with the disposition at Level Two or if no decision has been rendered in the time specified, the employee may appeal the Level Two decision by submitting a written request to the Superintendent.

The Superintendent or his/her designee shall schedule a meeting with the employee within fifteen (15) days of receipt of the appeal by the Superintendent. Notice of this meeting shall be given to the employee as well as to the individual who rendered the decision at Level Two. Documentation from the Level Two conference shall be presented as well as any other pertinent documentation.

Within ten (10) days following the Level Three meeting with the aggrieved employee, the Superintendent or his/her designee shall send a written decision by certified mail to



the employee with copies to the other decision makers and affected parties.

#### Level Four

If the employee is not satisfied with the Level Three disposition or if no decision has been rendered in the time specified, the employee may within five (5) days of the date of receipt of the Level Three decision request, in writing, a full hearing of the grievance before the Superintendent or his/her designee. If the request is not submitted to the Superintendent within the time prescribed, the grievant(s) shall have no further right with respect to the grievance.

The Superintendent or his/her designee shall schedule the hearing with the employee within twenty (20) days of the request for a hearing. The Superintendent or designee may receive at the hearing written statements of witnesses, other written materials and/or interview witnesses, if relevant to the grievance. The purpose of the hearing shall be to resolve the grievance. The Superintendent or designee shall maintain a transcript of the proceeding. Following the hearing, the Superintendent or designee shall make a written recommendation for disposition of the grievance.

The recommendation of the Superintendent or designee shall be provided to the employee not more than thirty (30) calendar days following the hearing. The Superintendent or designee's recommendation, together with a copy of the transcript of the hearing as well as the previous decisions, shall also be provided to the School Board within the same time frame set out above for disposition of the grievance.

On the basis of the written recommendation and a transcript of the hearing provided the School Board, the School Board shall dispose of the grievance. There shall be no hearing involving testimony, the receipt of evidence or additional matters before the School Board. The School Board shall vote to affirm, reverse or modify the recommendation, or remand back to the Superintendent or designee for more information. Notice of the School Board's decision shall be given to the employee and to the individuals who rendered the Level Two, and Level Three decisions. The School Board's action shall be *final*.

#### REPRESENTATION

The person bringing forth the grievance shall have the right to present his/her own grievance. Grievants have the right to have representation at all levels in the process above Level One and Two.

If a person chooses to have representation when presenting his/her grievance, said person shall provide advance notice of such in writing to the immediate supervisor at the respective procedural level at least two (2) days prior to the meeting on the grievance.

CONFIDENTIALITY

It shall be understood that a grievance shall remain confidential except to the extent necessary to investigate and resolve the grievance.

Ref: La. Rev. Stat. Ann. §17:100.4; Pickering v. Board of Education, 88 S. Ct. 1731 (1968).

## SEXUAL HARASSMENT

It is the policy of the Central Community School Board to provide an employment environment that is free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications deemed to constitute sexual harassment under federal and state laws, regulations, and guidelines. The School Board shall not tolerate sexual harassment by any student, employee, non-employee volunteer, or School Board member toward any individual.

All administrative and supervisory personnel shall be responsible for enforcing the School Board's sexual harassment policy. Failure to enforce this policy in a prompt and strict manner may subject such personnel to disciplinary action.

### DEFINITION

*Sexual harassment* shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, as a term or condition of any individual's employment or education;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment/educational decisions affecting the individual; and
3. Such conduct has the purpose or effect of
  - A. unreasonably interfering with an individual's work/education, or
  - B. creating an intimidating, hostile or offensive working/educational environment.

Incidents of sexual harassment may include, but are not limited to, verbal harassment such as derogatory comments, jokes, slurs or remarks or questions of a sexual nature; physical harassment such as unnecessary or offensive touching; and visual harassment such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, looks or gestures. Harassment depends not only upon the perpetrator's intention, but also upon how the person who is the target perceives the behavior or is affected by it. Individuals who believe they have been the victim of sexual harassment from co-workers or others should make it clear that such behavior is offensive to them by saying so to the offender.

### REPORTING PROCEDURE

Any person who believes he or she has been the victim of sexual harassment by an

employee or anyone affiliated with the Central Community School Board, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to the employee's immediate supervisor, who in turn shall submit it to the Superintendent of his/her designees who have been authorized to receive complaints regarding sexual harassment. If the alleged acts were committed by the employee's immediate supervisor, the complaint should be directed to the Superintendent.

The initial complaint of sexual harassment may be either verbal or written. It is recommended that the person taking the complaint completes the *Initial Incident Report* form (Form CCSS: CI) and submit it to the Superintendent for further review.

If the alleged acts were committed by the Superintendent, then the complaint should be submitted to the School Board President. If the complaint is against a School Board member, then the complaint should be submitted to the Superintendent. If criminal activity is involved, the victim should also report the incident to the police. The person to whom the complaint is given shall promptly prepare a written report and forward it to the Superintendent.

#### INVESTIGATION AND RECOMMENDATION

The School Board shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School Board's legal obligations and the necessity to investigate allegations of harassment and take corrective or disciplinary action when the conduct has occurred.

Upon receipt of a report or complaint alleging sexual harassment, the Superintendent shall authorize an investigation by School Board employees, including at least one administrator, or a third party selected by the Superintendent. In conjunction with the provisions of policy *F-11.3, Investigations*, the investigation may include personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint, as well as a review of related charges, if any, personnel files, work records and other pertinent information. Such investigation shall proceed expeditiously, thoroughly, and professionally.

A report shall be made to the Superintendent upon completion of the investigation which shall review the findings and render a discussion within thirty (30) days after completion of the investigation. The report may include a finding that the complaint was unfounded, informally resolved, or a recommendation to the Superintendent for disciplinary action. No record of an unfounded or unsubstantiated complaint shall be filed in an employee's personnel file.

If the report of sexual harassment is not acted upon within a reasonable period of time after the initial report, the claimant shall contact that individual to determine what has

transpired since the report was made. If the claimant is not satisfied with the response, he/she shall report the complaint and the actions of the initial receiver to the Superintendent.

### ACTIONS

1. Upon receipt of a recommendation that the complaint which has not been informally resolved is valid involving an employee or non-employee volunteer, the Superintendent shall take such action as appropriate based on the results of the investigation.
2. The result of the investigation of each complaint filed under these procedures involving an employee or non-employee volunteer shall be reported in writing to the complainant and the alleged harasser by the Superintendent. The report shall document any action taken as a result of the complaint.

### RETALIATION PROHIBITED

The School Board shall discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. *Retaliation* includes, but is not limited to, any form of intimidation, reprisal or harassment at the time of a report or any time after a report.

### NON-HARASSMENT

The School Board recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. Deliberate false accusations of sexual harassment may have a serious detrimental effect on innocent parties and subject the accuser to disciplinary actions.

### SEXUAL HARASSMENT AS SEXUAL ABUSE OR CRIMINAL ACTIVITY

Under certain circumstances, sexual harassment of a student may constitute sexual abuse under the Louisiana Children's Code. In such situations, School Board personnel become *mandatory reporters* and shall comply with Article 609(A) of the Louisiana Children's Code and directly report the sexual abuse to the Child Protection Unit of the Louisiana Department of Social Services. Also, activity of a criminal nature should be reported by the victim to the police.

### DISCIPLINE

Any action taken pursuant to this policy shall be consistent with requirements of

applicable statutes and School Board policies. The School Board and Superintendent shall take such disciplinary action for employees and non-employee volunteers it deems necessary and appropriate, including warning, transfer, suspension or immediate discharge to end sexual harassment and prevent its recurrence.

Ref: 20 USC 1681 (*Title IX of the Education Amendments of 1972*); 42 USC 2000e (*Civil Rights - Definitions*); 29 CFR 1604.11 (*Guidelines on Discrimination Because of Sex - Sexual Harassment*); 34 CFR 100.6 et seq. (*Title VI of the Civil Rights Act of 1964*); La. Rev. Stat. Ann. ' ' 14:41, 14:42, 14:42.1, 14:43, 14:81.4,

17:81, 23:301, 23:302, 23:303, 23:332; La. Civil Code, '2315.

## GIFTS

### GIFTS TO PERSONNEL

The Central Community School Board shall prohibit staff members and employees of the school district from soliciting, accepting, or receiving, either directly or indirectly, any gift from students, parents, or other individuals. The acceptance of a token of appreciation shall not be considered a violation of this policy.

Acceptance of any form of compensation, gift, or gratuity by any employee of the Central Community School Board from persons or firms doing business with any School Board department is strictly prohibited. Reduced cost and/or free travel expenses are also defined as gifts with regard to this policy. This policy does not preclude, however, acceptance of food or drinks of a social nature or participation in a social event. This policy shall also not preclude the acceptance of campaign contributions for use in meeting campaign expenses by any employee who is or becomes a candidate for election to any public office.

Ref: La. Rev. Stat. Ann. §§ 42:1111, 42:1112, 42:1113, 42:1115.



## POLITICAL ACTIVITIES

The Central Community School Board believes that employees enjoy many citizenship responsibilities and the right to vote in all elections. However, employees shall not be a part of any political activity during office hours or while on duty. This includes making contributions to campaign funds, soliciting contributions to campaign funds, or promoting any candidate by distributing cards, pictures, or handbills, making telephone contacts, or in any other way.

Additionally, no political activities should be carried on during school hours or the workday, and that no school influence should be exerted in any way, particularly those activities relating to any matter presented by the School Board to the public (i.e. referendum, tax issues, etc.), or use any School Board facility for any such activity.

Ref: La. Rev. Stat. Ann. §17:81.

## SOLICITATIONS

The Central Community School Board shall prohibit employees from accepting or soliciting any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities. An employee who believes he or she has or may have a conflict of interest shall disclose the interest to the Superintendent or designee, who shall take whatever action is necessary, if any, to ensure that the district's best interests are protected.

## ENDORSEMENTS

Employees shall be prohibited from recommending, endorsing, or requiring students to purchase any product, material, or service in which they have a financial interest or that is sold by a company that may employ the district employee during non-school hours. Professional employees shall be prohibited from recommending or requiring students to purchase a specific brand of school supplies if there are other brands that are equal and suitable for the intended instructional purpose.

## VENDOR PRESENTATIONS IN SCHOOL FACILITIES

The Central Community School Board believes that its practices and procedures must reflect fair treatment to all vendors and agents as well as to the employees and pupils of the school system. Consequently, control shall be placed on the use of public buildings for the purpose of demonstrating products, explaining services and/or selling or attempting to sell said products or services. Accordingly, vendors, solicitors and/or representatives of agencies, companies or associations shall not be permitted to meet with employees of the School Board in the public schools or related buildings or facilities for the purpose of demonstrating products, explaining services and/or selling or attempting to sell said products or services. Exceptions shall be as follow:

1. This provision shall not apply to those instances where the School Board and/or the administration deem said presentations in the schools to school employees may be in the best interest of the Central Community School Board, its employees and the community i.e., presentation of textbooks, curriculum materials, etc.
2. This provision shall not apply to insurance agents whose companies have been approved for payroll deductions by the School Board. However, presentations shall be limited to insurance coverages approved for payroll deduction only and must be presented at regularly scheduled faculty meetings with approval of the principal. A follow-up meeting for all those not present at faculty meetings may be arranged by the principal so that all employees are aware of the benefits which are available to them. Meetings with employees in other facilities besides a school shall be arranged/approved by the Superintendent or his/her designee.

No other insurance agents or coverage other than that provided by payroll deduction shall be permitted.

3. This provision does not apply to the responsibilities for the conduct of School Board business fulfilled by the administrative staff.
4. Vendors of athletic equipment, with approval of the principal, may be allowed to visit coaches during administrative planning periods.

**SALES**

Employees shall be prohibited from using their positions with the district for the purpose of attempting to sell products or services.

Ref: La. Rev. Stat. Ann. §§ 42:1111, 42:1112, 42:1113, 42:1115, 42:1121.

## PERSONNEL RECORDS

The Central Community School Board shall require the maintenance of a uniform system of personnel records for all employees. It shall be the responsibility of the Superintendent or designee to keep the records updated and complete in accordance with statutory provisions.

A personnel file shall be accurately maintained in the central administrative office for each present and former employee. These files shall contain applications for employment, references, and records relative to compensation, payroll deductions, evaluations, and such other matters as may be considered pertinent to the proper maintenance of all personnel records. It is the duty of the employee to furnish the personnel office with certificates, transcripts, statements of degrees, and other educational experience related documentation.

The Superintendent shall be designated as custodian of all personnel files and shall have the overall responsibility for maintaining and preserving the confidentiality of the files. The Superintendent may, however, designate another official to perform the duties of records management on the understanding that this official is to be held responsible for granting or denying access to records on the basis of these guidelines.

### GENERAL ACCESS TO AN EMPLOYEE'S PERSONNEL FILE

Any school employee requesting to see his/her personnel file shall be given access to his/her entire personnel file, including but not limited to all documents placed in the employee's file on or before September 1, 1987, during normal business hours. The contents of a school employee's personnel file shall not be divulged to third parties without the express written consent of the school employee, except when ordered by a court or by subpoena, or in accordance with this policy. No school system employee other than the personnel file custodian or the Superintendent for the system, or the designee of either, who shall be a school system employee, shall be allowed access to a school employee's personnel file without the school employee's expressed written consent, unless that employee is charged with the duty of supervising that particular school employee's performance. A School Board member or any other person authorized pursuant to this policy shall be permitted to examine any and all records of the school system, except school employee records relative to evaluations, observations, formal complaints, and grievances. However, in accordance with La. Rev. Stat. Ann. §17:81, the School Board, *upon a majority vote of the total Board membership*, shall have the right to examine any and all records of the school system, including personnel records.

In case a personnel file should be accessed by the School Board or anyone else, the employee whose file was so accessed shall receive written notice of the fact and the name and title of the person who was permitted access. All persons permitted access

shall maintain the confidentiality of those documents in the file that are not matters of public record.

If an employee wishes to review and/or obtain a copy of his/her personnel file, the employee must make a written request to the Superintendent or his/her designee not less than forty-eight (48) hours before the date the file will be reviewed.

## REQUESTS FOR ACCESS AND INSPECTION

### Additions to Personnel File

No complaint, commendation, suggestion, or evaluation may be placed in the evaluation file unless it meets the following requirements:

1. Each document concerning a school employee shall be placed in the employee's personnel file within a reasonable time and no document, except those resulting from routine recordkeeping, shall be placed in a school employee's personnel file by any school system employee, unless and until that school employee is presented with the original document and a copy thereof prior to its filing.
2. Upon receipt of the original document and copy of the same, the school employee shall sign the original document as an acknowledgement of the receipt of the copy of the document. Such signature shall not be construed as an agreement to the contents of the document. If the employee refuses to sign the original document, the phrase *Refused to Sign* shall be printed on the document by the custodian who shall then date and sign the document before placement in the employee's personnel file.

### Rebuttal and Response

Each school employee shall be given the opportunity to rebut and to respond to a document placed in his/her personnel file including but not limited to any document placed in such file on or before September 1, 1987.

1. The rebuttal and response must be in written form and once filed shall be attached to the document to which the response and rebuttal applies, and thus become a permanent part of the school employee's personnel file as long as the document remains a part of the personnel file.
2. No document or copy thereof, to which a response and rebuttal has been filed, shall be used for any purpose whatsoever unless the rebuttal and response or copy thereof is attached to the document or copy sought to be used.
3. A school employee shall have the right to receive proof of any allegations and statements contained in a document placed in his/her file that the school

employee believes to be inaccurate, invalid, or misrepresented. If such proof is not presented, the document containing the allegations and statement shall be removed from the school employee's personnel file and destroyed.

If, at any time, the School Board takes any personnel action against an employee based upon any document that was placed in the employee's file on or before September 1, 1987, the employee shall be given the opportunity to rebut and respond to such document.

#### Procedure for Filing of Rebuttal and Response

1. Any rebuttal and response to a document placed in a school employee's personnel file shall be filed by the employee within fifteen (15) school days from the date on which the school employee signs the document acknowledging its receipt.
2. The school employee may be granted an additional ten (10) school days for the filing of the rebuttal and response, provided the school employee requests such an extension in writing addressed to the personnel file custodian within the original fifteen-day period. The personnel file custodian's consent to the ten-day extension of time shall not be unreasonably withheld.
3. The rebuttal and response shall be deemed filed by the delivery of the original and one copy of the rebuttal and response to the personnel file custodian. The personnel file custodian shall then sign and date the original rebuttal and response and file the same into the school employee's personnel file. The personnel file custodian shall also sign and date a copy of the rebuttal and response and return the same to the school employee.

#### CONFIDENTIAL INFORMATION

Certain items in the personnel records of School Board employees shall be confidential, including:

1. The home telephone number of the employee where such employee has chosen to have a private or unlisted home telephone number because of the nature of his/her occupation with such body.
2. The home telephone number of the employee where such employee has requested that the number be confidential.
3. The home address of the employee where such employee has requested that the address be confidential, except it shall be made available to recognized educational groups.

4. The social security number and financial institution direct deposit information as contained in the personnel records of an employee of the School Board. However, when the employee's social security number or financial institution direct deposit information is required to be disclosed pursuant to any other provision of law, including such purposes as child support enforcement, health insurance, retirement reporting, or to officials or employees of the school, School Board, Louisiana Department of Education, or Board of Elementary and Secondary Education (BESE), in the performance of duties or responsibilities of the official or employee, the social security number or financial institution direct deposit information of the employee shall be disclosed pursuant to such provision of law.
5. The name and account number of any financial institution to which the public employee's wages or salary is directly deposited by an electronic direct deposit payroll system or other direct deposit system.

The above information shall not be divulged to third parties.

#### HEALTH AND MEDICAL RECORDS

An employee's health and medical records are deemed confidential and shall be maintained in a separate file apart from the employee's general personnel file. Such records will include:

1. Medical/health records, claim forms, life insurance application, requests for payment of benefits and all other health records of an employee and his/her dependents enrolled in the School Board adopted insurance plan.
2. All medical records of an employee, all compensation payment records, rehabilitation records, claim records, employer's injury reports, and records submitted to *Second Injury Fund*.
3. Medical information obtained as a result of an employee's request for a reasonable work accommodation due to a disability.

There may be instances where an employee's medical information will need to be made available to certain supervisory personnel, such as where a request for a reasonable accommodation has been granted, to inform a supervisor of necessary work duties or restrictions due to an on-the-job injury, emergency treatment required by the employee, or if specific procedures are needed to aid the employee in case of fire or other evacuations. Supervisors, however, shall not have unlimited access to an employee's medical file or to information about an employee's medical condition which is unnecessary to the performance of the employee's job.

Medical information may also be made available to third parties as required by law or

business necessity. For example, the School Board may be required to release such information to government officials investigating the School Board's compliance with the *Americans with Disabilities Act*, to state worker's compensation offices in accordance with Louisiana worker's compensation laws, or to insurance companies where the insurer requires a medical examination before providing health or life insurance to employees.

### RELEASE OF PERSONNEL RECORDS PERMITTED

There are conditions under which personnel records of employees may be released. These conditions are:

1. Personnel records may be released to persons other than the affected employee with the written consent of the employee or as required by law or the courts.
2. Information relating to dependents and beneficiaries of deceased employees. Requests for such information may be required to be in writing.
3. In all cases, an employee shall have unlimited access to any and all information contained in or pertaining to his/her own health record.

### ANCILLARY FILES

The school principal or other appropriate supervisors may maintain certain ancillary personnel files. Maintenance of these confidential files shall be the responsibility of the Principal or appropriate supervisor. These on-sight ancillary personnel files may contain administrative data, as well as other data that may be evaluative, critical, or complimentary of the employee. Though not part of the official personnel file maintained in the central office, these ancillary personnel files shall be subject to the same provisions applicable to all personnel files, including access by the employee and the right to be aware of any information stored in the file.

### DEFINITIONS

**Document** means any written or otherwise tangible material intended to be or actually used as a part of or any evidence of the work history of any employee including but not limited to any and all reports, comments, reprimands, correspondence, memoranda, evaluations, observations, and grievances relative to a particular employee.

**Personnel file** means those file(s) which contain the cumulative collection of any and all documents maintained by the school system with respect to each individual employee.

**Personnel file custodians** (file custodians) means those persons employed by the school system charged with the duty of maintaining and preserving the personnel files.



***Third party*** means any person or entity not regularly employed, or employed under a contract by the school system in which the employee is employed.

Ref: 5 USCA '552 (*Privacy Act of 1974*); La. Rev. Stat. Ann. ' '17:81, 17:440, 17:1231, 17:1232, 17:1233, 17:1234, 17:1235, 17:1236, 17:1237, 17:1238, 23:1127, 23:1131, 23:1293, 44:1, 44:2, 44.4, 44:11, 44:12.

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2. Upon receipt of the original document and copy of the same, the school employee shall sign the original document as an acknowledgement of the receipt of the copy of the document. Such signature shall not be construed as an agreement to the contents of the document. If the employee refuses to sign the original document, the phrase *Refused to Sign* shall be printed on the document by the custodian who shall then date and sign the document before placement in the employee's personnel file.

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2. The home telephone number of the employee where such employee has requested that the number be confidential.
3. The home address of the employee where such employee has requested that the address be confidential, except it shall be made available to recognized educational groups.
4. The social security number and financial institution direct deposit information as contained in the personnel records of an employee of the School Board. However, when the employee's social security number or financial institution direct deposit information is required to be disclosed pursuant to any other provision of law, including such purposes as child support enforcement, health insurance, retirement reporting, or to officials or employees of the school, School

Board, Louisiana Department of Education, or Board of Elementary and Secondary Education (BESE), in the performance of duties or responsibilities of the official or employee, the social security number or financial institution direct deposit information of the employee shall be disclosed pursuant to such provision of law.

5. The name and account number of any financial institution to which the public employee's wages or salary is directly deposited by an electronic direct deposit payroll system or other direct deposit system.

The above information shall not be divulged to third parties.

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1. Medical/health records, claim forms, life insurance application, requests for payment of benefits and all other health records of an employee and his/her dependents enrolled in the School Board adopted insurance plan.
2. All medical records of an employee, all compensation payment records, rehabilitation records, claim records, employer's injury reports, and records submitted to *Second Injury Fund*.
3. Medical information obtained as a result of an employee's request for a reasonable work accommodation due to a disability.

There may be instances where an employee's medical information will need to be made available to certain supervisory personnel, such as where a request for a reasonable accommodation has been granted, to inform a supervisor of necessary work duties or restrictions due to an on-the-job injury, emergency treatment required by the employee, or if specific procedures are needed to aid the employee in case of fire or other evacuations. Supervisors, however, shall not have unlimited access to an employee's medical file or to information about an employee's medical condition which is unnecessary to the performance of the employee's job.

Medical information may also be made available to third parties as required by law or business necessity. For example, the School Board may be required to release such information to government officials investigating the School Board's compliance with the *Americans with Disabilities Act*, to state worker's compensation offices in accordance with Louisiana worker's compensation laws, or to insurance companies where the insurer requires a medical examination before providing health or life insurance to employees.

### RELEASE OF PERSONNEL RECORDS PERMITTED

There are conditions under which personnel records of employees may be released. These conditions are:

1. Personnel records may be released to persons other than the affected employee with the written consent of the employee or as required by law or the courts.
2. Information relating to dependents and beneficiaries of deceased employees. Requests for such information may be required to be in writing.
3. In all cases, an employee shall have unlimited access to any and all information contained in or pertaining to his/her own health record.

### ANCILLARY FILES

The school principal or other appropriate supervisors may maintain certain ancillary personnel files. Maintenance of these confidential files shall be the responsibility of the Principal or appropriate supervisor. These on-sight ancillary personnel files may contain administrative data, as well as other data that may be evaluative, critical, or complimentary of the employee. Though not part of the official personnel file maintained in the central office, these ancillary personnel files shall be subject to the same provisions applicable to all personnel files, including access by the employee and the right to be aware of any information stored in the file.

### DEFINITIONS

**Document** means any written or otherwise tangible material intended to be or actually used as a part of or any evidence of the work history of any employee including but not limited to any and all reports, comments, reprimands, correspondence, memoranda, evaluations, observations, and grievances relative to a particular employee.

**Personnel file** means those file(s) which contain the cumulative collection of any and all documents maintained by the school system with respect to each individual employee.

**Personnel file custodians** (file custodians) means those persons employed by the school system charged with the duty of maintaining and preserving the personnel files.

**Third party** means any person or entity not regularly employed, or employed under a contract by the school system in which the employee is employed.

Revised: June, 2015

Ref: 5 USCA '552 (*Privacy Act of 1974*); La. Rev. Stat. Ann. ' '17:81, 17:440, 17:1231, 17:1232, 17:1233, 17:1234, 17:1235, 17:1236, 17:1237, 17:1238, 23:1127, 23:1131, 23:1293, 44:1, 44:2, 44.4, 44:11, 44:12.

## PERSONNEL POSITIONS

The number of teachers and other school personnel to be employed in the school district shall be determined by the Central Community School Board. It is the intent of the School Board to activate a sufficient number of positions to accomplish the district's goals and objectives.

The Superintendent shall be delegated the authority to make recommendations to the School Board for adding new positions and for making revisions and/or adaptations to existing job titles and/or descriptions, or for making adjustments to the system's personnel that will contribute to more efficient operations.

The Superintendent shall maintain a comprehensive and up-to-date set of job descriptions of all positions in the school system. These job descriptions shall be kept on file and utilized in conjunction with the performance evaluation plan. All personnel shall be given a copy of their respective job description when first employed and any time the job description is revised.

No professional staff member shall be permitted to hold more than one (1) school-related position in addition to the professional position for which he/she was hired. A professional staff member is herein defined as any supervisor, principal, assistant principal, or teacher in the employ of the Central Community School Board.

Ref: La. Rev. Stat. Ann. §§17:54, 17:81.



## QUALIFICATIONS AND DUTIES

A written job description shall exist for every employment position with the Central Community School Board, depicting the minimum qualifications and the responsibilities necessary for the position.

### TEACHERS

The School Board shall require that each teacher hold not less than a bachelor's degree from a regionally accredited college or university to be eligible for employment.

Each teacher, including administrative personnel, shall be required to hold a current and valid teacher's certificate issued by the Louisiana Board of Elementary and Secondary Education (BESE) or demonstrate proficiency in meeting all requirements necessary to obtain such a certificate.

As part of their work assignment, teachers, as well as other employees, shall perform duties as necessary to reasonably maintain the safety and welfare of students. They shall at all times perform these duties in a reasonably prudent manner. Students in areas of high risk, such as indoor or outdoor physical education classes, weight rooms, locker/dressing rooms, chemistry and biology labs, and other high risk technical education classes, as well as extracurricular activities, should be intensively supervised.

Teachers may also be required to attend or conduct such other functions or activities of their respective school as deemed appropriate by the principal within the guidelines of their job description and their job responsibilities.

### OTHER PERSONNEL

The Superintendent shall ensure that employees, both current and prospective, have proper certification, as applicable, and are qualified for the position to which employed.

Ref: La. Rev. Stat. Ann. §§17:81,17:414, 17:441, 17:3884, 17:3904; Harrah

Independent School District v. Martin, 99 S. Ct. 1062 (1979).

## COMPENSATION

### Salary Schedules

Upon the recommendation of the Superintendent, the School Board shall establish salary schedules by which to determine the salaries to be paid to teachers and all other school employees. Salaries of all teachers shall be set by the Superintendent. The salaries of all personnel are generally based upon an established salary schedule and associated regulations; provided, however, that salaries may be stated in and controlled by an employment contract. The salaries as provided in any salary schedule shall be considered as full compensation for all work required and performed within each employee's prescribed scope of duties and responsibilities.

Salary schedules established for teachers, administrators, and other certified school personnel shall be based upon the following criteria, with no one criterion accounting for more than fifty percent (50%) of the formula used to compute such employees' salaries:

1. Effectiveness, as determined by the performance evaluation program as provided in La. Rev. Stat. Ann. §§17:3881 through 3905.
2. Demand, inclusive of area of certification, particular school need, geographic area, and subject area, which may include advanced degree levels.
3. Experience.

No teacher or administrator who is rated *ineffective* pursuant to the School Board's performance evaluation program shall receive a higher salary in the year following the evaluation than the teacher/administrator received in the year of the evaluation.

The amount of the annual salary paid to any employee in any school year shall not be reduced below the amount of such salary paid during the previous school year, nor shall the amount of the annual salary paid to any employee be reduced at any time during an academic year. The limitations on the reduction in the amount of the annual salary paid to any employee shall not be applicable to the correction of any accounting errors or to a reduction necessitated by the elimination of a state program or state funding. Any salary reduction shall not apply to any local salary supplement funded, in whole or in part, from a revenue source requiring voter approval, when such voter approval has not been obtained. The limitation on the reduction of salary shall also not apply to an employee who has been promoted and subsequently demoted. In this case, the employee's salary shall return to the salary previously received in the lower position from which promoted.

Ordinarily, no teacher shall be placed on the payroll of the School Board unless the teacher holds a valid certificate as required by law, and a copy of the teacher's contract has been filed with the Superintendent. Exceptions may be made only when qualified teachers with valid certification are not available for employment.

### Experience Credit

*A year of teaching experience* is defined as each scholastic year of employment as a certified teacher in public schools within any of the fifty states of the United States of America, or within any of its territorial possessions; or as a teacher in a private or parochial school, as an employee in a state department of education, or as an instructor in an institution of higher learning. All such experience must have been as a teacher in an institution or school accredited by one of the recognized regional accrediting agencies in the United States of America (e.g., SACS). Experience outside the United States of America, its territories or possessions must be in an institution or school accredited by an accrediting agency recognized by the United States of America.

A year of teaching experience shall be granted if the person was employed for at least ninety-one (91) instructional days during one scholastic year, excluding holidays, as verified by the Superintendent. However, not more than one (1) year of experience shall be granted for a period inclusive of twelve (12) consecutive calendar months. All experience must have been on a full-time basis.

Any teacher holding a valid Louisiana teaching certificate in the public school system of Louisiana who has transferred to Louisiana from a public school system of another state and who, at the time of such transfer, held a valid teacher's certificate from that state, shall be given full credit under the salary schedule for the years of satisfactory teaching service previously rendered in the public school system of that state. Credit for previous teaching experience shall also be granted to an employee who holds a valid Louisiana teaching certificate and is employed or has been employed by another public school system in the state.

### Advanced Degree

When a teacher earns additional college credit, is awarded an advanced degree, or receives additional training that would result in an increase in salary, said teacher shall be paid for the advanced degree or training beginning with the next school semester after all necessary documentation has been received from the Louisiana Department of Education. It shall be the responsibility of the employee to assure proper notification is given to the Superintendent or his/her designee.

### Retirees

The salary of any retiree who is reemployed as a full-time teacher shall be based on

the salary schedule which accounts for all prior years of teaching service and pertinent experience. The status of any retiree who is reemployed shall be the same as a full-time active employee, subject to all applicable rules, procedures, policies, and statutes that apply to all such full-time active employees.

The retirement of an employee prior to his/her re-employment as a retiree shall constitute a break in his/her service with the School Board for purposes of tenure and sabbatical leave. The retiree shall not be allowed to carry forward annual leave days accumulated by him/her as of the date of his/her retirement, but he/she may carry forward accumulated sick leave days provided that he/she has returned to employment within five (5) years of his/her last employment as a teacher within the school system. A retiree shall have the right to earn additional sick leave and annual leave, if applicable, on the same basis as other similarly situated newly hired employees while a retiree.

### School Employees

Compensation for all school employees shall be based on applicable salary schedules or hourly rates established by the School Board, with the exception that no employee shall receive less than the minimum established by state or federal law.

For the purpose of this subsection, *school employee* shall mean any employee of the School Board who is not required to hold a teacher's certificate as a condition of employment, including, but not limited to, food service worker, paraprofessional, custodian, and maintenance personnel.

Ref: 29 USC 201 et seq. (*Fair Labor Standards Act of 1938, as amended*); La. Rev. Stat. Ann. §§ 11:710, 17:81; 17:83, 17:84, 17:84.1, 17:411, 17:413, 17:418, 17:419.2, 17:421.4, 17:422.6, 17:423, 17:424, 17:424.2, 17:424.3, 17:444, 17:491, 17:492, 17:496, 17:496.1, 17:497, 17:497.1, 17:498; Wright v. Caldwell Parish School Board, 30.448 (La. App. 2 Cir. 6/16/99); Garcia v. San Antonio Metropolitan Transit Authority et al., 105 S. Ct. 1005 (February 1985); Harrah

Independent School District v. Martin, 99 S. Ct. 1062 (1979); Board minutes, 1-14-13.

## EMPLOYMENT CLASSIFICATIONS, WORK WEEK, AND OVERTIME

The Central Community School Board shall comply with provisions of the *Fair Labor Standards Act (FLSA)* that are compatible with all federal, state, and local regulations and laws. For purposes of accurate and timely wage and salary determinations, the School Board sets forth the following guidelines.

### EMPLOYMENT CLASSIFICATIONS

Each employee's position shall be classified in accordance with *FLSA* regulations. Each employee shall be issued a letter of employment when he/she is hired that shall include the appropriate *FLSA* classification. The *FLSA* classifies employees into two (2) primary groups, as follows.

Exempt Employees – Exempt employees may include, but not be limited to, the Superintendent, directors, principals, and assistant principals. Other exempt employee classifications which are not covered by overtime pay provisions, if they meet certain criteria defined in *FLSA* regulations, are administrative, professional (all degreed educators), technical, supervisors, and computer programmers. Such employees are referred to as “exempt” employees and shall be paid a monthly salary based upon a forty (40) hour workweek. Hours worked do not apply to exempt employees. Exempt employees shall be excluded from overtime requirements, and their work schedules may include meetings, extracurricular activities, parent conferences, planning time and other responsibilities of the position.

The salary of exempt employees is designed to compensate them for all hours worked, including hours in excess of eight (8) hours in one day and forty (40) hours in one week. Exempt employees are recognized as being paid a “salary,” which is defined as a uniform amount, no matter how many hours are worked.

Non-Exempt Employees – Non-exempt employees shall be entitled to overtime pay for all hours worked in excess of forty (40) hours in a workweek at the rate of 1½ times regular base rate. Non-exempt employees shall be paid at an hourly rate and may also be paid a salary based upon an hourly rate that is the equivalent to forty (40) hours worked in a workweek. Non-exempt employees who have a work schedule of fewer than forty (40) hours in a workweek shall not be paid overtime compensation unless the employee works more than forty (40) hours in a workweek. Such employees shall be paid their regular rate of pay for time worked up to forty (40) hours.

Any and all paid time off shall not count toward time worked for the purposes of earning overtime pay (this includes annual leave, sick leave, paid or unpaid leave of absence, intermittent leave under FMLA, holidays, bereavement, military duty, jury duty, emergency closings or any other time off without pay).

Non-exempt employees may also include office employees who perform non-manual labor, such as secretaries, clerks, paraprofessionals, nurses, data-processing operators, information system technicians, cafeteria managers, food service employees, maintenance staff, custodial staff, accounting/payroll/personnel department staff, skilled, semi-skilled, and unskilled labor.

Regular Full-Time Employees - Regular full-time employees are those employees, whether exempt or non-exempt, who have been hired on a regular, full-time basis (thirty (30) or more hours per week). Regular full-time employees shall be entitled to all School Board sponsored benefits for which they qualify.

Part-Time Employees - Part-time employees are those employees who have been hired to work on a part-time basis (fewer than thirty (30) hours per week on average). Part-time employees shall not be eligible to receive School Board sponsored benefits unless otherwise mandated by federal or state regulations or other benefit plan terms.

Temporary Employees - Temporary employees are those employees who have been hired to work for a limited period of time, (generally, fewer than three (3) months) or on a specific project. They may work on either a full-time (thirty (30) hours or more per week) or part-time (fewer than thirty (30) hours per week on average) basis. Temporary employees shall not be eligible for School Board sponsored benefits unless otherwise mandated by federal or state regulations or plan terms.

## WORKWEEK

The workweek shall be defined as a contiguous seven (7) consecutive day period of 168 hours commencing at 12:01a.m. Thursday and running through 12:00 midnight the following Wednesday.

For non-exempt full-time or part-time employees, forty (40) hours worked constitutes the regularly scheduled workweek.

Due to the nature of school and system operations working hours and schedules may be flexibly arranged to accommodate the needs of students to the extent practicable. The School Board reserves the right to change or modify work hours it determines are in the best interest of the school system.

## WORK SCHEDULES

Work schedules for employees shall vary throughout the school system. The work schedule for exempt employees shall vary as to time of reporting and shall continue until professional responsibilities and duties provided to students, individual schools, and the school system are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning, extracurricular activities, faculty meetings. School Board and



School Board Committee meetings may require hours beyond any stated minimum. The Superintendent or his/her designee, consistent with the *FLSA* and the provisions of this policy, shall define work schedules for non-exempt employees.

Supervisors shall advise employees of their individual schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

### MINIMUM WAGE

The minimum wage paid on an hour-by-hour basis to employees whether full-time or part-time, permanent or temporary, shall be at least equal to the federal minimum wage.

### HOURS WORKED AND OVERTIME

#### Hours Worked

*Hours worked* shall be defined as all time from the moment an individual actually begins work (any prep such as changing clothes on-site to get ready to work is counted as time worked) until the individual finishes work for the day, except for the deduction of time spent at lunch or dinner (where applicable).

Travel to and from home to the reporting location or worksite does not constitute hours worked. However, official travel for the purposes of performing their duties during an individual's regular working hours shall be considered hours worked. For example, if the reporting site is the central office and the employee is dispatched to a school, in order to perform their assigned duties at that school, then the time spent traveling from the central office to the school and back to the central office or another school shall be considered time worked.

Arriving early or leaving late for the employee's own convenience is not included in hours worked, and employees shall be prohibited from arriving more than fifteen (15) minutes prior to the start of their individual workday unless specifically permitted by their immediate supervisor. Hours spent away from work such as paid time off or absences either excused or unexcused, shall not constitute hours worked and shall be calculated separately for compensation purposes.

The workday for non-exempt employees shall be eight (8) working hours unless otherwise defined.

#### Overtime

Non-exempt employees who work over forty (40) hours per workweek shall be compensated at an overtime rate of one and one-half (1.5 times) their regular hourly

rate. All non-exempt employees must receive advance authorization from the Superintendent or his/her designee to work overtime and shall be disciplined if they do not adhere to this policy. Administrators, school principals including assistant principals, department heads and other supervisors shall be subject to discipline for allowing non-exempt employees under their supervision to work more than forty (40) hours in a workweek without the advance approval of the Superintendent or his/her designee.

Time away from work, such as paid time off, holidays, sick leave, or injury, shall not count as time worked when calculating overtime hours.

To calculate overtime, the School Board considers the employee's normal work week to be forty (40) hours worked in that workweek. When possible, advance notification of these mandatory assignments will be provided. The School Board shall make every effort to plan required overtime with regard to its impact on the employees and needs of the school system.

The School Board discourages overtime work (more than forty (40) hours in a workweek) by non-exempt employees.

#### Meal Periods

Unless otherwise specified, employees shall be provided a lunch break of thirty (30) minutes. Employees shall be relieved of all duties during their meal period and the half-hour does not count as a half-hour worked for the purposes of calculating pay unless the non-exempt employee is required to perform work duties during the meal period. Employees assigned to night shift duty shall have the same lunch break as day shift employees.

The employee's time card should reflect this lunch break, showing the time the break began and ended, or somehow otherwise reflect in the calculation of time worked when hours are calculated. The employee's supervisor shall assign the meal period for each employee. The School Board may stagger meal schedules to provide for continuous safe and effective operation.

#### Break Periods

The School Board may provide two (2) paid, fifteen (15) minute breaks each eight (8) hour workday, one to be taken in the first half of the work day, and the second to be taken in the last half of the work day. Break periods of fifteen (15) minutes or longer do not count as work time. Employee's daily scheduled breaks shall be set in accordance with their work schedule by their supervisor.

The School Board may stagger employee break times to provide for continuous safe and effective operation. Breaks should be taken in safe areas only.

### FLEXIBLE TIME

Principals or supervisors may need to adjust daily schedules of non-exempt employees to prevent non-exempt employees working more than forty (40) hours in a workweek. Accurate and complete time sheets and/or records of the actual hours worked during a workweek shall be signed by each non-exempt employee and supervisor and submitted to the payroll department.

Non-exempt employees shall not be allowed to begin their duties prior to their scheduled start time, and supervisors shall monitor sign-in procedures to prevent such employees performing duties prior to the start time.

### RECORDING OVERTIME HOURS

1. Written authorizations for overtime requests may exist in different forms, i.e., memo, letter or email. The document must contain the explanation of the nature of the work performed. The document with approval signature by the supervisor and Superintendent or his/her designee shall be attached to the timesheet.
2. Overtime requests must contain the dates or period of time for the overtime work, the name(s) and job title(s) of employees working overtime, and the purpose/justification for the overtime.
3. Employees shall record overtime hours daily on timesheets to show the number of hours worked in excess of the regular hours of the day.

### PART-TIME IN DIFFERENT CAPACITY

If non-exempt individuals are employed in one capacity but voluntarily work part-time in a different capacity, on an occasional or regular basis, the hours logged in the secondary voluntary capacity shall be counted as hours worked for overtime purposes.

Exempt employees shall be permitted to work varying assignments and be paid a stipend that is hourly, weekly, developmental, seasonal, or for mentoring/tutoring that shall not constitute earnings paid as overtime or otherwise interfere with their exempt classification.

### VOLUNTEERS

A *volunteer* is defined as an individual who receives no compensation or who is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered and such services are offered freely and without coercion, direct or implied, from the School Board. If an employee wishes to volunteer, the volunteer services must be different from the services the employee is employed to perform. The Superintendent or his/her designee shall approve any exception.

## EXEMPT EMPLOYEE DEDUCTIONS

Deductions from pay may be permissible when an exempt employee: is absent from work for one (1) or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide benefit plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; for penalties imposed in good faith for infractions of safety rules of major significance; or for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions. An exempt employee may file a grievance in accordance with School Board policy *F-4, Grievance Procedures*, if there is a dispute or objection to deduction from pay.

## SPECIAL SITUATIONS

Non-exempt employees shall not be permitted to volunteer to perform work that is part of their normal job duties. For example, a custodian may not volunteer to clean up after school events (ball games) without such time counting as hours worked during a workweek. A custodian may volunteer to coach an athletic team; however, an employee who is the parent of a child in an activity may volunteer for work similar to their regular duties upon special request and permission.

Meetings, when authorized or required shall be counted as hours worked for non-exempt employees.

In-service training, when authorized or required, shall be counted as hours worked for non-exempt employees.

Waiver of Rights - non-exempt employees shall not be allowed to waive their rights under *FLSA*.

Vocational students performing work as part of a curriculum are considered students and not workers; therefore, wages are not mandatory under *FLSA*. Students helping in office capacities for short periods of time are considered volunteers and not employees. The payment of wages is not mandatory under *FLSA*.

Release time - the Superintendent may grant exempt employees release time from their duties in the event of required extended periods of duty due to extreme emergencies such as some natural disasters or man-made disasters. Such release time shall not affect the orderly operation of the school system.

Flexible time (flex time) - A principal or supervisor may adjust the hours and schedule of a non-exempt employee within a workweek to avoid an employee working more than forty (40) hours in a workweek. An employee may be given a different reporting time

or quitting time due to a scheduled evening requirement during the workweek.

ACKNOWLEDGMENT OF POLICY

Employees shall be provided a copy of this policy and be required to sign a statement to acknowledge their receipt of the policy.

Ref: 29 USC 201 et seq. (*The Fair Labor Standards Act of 1938*, as amended); Garcia v. San Antonio Metropolitan Transit Authority et al., 105 S. Ct. 1005 (February 1985); La. Rev. Stat. Ann. ' 17:418.

## EMPLOYMENT CONTRACTS

### CONTRACTS

Contracts of employment between eligible employees and the Central Community School Board shall be executed for a specified period of time and compensation in accordance with state law. Unless otherwise stipulated, all employees shall meet all stated position qualifications and/or certification requirements before any contract shall become valid. Renewal or issuance, when possible, of contracts of employment, as well as dismissal or nonrenewal of contract notices, with the exception of performance contracts, shall be issued on or before the last day of each school year, whenever possible.

The execution of an employee contract between the School Board and employee shall be legally binding upon both parties. All teachers shall be required to have a written contract signed by the teacher and Superintendent. The failure of a non-tenured teacher to sign a contract for the ensuing school session within the specified time, when required, shall be considered as voluntary termination of employment on the part of the teacher, unless under extenuating circumstances an extension is granted by the Superintendent. Any subsequent resignation or termination of said contract for reasons other than extreme emergencies, as determined by the School Board, shall constitute a breach of contract against which legal action may be taken by the School Board and the employee dealt with accordingly. The Superintendent shall receive, finalize, and accept all resignations of school employees. However, the Superintendent at the next available meeting shall report said resignations to the School Board.

### Performance Contracts

Administrative and supervisory personnel in positions that require certification shall be hired under the terms of a performance contract of not less than two (2) nor more than four (4) years, except when such employment is for a temporary position. The School Board shall make the final decision regarding the length of any such performance contract.

Termination or non-renewal of any performance contract shall be governed by the terms of the contract and applicable law.

Ref: La. Rev. Stat. Ann. ' '17:81; 17:413, 17:414, 17:441, 17:444; Rouselle v. Plaquemines Parish School Board, 633 So.2d 1235 (La. 2/28/94).

## RECRUITMENT

The Central Community School Board shall make a concerted effort to recruit the best qualified applicants available. When vacancies occur in existing positions or when new positions are created, and such positions are not filled by transfer of qualified personnel, the Superintendent or his/her designee shall post notice of the vacancy and shall have the discretion to advertise for certain positions when circumstances warrant.

When filling vacancies in positions of authority or those with policymaking duties, the Superintendent or his/her designee shall not utilize only oral contacts and interviews of applicants considered, or use any other means to circumvent the provisions of state statute. Nothing, however, shall prohibit oral contact prior to a person becoming an applicant or shall prohibit oral contact which may result in a written application or other documents.

### APPLICATIONS

Applications submitted for any vacancy shall be retained by the Personnel Department.

### Disclosure of Information by Applicant

As part of the application process, the School Board shall require the applicant to sign a statement that authorizes the release and disclosure of the following information by the applicant's current or previous employer(s):

1. All actual cases of sexual misconduct with a minor or student by the applicant.
2. All instances of *sexual misconduct with students*, as defined by the Louisiana Board of Elementary and Secondary Education (BESE), committed by the applicant, if any, if such employer is/was a city, parish, or other local public School Board.
3. All investigations of sexual misconduct by the applicant with a minor or student that occurred within thirty-six (36) months prior to the applicant's resignation, dismissal, or retirement from employment.
4. All actual or investigated cases of *abuse* or *neglect* committed by the applicant, if any, if such employer is/was the Louisiana School for the Deaf, the Louisiana School for the Visually Impaired, or the Louisiana Special Education Center.

If an investigation determined that a formal allegation of an applicant was inconclusive, unjustified, or otherwise without cause for further formal pursuit, the applicant shall not be required to disclose such information.

The statement shall also request the current or previous employing School Board make available to the School Board, through its Superintendent or his/her designee, within twenty (20) business days of receipt of the request, copies of all documents as contained in the applicant's personnel file maintained by such employer relative to instances of sexual misconduct, if any. Such request for information shall include a copy of the required statement signed by the applicant.

The Superintendent, or principal, with the approval of the Superintendent, may employ any applicant on a conditional basis pending a review of any information obtained pursuant to this request. Permanent employment shall not occur until the information has been satisfactorily verified. However, in accordance with statutory provisions, the Superintendent shall not hire any applicant who does not sign the statement as required by law.

Any information obtained by the School Board as a result of the statement and request outlined above shall be used by the Superintendent *only* for the purpose of evaluating an applicant's qualifications for employment in the position for which he/she has applied, is not subject to the state public records statutes, and shall not be disclosed to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment.

In addition to the above, as part of the application process, the School Board shall request the applicant's performance evaluation results, if applicable. The applicant, once the evaluation results have been received, shall be given an opportunity to review the information received and provide any response or information the applicant deems appropriate.

Finally, the applicant shall grant permission, by signing a statement on the application form that permits the School Board to have access to **any and all** reference, background, and previous employment information and to receive copies of any such documentation from a current or previous employer.

#### Disclosure of Applicant's Records

The name of each applicant for certain positions of authority or those with policymaking duties, the qualifications of such an applicant, and any relevant employment history or experience of such an applicant shall be available for public inspection, examination, copying, or reproduction as provided for in the statutory provisions governing public works.

#### CRIMINAL HISTORY OF APPLICANTS

The Central Community School Board shall require, in accordance with state law, applicants for employment with the School Board to submit necessary information regarding their backgrounds. A prospective employee shall be required to provide



authorization for the disclosure of any information regarding past criminal activities, including arrests, convictions, having pled *nolo contendere*, or other dispositions, including dismissal of convictions, of any criminal offense, in accordance with La. Rev. Stat. Ann. §15:587.

A standard applicant fingerprint card acceptable to the Louisiana Bureau of Criminal Identification and Information and a disclosure authorization form shall be provided the applicant by the School Board or may be obtained from local police authorities. It shall be the responsibility of the applicant to have his/her fingerprints taken by a qualified individual and submitted to the proper authorities for processing. Any cost associated with fingerprinting or the disclosure of background information on an applicant may be passed on to the applicant.

1. No person who has been convicted of or has plead *nolo contendere* to crimes listed in La. Rev. Stat. Ann. §15:587.1 shall be hired as a teacher or substitute teacher, or as a temporary, part-time, or permanent school employee of any kind, unless approved in writing by a district judge and the district attorney with jurisdiction in this parish, or if employed on an emergency basis, unless approved in writing by the Superintendent. Any such statement of approval shall be kept on file at all times at the location wherein the employee is assigned and shall be produced upon request by any law enforcement officer.
2. For the purposes of reviewing the criminal history of prospective employees, any person employed to provide cafeteria or transportation services by any person or entity that contracts with a school or school system to provide such services shall be considered to be hired by the school system.
3. Every such prospective employee shall be subjected to fingerprinting and each person's fingerprints shall be submitted to the proper authorities for a criminal history review.
4. A person who has submitted his/her fingerprints may be temporarily hired pending the results of the inquiry, subject to the approval of the Superintendent.
5. Upon the final conviction or upon a plea of *nolo contendere* of any crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74 (criminal neglect of family), any teacher may be dismissed following a review held in accordance with statutory provision.
6. Any other school employee if such employee is convicted of or pleads *nolo contendere* to crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74, may be dismissed.
7. A teacher or any other School Board employee shall report any final conviction or plea of guilty or *nolo contendere* to any criminal offense, excluding traffic

offenses, to the School Board within forty-eight (48) hours of conviction or plea.

8. The Superintendent, or principal with the approval of the Superintendent, may reemploy a teacher or other school employee who has been convicted of crimes enumerated in La. Rev. Stat. Ann. §15:587.1, except La. Rev. Stat. Ann. §14:74, **only** upon written approval of a district judge and the district attorney who has jurisdiction in this school district, or upon written documentation from the court in which the conviction occurred stating that the conviction had been reversed, set aside, or vacated.

Ref: La. Rev. Stat. Ann. §§ 14:74, 15:587, 15:587.1, 17:15, 17:24.2, 17:81, 17:81.9, 17:83, 17:430, 17:3884, 23:291, 23:1208.1, 42:1119, 44:12.1, 44:31, 44:31.1, 44:32, 44:33, 44:34; La. Children's Code, Art. 603, 606.

## **EMPLOYMENT OF PERSONNEL**

The Central Community School Board and its administrative staff believes that it has an obligation to provide the children attending its schools with the very best personnel available regardless of race, color, creed, sex, age, national origin or any similar personal characteristic. Age shall be considered only with respect to minimums set by law.

The Superintendent or his/her designee shall be responsible for establishing and maintaining appropriate procedures for reviewing and evaluating any and all applicants for selection, including administrative and supervisory personnel, and assuring adherence to applicable state and federal legal requirements. Selection of personnel to fill all positions shall be based upon performance, effectiveness, and qualifications applicable to each specific position. Decisions shall be made on a non-discriminatory basis with selection procedures and evaluative criteria known to all applicants. Applicants should not resort to the use of political, social, or other pressures to gain employment or promotion.

### **TEACHERS/SCHOOL EMPLOYEES**

Teachers and all other personnel shall be selected for employment by the Superintendent. It shall be the responsibility of the Superintendent to ensure that all persons recommended have proper certification as applicable, and are qualified for the position. Seniority and tenure shall not be used as the primary criteria when making any employment decision.

The Superintendent shall delegate to the school principal all decisions regarding the employment of any teacher or other personnel at the school in which the principal is employed, subject to the approval of the Superintendent.

The Superintendent and/or his/her designee shall consult with teachers regarding any possible selections made by the Superintendent for the hiring or placement of a principal at the school in which such teachers are employed, subject to the provisions of any applicable court order.

### **Coaches**

No employee of the Central Community School Board may serve as a coach or sponsor of any extracurricular activity unless that individual is employed as a teacher by the Central Community School Board. Notwithstanding the immediately preceding provision, any current employee who is employed as a coach or sponsor of an extracurricular activity and who is not a teacher, may continue in that extra position so long as his or her service is not interrupted. This policy does not prohibit the employment of a coach under the Coaches' Educational Certification Program who has

met all requirements of the Louisiana High School Athletic Association and is eligible under its guidelines so long as that coach is not otherwise employed by the Central Community School Board.

Ref: La. Rev. Stat. Ann. ' '17:81, 17:81.9, 17:413, 17:493.1, 23:897; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

## EMPLOYMENT OF RETIRED PERSONNEL

The Superintendent of the Central Community School Board, or principal, with the approval of the Superintendent, may employ retired employees under certain conditions; however, an employee whose retirement has been accepted shall not be guaranteed any position/employment with the School Board.

### CERTIFIED PERSONNEL

Certified personnel who are members of the *Teachers' Retirement System of Louisiana* (TRSL) who have retired and are rehired shall be designated as either a *retired teacher* or *retired member*, as provided below:

#### Retired Teachers

A *retired teacher* is:

1. Any teacher who returns to active service as a full-time or part-time classroom teacher in grades K-12 in a critical shortage area, or
2. A retiree who returns to active service as a full-time certified speech therapist, speech pathologist, or audiologist whose position requires a valid Louisiana ancillary certificate where the shortage exists, or
3. A retired employee who has returned to active employment service covered by La. Rev. Stat. Ann. §11:710 on or before June 30, 2010.
4. A retired member who retired on or after May 1, 2009, and on or before June 30, 2010, and who returns to active employment service to a position requiring a valid Louisiana teaching certificate or a valid Louisiana ancillary certificate.
5. A retired employee who returns to active employment service as a substitute classroom teacher who teaches any student in pre-kindergarten through twelfth grade.
6. A retired employee who holds an advanced degree in speech therapy, speech pathology, or audiology.
7. A retired employee who has a valid Louisiana teaching certificate who returns to active employment service who is assigned the professional activities of instructing adults through an adult education or literacy program administered by the School Board.

*Critical shortage area* shall mean any shortage of certified teachers existing in a subject

area that has been certified by both the Superintendent and personnel director to Louisiana Board of Elementary and Secondary Education (BESE) and the *Teachers Retirement System of Louisiana*.

*Classroom teacher* shall mean any employee whose position requires a valid Louisiana teaching certificate and who is assigned activities of instructing pupils in classroom courses for which daily attendance figures are kept, including school classroom, home or hospital settings or other learning situations that may be delivered inside or outside the classroom or in other teacher-student settings.

*Substitute classroom teacher* shall mean a classroom teacher employed in a temporary capacity to fill the position of another classroom teacher who is unavailable to teach for any reason.

Prior to making such certification of critical shortage for any *full-time teaching position*, the School Board shall be required to advertise in the School Board's official journal, on two (2) separate occasions, notice that a shortage of certified teachers exists and the positions to be filled. If a certified applicant who is not a retiree applies for an advertised position, such person *shall be hired* before any certified retired teacher is employed, unless fewer than three (3) teachers have applied for the position each of whom are certified in the critical shortage area being filled.

The salary of any retired teacher who is reemployed shall be based on the salary schedule which accounts for all prior years of teaching service and pertinent experience. The earnings of a retired teacher reemployed as a substitute classroom teacher or adult education instructor may result in a reduction in retirement benefits received, in accordance with statutory provisions.

Whenever a retiree returns to active service, the School Board shall, within thirty (30) days thereafter, notify the TRSL in writing of such employment, the date of reemployment, and a determination as to whether the person is a *retired teacher* or *retired member*. Other reports shall be submitted as required by state law.

### Retired Members

A *retired member* is any person who is a member of the *Teachers Retirement System of Louisiana* and who after being reemployed, is not classified as a *retired teacher*. A retired member, once reemployed, shall have his/her retirement benefits suspended for the duration of reemployment, even if such employment is based on a contract, and shall receive no additional service credit nor accrue any additional retirement benefits.

### OTHER NON-CERTIFIED EMPLOYEES

Any retired non-certified employee may be reemployed as a full-time, part-time, temporary, or substitute employee. The School Board shall be required to transmit

monthly, by the fifteenth (15<sup>th</sup>) day after the end of the month, a report to the *Louisiana School Employees Retirement System* (LSERS) with the name, social security number, and the amount of earnings of the retiree during the previous month.

Ref: La. Rev. Stat. Ann. §§11:710, 11:1006, 11:1007, 17:81; Board minutes, 1-14-13.

## ASSIGNMENT

### POSITION ASSIGNMENTS

The Central Community School Board delegates to the Superintendent or his/her designee the assignment of all teachers, administrators, supervisory personnel, and other employees of the School Board to their respective positions and/or schools. The principal shall have the authority to determine the placement of all teachers or other personnel at the school in which the principal is employed, subject to the approval of the Superintendent. Personnel shall be assigned on the basis of performance, effectiveness, and qualifications applicable to each position.

In order to avoid conflicts of interest, or the appearance of same, it is the desire of the School Board that employees not be assigned to a position that would require that employee to be directly supervised by an immediate family member. The above provision, however, does not apply, in accordance with statutory provisions, to an immediate family member of an athletic director of a school, which may employ an immediate family member as a coach where he/she is athletic director. **Immediate family members** include the person's children, the spouses of the person's children, the person's brothers and their spouses, the person's sisters and their spouses, parents, spouse, and the parents of the person's spouse.

For purposes of this policy, principals shall be considered to directly supervise all programs operated at their school; therefore no immediate family member of any principal shall be employed to work in any program operated at his/her school. Also, any department head shall be considered to directly supervise all operations in the department. However, in accordance with statutory provisions, should, in the normal course of promotional advancement, a person be appointed as the principal or assistant principal of a school in which his or her spouse is presently employed, the spouse may be allowed to remain at the school if he or she has been employed at the school for at least one (1) year prior to the appointment. This provision also pertains to supervisory staff as it relates to their spouse working in the department under their direct supervision.

The School Board and administrative staff shall provide comparability of services by ensuring equivalence among schools in teachers, administrators, and auxiliary personnel.

### CLASS ASSIGNMENT

The principal shall be responsible for assigning teachers to classes within his/her respective school. Except in extenuating circumstances, the principal shall notify teachers of their anticipated assignment for the school year prior to the opening of school. Teachers who wish to request reassignment for the subsequent school year may do so provided such request is submitted prior to the close of the school year. Principals shall give every reasonable consideration to teacher requests for assignment



to a particular grade level and/or subject area for which a teacher is certified and qualified.

A teacher shall be notified by the principal of any change in assignment as soon as reasonably possible.

Ref: La. Rev. Stat. Ann. §§17:81, 42:1119.

## ORIENTATION

During the first week of each school year, the Central Community School Board shall conduct a parish orientation for its employees.

For all teachers hired in the system from January to August, the orientation program shall include:

1. A district professional social activity to honor new teachers
2. Introduction to Central Office staff and their responsibilities
3. An establishment of desirable human relationships
4. An introduction to professional organizations, credit unions, etc.

Sectional meetings shall be held with department staff to include:

1. Educational and community philosophy
2. Schedules
3. Lesson plans
4. Mechanics of teaching
5. Classroom management tips
6. Initial interaction with new and existing teachers
7. Evaluation

Local school orientation programs shall also be provided in individual schools throughout the school district. These programs may include the following activities:

1. A tour of the school facility
2. A discussion of the school policies and activities
3. A discussion of the school philosophy
4. A discussion of the school day
5. A discussion of duties and responsibilities
6. A review of teacher evaluation and observation forms
7. A talk on the importance of lesson plans
8. A review of the handling of discipline
9. A discussion on assigning homework
10. A review of the importance of teacher-parent conferences
11. A discussion of the availability of teaching aids, materials, and manuals.
12. An initial faculty meeting with all teachers to provide for faculty and staff introductions and an opportunity for new teachers to feel a part of the faculty from the very beginning

Ref: La. Rev. Stat Ann. §17:81.

## PROBATION

### TEACHERS

Upon initial employment with the Central Community School Board, teachers shall remain on an *at-will employment status* until they have successfully met the statutory criteria to be granted tenure with the school system. During this period, the teacher may be terminated by the Superintendent after providing the teacher with written reasons therefor and an opportunity to respond within seven (7) days.

### CONTRACT APPOINTEES

Employees hired under a promotional or performance contract shall not be entitled to any probationary period.

### SCHOOL EMPLOYEES

All school employees (those employees who are not *teachers*) shall be placed on a six (6) month probationary basis upon employment. Successful completion of the probationary period shall in no way convey any expectation of continued employment. School employees shall be hired on an *at-will employment basis* and subject to dismissal by the School Board upon the written recommendation of the Superintendent.

Ref: La. Rev. Stat. Ann. §§ 17:441, 17:442, 17:492.

## EVALUATION

### TEACHERS AND ADMINISTRATORS

The Central Community School Board believes the quality of teaching and learning is directly related to the performance of personnel who work in the school district. It is therefore, the policy of the School Board to appraise the performance of instructional and administrative personnel in order to maintain performance at the levels essential for effective schools.

The Superintendent and his/her staff shall have the responsibility for developing, monitoring, and maintaining an effective and efficient performance evaluation program in accordance with guidelines as found in *Regulations for Evaluation and Assessment of School Personnel*, Bulletin 130. The observation, evaluation and assessment process shall measure the effectiveness of teachers and administrators as to whether they meet the necessary standard of performance.

The process for all observations, evaluations, teacher conferences, and related functions shall be conducted in accordance with state requirements, as well as regulations and other criteria enumerated in the *Central Community School Board Personnel Evaluation Plan*. Evaluations shall be conducted annually.

Every effort shall be made by the school system to communicate to position holders the general goals of the system, the specific objectives of the position, the plans which have been made to support the individual as he/she performs his/her role, the standards of performance the system has established, the criteria it will employ in assessing performance, as well as components of an intensive assistance program for addressing those persons determined to be *ineffective*.

Should a teacher or administrator not agree with his/her rating, he/she may initiate grievance proceedings in accordance with the procedures for resolving conflict contained in Bulletin 130.

### ALL OTHER PERSONNEL

In an effort to improve the level of job production and skill performance of the individual employee, evaluations of support personnel shall be conducted annually. Performance evaluations shall be based on an employee's job classification and the School Board's adopted standards for the work performed.

Ref: La. Rev. Stat. Ann. §§ 17:3881, 17:3882, 17:3883, 17:3884, 17:3901, 17:3902, 17:3903, 17:3904; *Regulations for the Evaluation and Assessment of School Personnel*, Bulletin 130, Louisiana Department of Education.

## **PROMOTION**

The Central Community School Board shall require, and the Superintendent shall verify that all employees considered for promotion possess the appropriate qualifications and/or certification necessary for the position.

### TEACHERS/CERTIFICATED EMPLOYEES

Whenever a teacher/certificated employee is promoted by the Superintendent from a position of lower base salary to a position of higher base salary requiring the holding of a teacher certificate, employment shall be based on a written contract containing performance objectives. Such contract shall be for a term of not less than two (2) years, nor more than four (4) years, except when such employment is for a temporary position.

Any employee thus promoted and who enters into an employment contract as stated above, shall not gain permanent tenured status in the position to which promoted.

### SUPPORT PERSONNEL

Decisions regarding promotion of support personnel shall be made by the Superintendent.

Ref: La. Rev. Stat. Ann. ' ' 17:81, 17:444.

## TENURE

### TEACHERS

A teacher who has acquired tenure before September 1, 2012 shall retain tenure, subject to the provisions of state law. Effective beginning on July 1, 2012, a teacher shall be rated *highly effective* for five (5) years within a six-year period pursuant to the *Personnel Evaluation Plan* adopted by the Central Community School Board in accordance with La. Rev. Stat. Ann. ' '17:3881 through 3905, to be granted tenure. The Superintendent shall notify a teacher, in writing, when tenure has been awarded and the teacher shall be deemed to have acquired tenure on the date specified therein.

A tenured teacher who receives a performance rating of *ineffective* pursuant to the teacher's annual evaluation shall lose his/her tenure and all rights related thereto immediately upon exhaustion of the grievance procedure outlined in '317 of Bulletin 130, *Regulations for Evaluation and Assessment of School Personnel*, unless the ineffective performance rating is reversed. Such rating shall constitute sufficient grounds for disciplinary action pursuant to La. Rev. Stat. Ann. '17:443. If a teacher is found *highly effective* based on the evidence of the growth portion of the evaluation but is found *ineffective* according to the observation portion, within thirty (30) days after such finding, the teacher shall be entitled to a second observation by members of a team of three (3) designees, chosen by the Superintendent, which shall not include the principal.

A teacher who loses tenure shall reacquire tenure if the teacher receives a performance rating of *highly effective* for five (5) years within a six-year period subsequent to receiving an *ineffective* rating.

### Teachers Paid with Federal Funds

A teacher paid with federal funds shall not be eligible to acquire tenure, nor shall time spent in employment paid with federal funds be counted toward the time required for acquisition of tenure.

### CONTRACT APPOINTEES

Any teacher who has acquired tenure and is promoted to a higher salaried position shall not be eligible to gain tenure in the position to which promoted, but shall retain any tenure acquired as a teacher.

Any person hired under a performance contract shall not be eligible to gain tenure.

### SCHOOL EMPLOYEES

No tenure is granted by law or School Board policy to other school employees of the

Central Community School Board. *School employee* shall be defined as any employee whose job description does not require the holding of a teaching certificate.

Revised: July, 2014

Ref: La. Rev. Stat. Ann. §§ 13:3204, 17:82, 17:441, 17:442, 17:443, 17:444, 17:492, 17:493, 17:1213, 17:1217, 17:3881, 17:3882, 17:3883, 17:3884, 17:3901, 17:3902, 17:3903, 17:3904.; Board minutes, 8-11-14.

## PERSONNEL TRANSFER

The Superintendent shall have the authority to transfer any teacher or other employee, including personnel employed as principals and supervisors, from one position, school or grade to another by giving written notice to the teacher or employee of such intention to transfer. Such transfer shall not be for political or personal reasons. In order to preserve quality instruction, no transfers of instructional personnel shall be initiated during the regular school term, except in emergencies or promotional instances where transfers are required.

The principal shall have the authority to transfer employees at the school in which the principal is employed, subject to the approval of the Superintendent.

Transfer decisions shall be based upon performance, effectiveness, and qualifications as applicable to each specific position. *Effectiveness*, as determined by the School Board's personnel evaluation program, shall be the primary reason for considering a transfer. Conversely, seniority or tenure shall not be used as the primary reason when making any decisions to transfer an employee.

### VOLUNTARY TRANSFER

Employees who voluntarily request a transfer to another location or position shall submit such request to the Superintendent or principal in writing. Such requests shall be submitted on or before April 30 in order to be considered for the next school year. A written notation of the request to transfer shall also be sent to the employee's principal or immediate supervisor.

A teacher transferred to a school or position must be certified and qualified for the position to which transferred. Should a person request reassignment to a lesser position, such personnel, upon reassignment, shall be placed in the salary schedule at the level of the new position. Procedures and time lines for regulating, reviewing, and making recommendations for transfer of employees shall be maintained by the Personnel Department.

A teacher or other school employee who has been a victim of physical abuse by any student(s) shall be given the opportunity to transfer to another position for which he/she is certified or otherwise qualified and in which he/she shall not have contact with the student(s), provided there is a position available.

Ref: La. Rev. Stat. Ann. ' ' 17:7, 17:81, 17:443.



## EMPLOYEE DISCIPLINE

The Superintendent and his/her designee shall possess the authority to discipline employees when an employee's behavior warrants such action. A principal shall have the authority to recommend to the Superintendent when appropriate that employees at the school in which he/she is employed should be disciplined.

Discipline of an employee shall be progressive in nature such that penalties for poor job performance or broken rules become increasingly harsh as similar or related conditions continue or infractions are repeated. Such progressive discipline, however, shall not inhibit the Superintendent's authority or, in the case of certain employees, the School Board's authority, to discipline, suspend, or terminate an employee based on the circumstances of any single event. Documentation of employee behavior, employee performance and any disciplinary action taken shall be properly and thoroughly recorded.

Should any disciplinary measure become necessary, any documentation shall be considered *confidential* and treated in accordance with statutory provisions and School Board policy.

### TEACHERS

Hearing procedures are statutorily required for certain disciplinary actions for teachers as defined below. However, such procedures do not prevent the Superintendent and/or principal from taking other disciplinary measures which do not require a hearing, as he/she feels appropriate.

#### Definitions

For the purpose of this section:

*Discipline* and *disciplinary action* shall include **only** suspension without pay, reduction in pay, involuntary demotion, or dismissal.

*Written notice* shall be considered given when the notice is hand delivered to the teacher, or on the day it is delivered to the teacher by registered mail, certified mail, or a commercial courier.

#### Non-Tenured Teachers

The Superintendent may take disciplinary action against any non-tenured teacher after providing such teacher with the written reasons therefor and providing the teacher the opportunity to respond. The teacher shall have seven (7) days to respond, and such response shall be included in the teacher's personnel file. The Superintendent shall

notify the teacher in writing of his/her final decision. The teacher shall not be entitled to a hearing before the School Board.

Within sixty (60) days of such notice, the teacher may seek summary review in district court of whether or not the Superintendent's action was arbitrary or capricious.

### Tenured Teachers

A teacher with tenure shall not be disciplined except upon written and signed charges by the Superintendent or his/her designee of poor performance, willful neglect of duty, incompetency, dishonesty, immorality, or of being a member of or contributing to any group, organization, movement, or corporation that is by law or injunction prohibited from operating in the state of Louisiana, and then only if furnished with a copy of such written charges and given the opportunity to respond.

The teacher shall have ten (10) calendar days from written notice of the charges to respond, in person or in writing. Following review of the teacher's response, the Superintendent may take *interim disciplinary action*, which may include placing the teacher on paid administrative leave. If the teacher has been arrested for a violation of any of the following: La. Rev. Stat. Ann. §§14:42 through 14:43.5, 14:80 through 14:81.5, any other sexual offense affecting minors, any of the crimes provided in La. Rev. Stat. Ann. §15:587.1, or any justified complaint of child abuse or neglect on file in the central registry pursuant to Children's Code Article 615, the administrative leave shall be without pay. Paid administrative leave shall not exceed fifty (50) days from notice of the Superintendent's interim decision.

Within ten (10) calendar days after written notice of the interim disciplinary action or within ten (10) calendar days after receipt of the teacher's response if no interim disciplinary action is taken, a teacher may request a hearing before a disciplinary hearing officer. If the teacher fails to timely request a hearing, the disciplinary action shall become final.

Upon request for a review hearing, the Superintendent shall randomly appoint a hearing officer from a list of persons previously approved by the School Board as *disciplinary hearing officers*. If the school district serves fewer than twenty thousand students, the School Board shall maintain a list of at least five (5) hearing officers. If the school district serves twenty thousand students or more, the School Board shall maintain a list of at least ten (10) hearing officers. All hearing officers shall be qualified to serve as a disciplinary hearing officer in accordance with state law. If the School Board fails to maintain such a list, the Superintendent may randomly appoint a hearing officer from a list of persons previously approved by the Louisiana Board of Elementary and Secondary Education.

Such hearing may be private or public, at the option of the teacher, and shall commence no sooner than ten (10) calendar days nor later than thirty (30) calendar days after

receipt of the teacher's request for such hearing. The disciplinary hearing officer shall have the power to issue subpoenas, and shall conduct the hearing in accordance with procedures adopted by the School Board.

The teacher shall have the right to appear before the disciplinary hearing officer with witnesses on his/her behalf and with counsel of his/her selection. The disciplinary hearing officer shall hold a hearing and review on whether the interim decision of the Superintendent was arbitrary or capricious and shall either affirm or reverse the action of the Superintendent. The disciplinary hearing officer shall notify the Superintendent and the teacher of his/her final determination, with written reasons, within ten (10) days from the date of the hearing. If the Superintendent's disciplinary action is affirmed, it shall become effective upon the teacher's receipt of the decision of the disciplinary hearing officer. If the Superintendent's disciplinary action is reversed, the teacher shall be restored to duty.

Within sixty (60) days from the postmarked date of such written notification of the decision of the disciplinary hearing officer, the School Board or the teacher may petition a court of competent jurisdiction to review the matter as a summary proceeding.

The time periods contained above may be extended by mutual agreement of the parties.

### CONTRACT APPOINTEES

The Superintendent shall have the authority to discipline persons employed on performance contracts, including suspension with or without pay, when circumstances necessitate immediate action. If sufficient grounds for suspension without pay are subsequently not found to exist by the School Board or Superintendent, the contract appointee shall be reimbursed for any loss of compensation.

### NON-TENURED EMPLOYEES

The Superintendent shall have the authority to discipline, including suspension, any non-tenured, non-contract employee with or without pay, when circumstances warrant such action.

Revised: July, 2014

Ref: La. Rev. Stat. Ann. §§17:81, 17:81.8, 17:443; Reed v. Orleans Parish School Board, April 30, 1945, 21 So.2d 895; Frazier v. East Baton Rouge Parish School Board, App. 1 Cir. 1961, 128 So.2d 250; Board minutes, 8-11-14.

## DISMISSAL OF EMPLOYEES

The Central Community School Board shall strive to assist personnel in adjusting to their positions and performing their duties satisfactorily.

With the exception of lay-offs caused by programmatic changes, budget cuts, staff reorganizations, and/or other personnel actions reducing numbers of employees, no School Board employee shall be dismissed except as provided below. Any school employee shall be dismissed by the Superintendent or the School Board, in accordance with statutory provisions, upon final conviction or pleading *nolo contendere* of certain crimes enumerated in La. Rev. Stat. Ann. §15:587.1 and/or any other felony offense. In addition, employees may be dismissed for failure to properly report arrests for certain offenses enumerated in La. Rev. Stat. Ann. §17:16.

If an employee is absent for ten (10) or more days without explanation or approved leave, the School Board may consider the job as abandoned and the employee may be terminated, unless the employee can provide acceptable and verifiable evidence of extenuating circumstances. The Superintendent or his/her designee shall be responsible for determining acceptability of evidence of extenuating circumstances.

### CERTIFICATED EMPLOYEES

#### Non-tenured Teachers

The Superintendent may terminate the employment of any non-tenured teacher after providing such teacher with the written reasons therefor and providing the teacher the opportunity to respond. The teacher shall have seven (7) days to respond, and such response shall be included in the teacher's personnel file. The Superintendent shall notify the teacher in writing of his/her final decision. The teacher shall not be entitled to a hearing before the School Board.

Within sixty (60) days of such notice, the teacher may seek summary review in district court of whether or not the Superintendent's action was arbitrary or capricious.

#### Tenured Teachers

A teacher with tenure shall not be removed from office except upon written and signed charges by the Superintendent or his/her designee of poor performance, willful neglect of duty, incompetency, dishonesty, immorality, or of being a member of or contributing to any group, organization, movement, or corporation that is by law or injunction prohibited from operating in the state of Louisiana, and then only if furnished with a copy of such written charges and given the opportunity to respond. Dismissal of a teacher with tenure shall be governed by the provisions for discipline of teachers with tenure as included in policy, F-9.14, *Discipline*.

### Contract Appointees

Personnel who have entered into promotional employment contracts with the School Board, pursuant to La. Rev. Stat. Ann. §17:444, may be removed from their positions by non-renewal of their contracts or by termination of their contracts. Contracts may be non-renewed by the School Board for any of the following reasons:

1. The Superintendent has recommended against renewal of the contract based on an evaluation of the employee's performance;
2. The failure to offer a new contract is based on a cause sufficient to support a mid-contract termination;
3. The position in question has been discontinued; or
4. The position in question has been eliminated as a result of district reorganization.

In a non-renewal situation, the employee shall not be entitled to a hearing before the School Board.

For *mid-contract termination* of promotional employment contracts, the employee shall receive written charges and a hearing before a disciplinary hearing officer, conducted in accordance with hearing procedures adopted by the School Board. A contract may be terminated if the employee is found guilty of being incompetent or inefficient or is found to have failed to fulfill the terms and performance objectives of his/her contract, or other reasons provided for by state law.

### NON-CERTIFICATED EMPLOYEES

#### School Employees

All employees of the system whose dismissal is not governed by the provision of La. Rev. Stat. Ann. §§17:441-446, or by the provisions of La. Rev. Stat. Ann. §§17:491-494, shall be subject to dismissal upon the written recommendation by the Superintendent to the School Board. Such employees shall not be entitled to a hearing before the School Board.

Revised: July, 2014

Ref: La. Rev. Stat. Ann. §§13:3204, 15:587.1, 17:15, 17:16, 17:81.5, 17:442, 17:443, 17:444, 17:492, 17:493, 17:493.1; La. Code of Civil Procedure, Art. 2592; Rouselle v. Plaquemines Parish School Board, 633 So2d 1235 (La. 2/28/94);

Board minutes, 10-14-13, 8-11-14.

## REDUCTION OF PERSONNEL

The determination for the need to implement reduction of personnel procedures and all decisions effecting such action shall be made by the Superintendent in accordance with Central Community School System Board policy.

Except as otherwise provided herein, any existing procedure for reconsidering or examining an employee discharge, non-reappointment, or grievance shall not be considered in implementing a reduction of personnel action. Similarly, no personnel action other than a reduction of personnel may be considered under this policy.

Employees on approved leaves of absence shall be treated in the same manner as other regularly employed personnel insofar as application of this policy.

### TEACHERS AND ADMINISTRATORS

Reduction of teachers and administrators shall be based **solely** upon demand, performance, and effectiveness, as determined by the performance evaluation program adopted by the Board in accordance with La. Rev. Stat. Ann. §§17:3881 through 3905. Any reduction of teachers and administrators by the Superintendent shall be instituted by dismissing the least effective teacher within each targeted subject area or area of certification first, and then proceeding by effectiveness rating until the reduction of personnel has been accomplished.

### ALL OTHER EMPLOYEES

Reduction of school employees who are **not** evaluated pursuant to La. Rev. Stat. Ann. §§17:3881 through 3905, shall be based upon the following criteria:

1. Performance and effectiveness as determined by the Board's personnel evaluation plan.
2. Certification or academic preparation, if applicable.

### NOTICE TO INDIVIDUAL EMPLOYEE

When a reduction of personnel action is instituted, written notice of termination shall be given by the Superintendent or his/her designee by certified mail, return receipt requested, to the employee to be terminated. The notice shall include a statement of the general conditions requiring a reduction of personnel. The employee's address, as it appears on the School Board's record, shall be deemed to be the correct address. It shall be the employee's responsibility to see that the School Board has his/her current address on file.

### REVIEW OF INDIVIDUAL TERMINATIONS

Within ten (10) days after receiving a notice of termination, an employee may request, in writing, a review of the action taken and shall receive notice of the results of the review in a timely manner, but no later than ten (10) days after the notice to review is received. The employee shall have the right to pursue the review of a reduction action through the School Board's grievance procedures.

### SEVERABILITY OF PROVISIONS

If any provision of this policy or the application thereof is held invalid, such invalidity shall not affect other provisions of this policy which can be implemented without the invalid provisions and, to this end, the provisions of this policy are hereby declared severable.

Any and all provisions of this policy shall yield to existing state law, whether statutory or not, when held to be in conflict with said law or laws.

Ref: La. Rev. Stat. Ann. §§ 17:81, 17:81.4, 17:493, 17:3881, 17:3882, 17:3883, 17:3884, 17:3901, 17:3902, 17:3903, 17:3904; Board minutes, 10-8-12.



## RESIGNATION

The Central Community School Board shall require personnel who wish to resign their position with the School Board to submit a letter of resignation in writing to the Superintendent allowing sufficient time to find a replacement. Resignation forms shall be available at the Central Office or in the principal's office at a school. The Superintendent shall be authorized to accept any letters of resignation on behalf of the School Board and such resignation shall be considered effective upon formal acceptance by the Superintendent. However, if replacement is not readily available, the Superintendent may withhold acceptance until a suitable replacement is available for employment transfer.

Ref: La. Rev. Stat. Ann. '17:81.

## **RETIREMENT**

It shall be the policy of the Central Community School Board to require notice of retirement of all employees who wish to retire. Such retirement shall usually become effective at the end of the fiscal year or on such date as the employee may stipulate.

All employees shall be required, as a condition of employment, to become members of the retirement system for which they are eligible. Employees shall also be required to officially inform the School Board in writing of their plans to retire. Upon his/her decision to retire, the employee shall be required to make application in writing to the retirement system in which he/she is a member setting forth the date, not less than thirty (30) nor more than ninety (90) days subsequent to the execution and filing of the application, as to when the employee desires to retire.

No individual shall be discharged or forced to retire because of age.

Ref: La. Rev. Stat. Ann. §§11:133, 11:203, 11:204, 11:701, 11:778, 17:425, 17:1231, 42:691.

## STAFF SCHEDULES

### LENGTH OF STAFF SCHOOL YEAR

The Central Community School Board shall require instructional personnel to work at least the minimum number of days stipulated by their contract. Typically, personnel shall be required to work the following minimum periods:

9-month employees	182 working days
10-month employees	202 working days
11-month employees	222 working days
12-month employees	242/250 working days

### DAILY WORK SCHEDULES

The Central Community School Board shall require all personnel to follow the school calendar and holiday schedule during the school term. The Superintendent, with approval from the School Board, shall establish office hours and work schedules outside the normal school calendar as necessary. Normal business hours shall be officially designated as 8:00 a.m. to 4:30 p.m. Monday through Friday, for the central office.

The business hours for each school shall vary from school to school. Principals and the administrative staff should be in their buildings ahead of pupils or teachers, and should remain in their buildings until pupils and teachers have gone from school. Principals who leave their buildings for any purpose, other than attendance at civic clubs, principals' meetings, going to the administrative offices of the School Board, or other routine business affairs connected with the schools, shall notify the Superintendent or his/her designee in advance of anticipated absences.

Teachers shall be expected to be at school at least fifteen (15) minutes before school starts and may leave school no sooner than ten (10) minutes after the close of school each day. Exceptions to this time schedule may be made by the principal/building administrator when, in his/her opinion, a justifiable request has been made in advance by the teacher, or to fulfill individual duty requirements. *School day* shall mean the regular student attendance hours, whether or not students are actually present.

Principals and department heads shall be authorized to adjust staff personnel schedules during the work week in order to prevent any employee incurring overtime work, unless properly authorized.

### SUMMER WORK SCHEDULE

The Superintendent or his/her designee may designate and maintain a summer work schedule that varies from the normal business hours, with approval of the School Board. The principal shall be responsible for the operation of the school during the summer months. This includes summer maintenance, financial statements, requisitions, request for services, reports, mail and correspondence, school records and transcripts, and the coordination of the school operation with the School Board.

In order to achieve the most efficient use of personnel at each school, assistant principals, school secretaries and all other ten (10) and eleven (11) month employees shall work their required number of days at the discretion of the principal, as determined by their contract.

The principal shall give the Superintendent a telephone number(s) where he/she may be contacted at any time. The assistant principal shall be contacted in the absence of the principal as needed.

### MODIFIED WORK SCHEDULE (LIGHT DUTY)

Any employee recovering from a work-related disability and whose recovery is determined by a physician to be to the point where the employee can resume at least partial duties and/or hours of work, may be allowed to return to work on a modified duty schedule. Such a work schedule and/or the nature of the work to be performed by the returning employee shall be at the discretion of the School Board. The School Board shall endeavor to provide reasonable accommodation to such an employee based on the employee's circumstances and conditions of employment in accordance with Board policy *F-2.1, Individuals with Disabilities*. A modified work schedule may continue only until the employee is certified to return to his or her normal work schedule by a physician or the employee has been determined to be permanently disabled.

Ref: La. Rev. Stat. Ann. §§11:778, 17:81, 17:434.

## PROFESSIONAL AND SUPPORT STAFF WORK LOAD

The Central Community School Board recognizes that employees shall be expected at times to perform duties above their regular responsibilities. Activities and services that make demands on the teacher's time (such as student registration, attendance-keeping and record-keeping, reporting to parents, supervision of students, and the request for, care of, and accounting for instructional materials) shall be part of each teacher's assignment. It is also recognized that student clubs, school papers, yearbooks, athletics, and supervision of playgrounds, school buses and other activities under the supervision of the school are and should be a shared responsibility of the whole faculty. Principals/immediate supervisors may designate both professional and support personnel to perform such duties from time to time and establish the times at which such duties shall be performed. Such assignment of duties shall be distributed equitably among members of the school staff.

All professional personnel shall be subject to attendance at any regular School Board and committee meetings wherein topics reasonably related to their job responsibilities may be addressed, as may be requested by appropriate authorities.

Ref: La. Rev. Stat. Ann. §17:81.

## STAFF MEETINGS

The Central Community School Board believes school faculty meetings are essential to the efficient and effective operation of the schools. Staff meetings often provide a mechanism for problem solving and input for the decision-making process. The frequency, time, place and subject matter for these meetings shall be determined by each principal.

The School Board shall require all employees to attend staff meetings and in-service training sessions that may be required by the principals and/or immediate supervisors. General faculty meetings and in-service activities are considered part of the instructional personnel's regular assignment and on certain occasions support staff shall also be required to attend. Teachers and other personnel shall be required to attend faculty meetings and in-service activities unless they are excused for extenuating circumstances by the principal. Advance notice shall be given to employees informing them of scheduled meetings, whenever possible. Teachers and principals shall serve on committees, participate in parent-teacher organizations and activities, and become involved in school improvement efforts.

Members of the administrative staff shall be expected to attend all administrative staff meetings as called by the Superintendent or his/her designees and participate in regular staff development and/or in-service opportunities.

### In-Service Meetings

The Central Community School Board shall provide for and conduct an annual two (2) day in-service teacher educational program for teachers during the minimum session of attendance. Teachers, principals, supervisory personnel, and other school administrators shall be involved in the planning of each in-service activity. It is recommended that students, parents, and community resources be utilized in planning certain types of in-service activities.

Ref: La. Rev. Stat. Ann. §17:81.

## NON-SCHOOL EMPLOYMENT

Employees of the Central Community School Board shall be expected to perform their job responsibilities to the best of their ability, giving priority over any types of outside work. Employees shall be expected to not accept outside work positions that would prevent them from performing their school responsibilities in an effective manner or that would raise a conflict of interest.

Outside work assignments that would bring honor to both the employee and Central Community Schools shall be encouraged, such as consultant work, college teaching, professional writing, tutoring, etc. Such responsibilities may well contribute to the employee's professional growth therefore the following principles shall apply:

- Employees shall not perform any duties related to an outside job during regular working hours unless approved in writing by the Superintendent or his/her designee.
- Employees shall not use any School Board facilities, equipment, or materials in performing outside work without the written consent of the Superintendent or his/her designee.

No teacher shall engage in private instruction of students for compensation during school hours.

Ref: La. Rev. Stat. Ann. §17:81.

## SABBATICAL LEAVE

The Superintendent may grant sabbatical leave for the purpose of professional or cultural improvement or for medical leave to all teaching personnel in accordance with statutory provisions. *Teaching personnel* shall include any person employed by the Central Community School Board who holds a valid teaching certificate issued by the Louisiana Board of Elementary and Secondary Education and any social worker, guidance counselor, school nurse, audiologist, educational diagnostician, speech-language pathologist, or school psychologist employed by the School Board who holds the appropriate valid professional ancillary certificate issued by the Louisiana Department of Education.

### ELIGIBILITY

Sabbatical leave may be granted on the ratio of two (2) semesters for twelve (12) or more consecutive semesters of active service within the employ of the School Board or one (1) semester for six (6) or more consecutive semesters of such service.

At no time may more than five percent (5%) of the total number of teachers employed in a school system be on leave. Selection of employees among those who qualify for sabbatical leave must be based on years of continuous service and other criteria as specified by statute.

### MEDICAL SABBATICAL LEAVE

A teacher may make application for *medical sabbatical leave*, which shall be accompanied by a statement from a licensed physician certifying that the leave is medically necessary.

If the Superintendent, or his/her designee, upon review of the application, questions the validity or accuracy of the certification, the Superintendent or designee may require the applicant, as a condition for continued consideration of the application, to be examined by a licensed physician selected by the Superintendent. In such a case, the School Board shall pay all costs of the examination and any tests determined to be necessary. If the physician finds a medical necessity, the leave application shall be granted.

If the physician disagrees with the certification of the physician selected by the applicant, then the Superintendent or designee may require the applicant, as a condition for continued consideration of the application, to be examined by a third licensed appropriate physician whose name appears next in the rotation of physicians on a list established by the local medical society for such purpose and maintained by the School Board. All costs of an examination and any required tests by a third physician shall be paid by the School Board. The opinion of the third physician shall decide the issue.



The opinion of all physicians consulted shall be submitted in the form of a **sworn statement**. All information contained in any statement from a physician shall be confidential and shall not be subject to the public records law.

### SABBATICAL LEAVE FOR PROFESSIONAL OR CULTURAL IMPROVEMENT

Every person on sabbatical leave for the purpose of professional or cultural improvement, shall during each semester of leave, pursue a program of study, earning at least nine (9) undergraduate credit hours, provided such hours directly improve the person's skills and knowledge as a teacher, or six (6) graduate credit hours, or be certified as a full-time student at an institution of higher learning accredited by the respective State Board of Education or territorial board in which such institution is located. If less than fifteen (15) weeks is spent as specified above, the number of weeks less than fifteen (15) shall be spent in either of the two (2) alternatives specified below:

1. Pursue a program of independent study, research, authorship or investigation which involves an approximately equivalent amount of work and which is *approved by the School Board*.
2. Engage in travel which is so planned as to be of definite educational value and which has been *approved by the School Board*.

Final authority for granting such leave shall rest with Superintendent.

### PROCEDURE FOR APPLICATION

1. Application for sabbatical leave shall be made on a form provided by the Superintendent. Applications shall be sent to the Superintendent by registered mail at least sixty (60) days preceding the beginning of the semester of the scholastic year for which leave is requested, except that when a teacher or other professional employee has become sick during a semester and requests medical sabbatical leave, it shall be sufficient if the application is mailed thirty (30) days prior to the date upon which the requested leave is to commence.

All applicants for sabbatical leave shall be interviewed by the Superintendent or his/her designee in order to determine how the applicant proposes to use the leave of absence. The findings and recommendations resulting from the interview shall be noted on the employee's application form.

The Superintendent or his/her designee shall inform the teacher of the approval or denial of sabbatical leave at least thirty (30) days preceding the beginning of the semester of the school year for which the leave is requested, except that, where a teacher has become sick during a semester and has requested medical sabbatical leave, the Superintendent shall inform the teacher of approval or

denial of such leave as soon as possible after receipt of his/her request for leave.

2. Whenever, in accordance with statutory provisions, some of the applications cannot be granted, from among those which would otherwise be granted, those to be granted shall be determined in the following manner:
  - A. Preference in every case shall be given to the applicant who has rendered active service in the school system for the greatest number of consecutive semesters immediately preceding the period for which leave is requested.
  - B. Where any two (2) applicants rank equally in point of continuous service, preference in every case shall be given to the applicant who has rendered service in the school system for the greater total number of semesters.
  - C. Where any two (2) applicants rank equally in both point of continuous service and in point of total service, preference in every case shall be given to the applicant whose date of birth is earlier.
  - D. In cases where all factors are equal, the tie shall be broken by the drawing of lots in the presence of the employees.
3. Applicants whose applications are filed in the first thirty (30) days of the semester shall be given a preference over those who seek medical sabbatical leave under the special provision relating to sickness during a school semester.
4. Every application for sabbatical leave shall specify **all** of the following:
  - A. The period for which leave is requested;
  - B. Whether leave is requested for the purpose of professional or cultural improvement, or for the purpose of medical leave;
  - C. The precise manner, in so far as possible, in which such leave, if granted, shall be spent;
  - D. The semesters spent in active service in the school system from which leave is requested; and
  - E. The date of birth of the applicant.

The application shall contain a statement, over the signature of the applicant, that he/she shall agree to comply with all sabbatical leave provisions.

## COMPENSATION

A teacher granted sabbatical leave shall be paid compensation at the rate of **sixty-five percent** (65%) of the person's salary at the time the sabbatical leave begins. A teacher on sabbatical leave with pay must continue his/her retirement contribution. Time spent on such leave is considered as active service for retirement purposes.

## CONDITIONS OF SABBATICAL

1. Each person granted sabbatical leave, as a condition of the sabbatical leave, shall be prohibited from being employed during the sabbatical leave by any public or private elementary or secondary school in Louisiana or any other state.
2. Every person on *medical sabbatical leave* shall be prohibited from undertaking any gainful employment during such leave unless all of the following conditions are met:
  - A. The teacher can demonstrate that he/she will be working not more than twenty (20) hours a week in a part-time job that he/she has been working for not less than one hundred and twenty (120) days prior to the beginning of such leave.
  - B. The doctor certifying the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the leave is granted.
  - C. The Superintendent authorizes such part-time work.

Violation of the part-time work provisions shall result in the medical sabbatical leave being rescinded.

3. Each person granted sabbatical leave shall sign an agreement or contract as specified with the School Board stipulating that, as a condition of sabbatical leave and in order to be eligible for compensation during such leave, he or she will return to service for one (1) semester for each semester of leave upon completion of the sabbatical leave. Said service shall ordinarily be performed in this School District.

No person who, upon the expiration of his/her sabbatical leave, immediately begins employment with a state-operated educational agency, city, parish, or other local school board, department, school, college or university instead of returning to the school system which granted him/her such leave, shall be required to forfeit that portion of compensation paid to him/her by the State while he/she was on such leave. However, such person shall be required to

reimburse the school system any salary paid to him/her by the School Board while he/she was on leave, unless the Superintendent opts to exercise the waiver provision as explained under *Waiver of Intention to Return to Service Clause* below.

As per statutory requirement, any employee taking sabbatical leave who fails to return to service in this School District upon expiration of the leave as specified above for any reason other than incapacitating illness as certified by two (2) physicians, shall forfeit all salary compensation received during the leave period.

The Superintendent shall have the authority to waive this requirement in accordance with its pre-published criteria, as noted under *Waiver of Intention to Return to Service Clause* below, if he/she deems such to be in the best interest of the School Board, provided that such a waiver shall not be of a discriminatory nature against any employee or applicant because of his or her job description, age, race, or sex.

4. An employee on professional sabbatical leave shall observe the above stipulations concerning graduate or undergraduate credit hours to be earned and/or alternatives such as productive research or travel. The Superintendent shall have the authority to require written reports of work done and work to be done at any time during the period of leave. In addition, written reports shall be required within thirty (30) days after the beginning of each semester of leave and within thirty (30) days after the end of leave.

If the leave is granted for the purpose of attending an institution of higher learning, the holder of the leave shall indicate in the initial report the institution being attended and number of credit hours being taken, and the final report shall be accompanied by official evidence that the number of credit hours required has been taken at the institution specified.

5. Any employee who fails to comply with statutory provisions may have his/her leave terminated by the Superintendent at any time.
6. Every person on sabbatical leave shall notify the Superintendent of his/her intention to return to work not less than thirty (30) days prior to the beginning of the semester in which he/she expects to return.

An employee who has been granted sabbatical leave shall, upon expiration of the leave, be returned to the same position in the same school held at the time of said sabbatical leave was granted unless otherwise agreed to by the individual.

#### GUIDELINES FOR WAIVING INTENTION TO RETURN TO SERVICE CLAUSE

The return to service provision, as stated in *Conditions of Sabbatical*, Item 3 above, may be waived by the Superintendent, after careful review and consideration in any of the following instances:

1. Any person whose spouse is transferred out of the parish (job requirement not anticipated before leave) during the time the teacher is on leave or within one (1) year immediately following the termination of such leave (certification must be provided by spouse's employer).
2. Any person who receives a position to the Louisiana Department of Education, to another public school system within the State of Louisiana, or to a state-operated educational agency. In such instances, the person granted sabbatical leave, upon the expiration of leave, shall be permitted to retain that portion of compensation paid by the state while he/she was on leave. However, such person shall be required to reimburse the School Board any compensation paid by the School Board while on leave.
3. Incapacitating illness or disability, as certified by two (2) physicians.
4. Whenever, in the Superintendent's opinion, such a waiver would be in the best interest of the School Board.

Should a person taking sabbatical leave fail to return to service with the Central Community School Board for one semester for each semester of leave following the expiration of such leave for any reason other than those listed above under *Guidelines for Waiving*, that person shall forfeit all compensation received during the leave period.

Ref: La. Rev. Stat. Ann. §§ 11:755, 14:125, 17:1170, 17:1171, 17:1172, 17:1173, 17:1174, 17:1175, 17:1176, 17:1177, 17:1178, 17:1179, 17:1180, 17:1181, 17:1182, 17:1183, 17:1184, 17:1185, 17:1187.

## PROFESSIONAL LEAVE

The Central Community School Board recognizes the value of attending regional and national educational meetings in order to become exposed to new ideas and developments in various areas of public school education. Therefore, the Superintendent or his/her designee may grant professional leave to an employee wishing to attend any educationally related conference, meeting, or convention, if such attendance is considered to be in the best interests of the school district. The School Board may pay all or any part of expenses of any personnel whom it may direct to represent it at any such professional or educational meeting or in visitation to another school system. In all such cases, prior approval for said expenses must be given by the Superintendent or his/her designee.

Application and notification to attend a conference or similar educational meeting shall be made in writing and approved as far in advance of the meeting as possible. The written request shall include dates, subjects to be covered, and sponsoring agency. Employees may also request or be directed by their supervisor to attend a meeting, workshop or other work related activity.

Employees granted professional leave shall be expected to fully participate in the conference or educational meetings for which leave is granted. The employee may also be required to submit proper documentation that the leave granted was used for the purposes for which requested. Any instances of non-attendance shall be reported to the employee's supervisor. Such non-attendance may result in reimbursement to the School Board of any compensation paid the employee for the leave days taken, and may lead to discipline of the employee up to and including termination.

### SCHOOL DISTRICT MEETINGS

Employees shall attend in-service meetings in the school district during the workday on the recommendation of their immediate supervisor and as authorized by the Superintendent.

### STATE MEETINGS

Employees may be permitted to attend workshops and/or in-service meetings in the state during the work day with the recommendation of the principal/immediate supervisor and the authorization of the Superintendent, provided such meetings are related to the performance of the employee's job assignment.

### LEAVE FOR STATE BOARD OR COMMISSION

Leave with pay shall be granted any school system employee who is an elected member of the Board of Trustees of the *Teachers' Retirement System of Louisiana* or

the *Louisiana School Employees Retirement System*, an elected or appointed member of the *Louisiana Board of Elementary and Secondary Education* (BESE), or an appointed member of any task force, commission, or other advisory body established by BESE so that such employee may attend meetings of the entity and any committees thereof on which the employee serves.

The School Board shall require any employees who may serve on the public entities outlined above to provide notice to the School Board of the dates and times of all meetings of the entity and any committees thereof that are scheduled to occur on a regular basis and reasonable notice to the School Board of any special or otherwise unscheduled meetings.

Any employee serving on such an entity shall apply in writing for such leave in a timely manner, but in no case less than twenty-four (24) hours prior to the date of the meeting, except in an emergency, in which case the employee shall give notice as soon as practicable after his/her receipt of the meeting notice. The employee shall also be required to submit proper documentation that the leave granted was used for the purposes for which requested. Improper use of said leave may result in reimbursement to the School Board of any compensation paid the employee for the leave days taken, and may lead to discipline of the employee up to and including termination.

Upon return from the meeting, the employee shall provide documentation to the School Board within forty-eight (48) hours that the leave was used for the purpose granted.

Ref: La. Rev. Stat. Ann. §17:81.



## **EXCHANGE TEACHING**

The Central Community School Board, upon the recommendation of the Superintendent, may grant leave of absence of not more than two (2) semesters for exchange teaching under the following provisions:

1. The applicant shall submit and have approved in advance, by the Superintendent, a plan for an exchange of teaching service which will show the benefit to both the applicant and the school system. A final report shall be filed with the Superintendent upon return from leave of absence for exchange teaching.
2. The School Board shall pay an employee engaged in an exchange of teaching service the same salary as he/she would receive if he/she were carrying his/her regular assignment, at the same time, and under the same conditions as for other teachers employed by the School Board.
3. An employee, upon return from an exchange of teaching service, shall be assigned to a position within his/her field of certification, but the School Board shall not be obligated to return the teacher to his/her former school or grade assignment.

## SICK LEAVE

The Central Community School Board shall grant all employees hired for the school year or longer a minimum of ten (10) days absence per year because of personal illness or other emergencies without loss of pay.

Sick leave, when not used, shall be allowed to accumulate to the credit of the employee without limitation. However, upon initial employment, a *teacher* employed by the School Board shall not be allowed any sick leave until he/she reports for duty and actually performs work.

The minimum of ten days of sick leave for an employee shall be based on the employee beginning work at the beginning of the school year. In the case of an employee beginning work in the first month of the school year, *ten days* sick leave shall be allowed. If an employee begins work in the second month of the school year, *nine days* of sick leave shall be allowed. If an employee begins work in the third month of the school year, *eight days* of sick leave shall be allowed; and the number of days of sick leave shall continue to be prorated for an employee who begins work until the eighth month of the school year, when only *three days* of sick leave shall be allowed. The Superintendent and/or his/her designee shall be responsible for developing and maintaining pertinent regulations and procedures governing sick leave.

## CERTIFICATION OF ABSENCE

An employee who is absent for six (6) or more consecutive days shall be required to present a certificate from a physician certifying such absence upon return to work. In the case of repeated absences of less than six days because of illness, the School Board reserves the right to require verification of illness. Should a pattern of behavior so warrant, upon the request of the Superintendent or his/her designee, the employee shall be required, at the expense of the school system, to provide a certificate from a physician specified by the school system, in order to verify the existence of a medical disability.

Excuses for employee absences due to illness or injury must be provided on physician's letterhead containing the physician's name, address, and telephone number, typed, printed, or as part of the letterhead. The physician's typed or neatly printed name shall also appear beneath his/her signature. The letter must clearly state the reason for the disability, date of the disability, and the anticipated return-to-work date.

If an employee is absent from duty under circumstances in which he/she is not entitled to any kind of leave, such employee shall be considered to be in violation of his/her contract, and is not entitled to be paid for the days of unauthorized absence and non-performance of duties.

## SICK LEAVE FOR EMERGENCIES

Emergencies for sick leave purposes shall be defined by the School Board as:

1. Death in the family – Death in the immediate family shall be construed to be the existence of an emergency for a maximum of three (3) days, one of which shall include the day of the funeral; all other days shall not be considered an emergency.
2. Circumstances of such nature as to be beyond control, such as fire, flood, summons to appear in court, etc.
3. Marriage of employee: a maximum of three (3) days leave shall be granted.
4. Other emergencies: There may be other circumstances which may necessitate the presence of the employee such as to attend the funeral of a family member or close friend not covered as the “immediate family.” There may be other legitimate reasons for being absent which should be classified as emergency. In all such cases, the employee shall confer with his/her principal/immediate supervisor. The principal/immediate supervisor shall have an attachment on the absence monthly report noting the circumstances and sick leave days granted.

## EXTENDED SICK LEAVE

The School Board shall permit employees to take up to ninety (90) days of extended sick leave in each six-year period of employment which may be used for a medical necessity at any time the employee has **no** remaining regular sick leave balance at the time the extended sick leave is set to begin. The initial six-year period of employment shall begin on August 15, 1999 for all *teachers* employed as of that date, on August 15, 2008 for *school employees* (not a teacher or whose employment does not require a teacher’s certificate) employed as of that date, or on the effective date of employment for those employees employed after the dates above. All decisions relative to the granting of extended sick leave shall be made by the Superintendent.

*Medical necessity* shall be the result of a catastrophic illness or injury, which means a life-threatening, chronic, or incapacitating condition of the employee or a member of his/her immediate family.

*Catastrophic illness or injury* shall mean a severe condition or combination of conditions that (a) affect the physical or mental health of the employee or immediate family member; (b) result in a life-threatening or life function altering condition; and (c) require an absence from work for a minimum of ten (10) consecutive work days.

*Immediate family member* shall mean a spouse, parent, or child of the employee.

*Child* means a biological son or daughter, an adopted son or daughter, a foster son or daughter, a stepson or daughter, or a legal ward of an employee standing in *loco parentis* to that ward who is either under the age of eighteen (18) or who is eighteen (18) years of age but under twenty-four (24) years of age and is a full-time student, or who is nineteen (19) years of age or older and incapable of self-care because of a mental or physical disability.

*Parent* means the biological parent of an employee or an individual who stood in *loco parentis* to the employee.

Unused days during any six-year period of employment shall not cumulate or carry forward into the next six-year period of employment. The balance of days of extended sick leave available shall transfer with the employee from one public school employer to another without loss or restoration of days.

Interruptions of service between periods of employment with a public school employer shall not be included in any calculation of a six-year period, such that any employment with any public school employer, regardless of when it occurs, shall be included in any determination of the balance of days of extended sick leave available to the employee.

Any employee on extended sick leave shall be paid **sixty-five percent (65%)** of the salary paid the employee at the time the extended sick leave begins.

#### Extended Sick Leave for Maternity Purposes

Each *teacher* granted maternity leave in accordance with state law may also be granted up to (30) days of extended sick leave in each six-year period of employment for personal illness related to the purpose for which the maternity leave was granted. These thirty (30) days, when taken, shall be considered as part of the ninety (90) days of extended sick leave to which the teacher is entitled. An eligible teacher may be allowed to take additional periods of thirty (30) days extended sick leave during any six-year period for separate pregnancies, provided the teacher has unused extended sick leave days available.

#### Gainful Employment Permitted

An employee may undertake additional gainful employment while on extended sick leave, provided **all** of the following conditions are met:

1. The employee can demonstrate that he/she will be working not more than twenty (20) hours a week in a part-time job that the employee has been working for not less than one hundred twenty (120) days prior to the beginning of any period of extended sick leave.
2. The physician who certifies the medical necessity of the leave indicates that such part-time work does not impair the purpose for which the extended sick

leave is required.

Any violation of the provisions regarding gainful employment may require the employee to return to the School Board all compensation paid during any week of extended sick leave in which the employee worked more than twenty (20) hours and to reimburse the School Board all related employment costs attributable to such period as calculated by the School Board, without any restoration of leave days.

### Application Process

On every occasion that an employee uses extended sick leave, a statement from a licensed physician certifying that it is a medical necessity for the employee to be absent for at least ten (10) consecutive work days shall be presented prior to extended sick leave being taken.

The required physician's statement may be presented along with the request for extended sick leave subsequent to the *teacher's* or *school employee's* return to service. In such a case, the extended sick leave shall be granted for all days for which extended sick leave is requested, provided the request and required documentation are presented within three (3) days after the teacher or school employee returns to service. However, the Superintendent reserves the right to question the validity of the medical certification after the three (3) day period.

If the period an employee is on extended sick leave is anticipated to carry over from one school year to the start of the next school year, another application and physician's statement shall be submitted prior to the start of the next school year in order to be eligible for continued extended sick leave.

1. Upon review of the application, if the School Board through the Superintendent or his/her designee questions the validity or accuracy of the certification arise, the Superintendent or his/her designee may require the employee, or immediate family member, as a condition for continued extended sick leave, to be examined by a licensed physician selected by the Superintendent. In such case, the School Board shall pay all costs of the examination and any tests determined to be necessary. If the physician finds medical necessity, the leave shall be granted.
2. If the selected physician disagrees with the original medical certification from the physician selected by the employee, then the Superintendent or his/her designee may require the employee, or immediate family member, as a condition for continued extension of sick leave, to be examined by a *third* licensed physician, whose name appears next in the rotation of physicians on a list established by the local medical society and maintained by the School Board. All costs of an examination and any required tests by a third doctor shall be paid by the School Board. The final determination of medical necessity shall be based on the opinion of the third physician.

3. The opinion of *all* physicians consulted in determining medical necessity of the extended sick leave shall be submitted in the form of a **sworn statement**. All information contained in any statement from a physician shall be confidential and shall not be subject to the public records law.

#### SICK LEAVE FOR ASSAULT OR BATTERY

Any employee of the public schools who is injured and disabled while acting in his/her official capacity as a result of an assault or battery by any student or person shall receive sick leave without reduction in pay, and without reduction in accrued sick leave days while disabled as a result of such assault and battery. The employee shall be required to provide a certificate from a physician certifying such injury and incapacitation.

The sick leave authorized shall be in addition to all other sick leave authorized herein, shall not be accumulated from year to year, nor shall such additional sick leave be compensated for at death or retirement, or compensated for in any manner except as set forth above.

#### SICK LEAVE FOR PHYSICAL CONTACT WITH A STUDENT

Any *teacher* who is injured or disabled while acting in his/her official capacity as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student, shall receive sick leave for a period of up to one (1) calendar year without reduction in pay and without reduction in accrued sick leave days while injured or disabled as a result of rendering such assistance. Any *school employee* injured or disabled in a similar manner shall receive up to ninety (90) days of such sick leave. The teacher or employee shall be required to present a certificate from a physician certifying such injury or disability. The School Board may extend the period of sick leave beyond the allowable period at its discretion.

If the School Board questions the validity or accuracy of the physician's certification submitted by a *teacher*, the School Board may require the *teacher* to be examined by a licensed physician selected by the School Board. Any further review of medical certification shall proceed in the same manner as requests for extended sick leave, which is outlined under *Application Process* above. The School Board shall pay all costs of any examinations and tests determined to be necessary.

#### SICK LEAVE/WORKERS' COMPENSATION

Should any *teacher* become injured or disabled while acting in his/her official capacity, other than by assault, the teacher shall be entitled to appropriate worker's compensation benefits and/or sick leave benefits, at the teacher's option, for the period of time while injured or disabled. Any benefits received, however, shall not exceed the total amount of the regular salary the teacher was receiving at the time of injury or disability. The teacher shall be required to present a certificate from a physician

certifying such injury or incapacitation.

All other employees who become injured or disabled while acting in their official capacities shall be entitled to appropriate sick leave and workers' compensation benefits in accordance with state statutory provisions.

#### VESTING OF SICK LEAVE

All sick leave accumulated by a *teacher* or *school employee* shall be vested in the teacher or school employee by whom such leave has been accumulated. In the event of the transfer of a teacher or school employee from one school system to another in Louisiana, or upon the return of such teacher or school employee to the same school system within five (5) years or such longer period that may be approved by the School Board to which the teacher or school employee returned, regardless of the dates on which the leave was accumulated or the date of transfer or return of the teacher or school employee, such vested leave which remains unused or for which the employee has not been compensated directly or transferred such days for retirement credit, shall be transferred, returned to, or continued by the School Board and shall be retained to the credit of teacher or school employee.

#### PAYMENT UPON RETIREMENT OR DEATH

Upon the retirement of any employee, or upon the employee entering DROP (see section below), or upon the employee's death prior to retirement, the School Board shall pay the employee or his/her heirs or assigns, for any unused sick leave, not to exceed twenty-five (25) days. Such pay shall be at the daily rate of pay paid to the employee at the time of his/her retirement or death.

#### DEFERRED RETIREMENT OPTION PROGRAM (DROP)

Any employee of the School Board who participates in the *Deferred Retirement Option Program* (DROP) shall be eligible for and may elect to receive on a one-time basis severance pay (accrued sick leave up to a maximum of twenty-five (25) days) upon entering DROP on the same basis as any other employee who retires or otherwise leaves employment; otherwise, any accrued sick leave shall be paid only upon final retirement of the employee.

Ref: La. Rev. Stat. Ann. §§ 14:125, 17:425, 17:425.1, 17:500, 17:500.1, 17:500.2, 17:1200, 17:1201, 17:1202, 17:1205, 17:1206, 17:1206.1, 17:1206.2.



## FAMILY AND MEDICAL LEAVE

It is the policy of the Central Community School Board that it shall comply with the *Family And Medical Leave Act of 1993* and to otherwise grant leave without pay in accordance with the following provisions:

### Eligible Employees

1. Any employee who was employed for at least twelve (12) months from which the leave is requested; and
2. Has worked at least 1,250 hours during the previous twelve (12) month period.

### Amount of Leave

Any eligible employee, subject to restrictions hereinafter noted, shall be entitled to a total of twelve (12) work weeks of leave during any twelve (12) month period.

### Purposes of Leave

1. To care for the employee's newborn child after birth.
2. To care for a child after placement of a child with the employee for adoption or foster care.
3. To care for an employee's spouse, son, daughter or parent if such relative has a *serious health condition* as defined below.
4. Because of a *serious health condition* that makes the employee unable to perform the functions of his or her job.

### Definitions

1. *Serious health condition* - an illness, injury, impairment or physical or mental condition involving:
  - a. Inpatient care in a hospital, hospice or other residential care facility; or
  - b. Continuing treatment by a health care provider.
2. *Son or daughter* - includes any biological child, an adopted or foster child, step-child, legal ward, or *child of a person standing in loco parentis* if the child is under eighteen (18) years old or incapable of self-care because of mental or physical disability.

3. *Parent* - includes biological parent or an individual who stood in loco parentis to an employee when the employee was a child.
4. *Highly Compensated Employee* - a salaried employee whose salary is among the highest 10% paid by the Central Community School Board.

#### Types of Leave

1. *Family leave* - leave taken pursuant to this policy; may not be taken intermittently or on a reduced schedule absent extremely unusual situation and approved by Central Community School Board.
2. *Medical leave* - leave taken pursuant to this policy; may not be taken intermittently or on a *reduced schedule* which is a leave scheduled that reduces the usual number of hours per work week or hours per work day of the employee.
3. If employee requests intermittent leave or leave on a reduced schedule, the Central Community School Board may transfer the employee temporarily to another position with equivalent pay and benefits which better accommodates the requested reduced schedule.

#### Job Benefits, Pay and Protection

1. Except as provided below, an employee shall not be paid by the Central Community School Board while on leave.
2. The employee may elect, or the Central Community School Board may require, the employee to substitute any accrued paid vacation leave, sick leave, personal leave or family leave to which the employee may otherwise be entitled for any part of the leave taken pursuant to this policy. The utilization of vacation leave, sick leave, medical leave, personal leave or other family leave to which the employee may be entitled shall run concurrently with the leave taken and shall not grant the employee additional leave time.
3. The employee shall maintain coverage under any group health plan. Group health care insurance coverage shall continue for employees on leave as if they were still working. Employees who are granted an approved leave of absence without pay under this policy are advised to arrange to pay their share of premiums during the absence. If the leave is paid, premiums shall continue to be paid through payroll deductions. If the leave is unpaid, employees shall be responsible for making sure the Central Community School Board receives the employee's portion of the premium payments by the normal payroll dates. Should the employee not pay his or her portion of the insurance payments, the insurance will be canceled by the provider.

### Return to Service

Upon return from leave, the employee shall be restored to the same position that the employee held when leave commenced or to a position equivalent to the former position in terms of benefits, pay and other terms and conditions of employment without loss of any employment benefit accrued prior to the date leave commenced, but employees who take such leave are not entitled to accrual of additional seniority or benefits while on leave.

The Central Community School Board may refuse to restore an employee who is *Highly Compensated* to the same or equivalent position upon return if:

1. Such refusal is necessary to prevent substantial and grievous economic injury to the School Board.
2. The School Board promptly notifies the employee of its intention to invoke this exception, and
3. After such notification the employee elects not to return to work.

### Advance Notice and Medical Certification

1. The School Board shall require any eligible FMLA applicant to provide in advance certification for family and medical leave. The leave may be denied if the requirements are not met as set forth below.
2. The employee shall ordinarily provide at least thirty (30) days advance notice when the leave is foreseeable. Where the need is not foreseeable thirty (30) days in advance, the employee shall provide as much notice as practicable.
3. The School Board shall require timely medical certification from a health care provider in support of the request for leave because of a serious health condition, and may require second or third opinions (at the expense of the School Board). The certification should at a minimum state:
  - a. The date on which the serious health condition began,
  - b. The probable duration,
  - c. The *appropriate medical facts* about the condition, and
  - d. For family leave, that the employee is needed to care for the relevant family member and an estimate of how long such care may be needed,
  - e. If applicable, that the employee is unable to perform the functions of his/her position,
  - f. If the request is made for intermittent leave or leave on a reduced schedule, the statement shall also state the dates on which treatments are to be given and the duration of such treatments and (i) the statement

of medical necessity for such intermittent or reduced leave and the expected duration of that necessity or (ii) a statement that such intermittent or reduced schedule leave is necessary for the care of the family member, and that the expected duration of that necessity.

4. The School Board shall require an employee on leave to periodically report regarding his/her intention to return to work at such times as are reasonable as requested by the School Board.
5. As a condition of restoring the employee returning from medical leave to employment, the employee shall provide a certification from a health care provider stating that the employee has the physical ability to resume work. Such certification shall be limited to the condition that entitled the employee to the leave and complies with the job relatedness of the employee's work condition.

#### Confidentiality

All records regarding medical certification, like all other employee medical records, shall be treated as confidential and kept in separate files.

#### Time Limits

1. The entitlement to leave related to birth or placement of child shall expire twelve (12) months after the date of birth or placement.
2. If spouses are employed by the School Board, the aggregate number of work weeks of leave to which both employees are entitled shall be limited to twelve (12) weeks during any twelve (12) month period if leave is taken pursuant to birth or placement of a child, or to care for a spouse, child or parent.

#### FMLA FOR MILITARY PERSONNEL

*Family and Medical Leave Act of 1993* (FMLA) provisions also permit a spouse, son, daughter, parent, or next of kin to take up to twenty-six (26) workweeks of leave in a single twelve (12) month period to care for a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

The School Board may require an employee to provide medical certification to support the request for family and medical leave. Such certification shall be provided in a timely manner. Certification shall be sufficient if it states:

1. the date on which the serious health condition commenced;

2. the probable duration of the condition:
3. the appropriate medical facts within the knowledge of the health care provider regarding the condition;
4.
  - A. for purposes of leave to care for immediate family member a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent; and
  - B. for purposes of leave for self, a statement that the employee is unable to perform the functions of the position of the employee;
5. in the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.

This policy may also permit an employee to take FMLA leave for any qualifying exigency (as the Secretary of Labor shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Ref: 29 USCA 2601 et seq. (*The Family and Medical Leave Act of 1993*); 29 CFR 825 et seq. (*The Family and Medical Leave Act of 1993—Federal Regulations*).

## SICK LEAVE BANK

The Central Community School Board recognizes that major illnesses and catastrophic injuries may warrant the need for additional sick leave by an employee. The School Board shall create and maintain a *Sick Leave Bank* which provides an opportunity for employees to donate sick leave days, which in turn may be used by employees in emergency situations when their own sick leave days have been exhausted.

Donations of sick leave days shall be made to the Sick Leave Bank and not directly to individual employees, shall be made by notarized *Acts of Donation*, and shall be made in accordance with other provisions of this policy. Once executed, any donation made shall be *irrevocable*.

Receipt of sick leave days from the Sick Leave Bank shall be based on a written application submitted by an employee to the Superintendent and/or his/her designee. Assessment and any decisions regarding the granting of days from the Sick Leave Bank shall be the responsibility of the Superintendent. His/her decisions shall be *final*, and such decisions shall not be subject to review by the School Board or subject to the Board's grievance procedures.

### ADMINISTRATION OF SICK LEAVE BANK

Donations of sick leave days shall be made directly to the Sick Leave Bank.

Applications for receipt of donated sick leave days from the Sick Leave Bank shall be in writing and include a statement from a licensed physician certifying a *medical necessity* for the employee to be absent from work. The application shall be submitted at least twenty (20) work days prior to the anticipated beginning date of leave. In cases of extenuating circumstances, the Superintendent or his/her designee may waive or alter the application deadline. Upon review of the applications, if questions about the validity or accuracy of the certification arise, the Superintendent or his/her designee may require additional medical certification as outlined under *Extended Sick Leave* in policy *F-10.4, Sick Leave*.

*Medical necessity* shall be the result of a catastrophic illness or injury, which means a life-threatening, chronic, or incapacitating condition of the employee or a member of his/her immediate family. *Immediate family member* shall mean a spouse, parent, or child of the employee.

All records generated in the administration of the Sick Leave Bank, as well as the confidentiality of applicable records, shall be properly maintained by the Superintendent and staff in accordance with statutory provisions.

Administrative regulations and procedures governing the donation to, receipt from, and use of the Sick Leave Bank shall be maintained by the Superintendent and staff.

#### Donor Eligibility

1. Employees who wish to donate accrued sick leave days shall have been actively employed by the School Board for a period of thirty-six (36) consecutive months prior to the date of the intended donation.
2. Only employees with a balance of more than twenty-five (25) sick leave days as of the date of the intended donation shall be permitted to donate to the Sick Leave Bank. No donation shall be permitted which causes the donor's sick leave balance to fall below twenty-five (25) days. A maximum of three (3) days may be donated in any fiscal year. An individual may make only one (1) donation in a fiscal year.
3. Employees wishing to donate sick leave shall complete the appropriate *Act of Donation Form*. The donation shall irrevocably relinquish all future claims and rights to such donated sick leave. The days donated shall be permanently deducted from the total number of accumulated sick leave days the employee has on the date the donation is approved.
4. All donations shall be strictly voluntary.
5. No transfer shall become valid until all forms, verifications and signatures have been completed and signed by the Superintendent.
6. All donations shall be in units of whole days.

#### Recipient Eligibility

1. Recipients shall be actively employed by the School Board at the time that medical necessity is determined.
2. Recipients shall have been employed by the School Board for at least thirty-six (36) consecutive months as of the date of the intended usage.
3. Employees who are recipients shall have exhausted all current and accumulated sick leave and have used all days of extended sick leave and any other applicable leave to which the employee may be entitled. In addition, those employees who receive annual leave shall have exhausted all annual leave time before becoming eligible to receive sick leave days from the Sick Leave Bank.
4. The maximum number of sick leave days that may be granted to a recipient at

one time shall be twenty (20) work days.

5. Of those days granted, any remaining unused at the end of the fiscal year shall be returned to the Sick Leave Bank.
6. A separate application shall be submitted for each occasion that an employee may request receipt of sick leave days from the Sick Leave Bank. Each application shall include necessary documentation attesting to medical necessity. The physician's certification must address circumstances relative to each separate request. The separate application requirement may be waived by the Superintendent as circumstances may warrant.
7. Donated sick leave shall not be used on an intermittent daily basis.

#### Miscellaneous Provisions

1. The Superintendent shall be authorized to make determinations and clarifications of these provisions. All determinations and clarifications made by the Superintendent shall be **final**.
2. All transactions shall become part of the permanent personnel files of the employees. *Act of Donation Forms* shall be placed in donor personnel files depicting the actual number of days deducted from accrued sick leave days on file after the donation is made.
3. The number of days withdrawn from the Sick Leave Bank shall not exceed the number of days then currently available within the appropriate account of the Bank.

Ref: La. Rev. Stat. Ann. ' ' 17:81, 17:500.2, 17:1202, 17:1205, 17:1206.2; La. Civil Code, Art. 1541, 1542, 1833.



## PERSONAL LEAVE

Teachers and other employees of the Central Community School Board, except those who receive annual leave (vacation time), shall be allowed up to two (2) days absence during each school year to be used for such purposes as may be determined by the individual employee without loss of pay. Personal leave days shall be charged to and deducted from current and/or accumulated sick leave as of the date personal leave is taken. Personal leave shall not be accumulated from year to year, nor shall personal leave be compensated for upon death or retirement or paid in any other manner except as provided by law.

Persons wishing to take personal leave shall notify the principal of the school in which he/she is employed or his/her staff supervisor of his/her intention to take such personal leave at least twenty-four (24) hours before personal leave will be taken, except in emergency situations. All employees requesting personal leave must submit a *Request for Leave* form to the principal/immediate supervisor for approval.

Ref: La. Rev. Stat. Ann. ' ' 17:1208, 17:1208.1.

## MATERNITY LEAVE

The Central Community School Board shall grant to regular employees Maternity Leave (leave without pay) for maternity purposes over a reasonable period of time before and after childbirth. *Reasonable period of time* shall mean that period during which the female employee is disabled on account of pregnancy, childbirth, or related medical conditions.

The expectant employee shall be given the option of choosing maternity leave or using current and accumulated sick leave for the period of medical disability occasioned by pregnancy and childbirth. Use of current and/or accumulated sick leave for maternity leave purposes shall be in accordance with all School Board policies, and administrative regulations and procedures affecting sick leave.

Maternity leave of absence (leave without pay) may be granted to regularly employed women for a reasonable time before and after childbirth for a maximum of one year. Maternity leave without pay shall not affect tenure, teaching or working experience acquired prior to the leave. Maternity leave granted only for the period of disability occasioned by pregnancy and/or childbirth shall not interrupt the consecutive service for sabbatical leave purposes. Once maternity leave extends beyond the period of disability, however, such period of leave shall be considered an interruption of the accrual of consecutive semesters for sabbatical leave eligibility.

### USE OF EXTENDED SICK LEAVE FOR MATERNITY PURPOSES

Each *teacher* granted leave in accordance with state law who has no remaining sick leave or extended sick leave days available may also be granted up to thirty (30) days of extended sick leave in each six-year period of employment for personal illness related to the purpose for which maternity leave was granted. An eligible teacher may take additional periods of thirty (30) days extended sick leave during each six-year period for separate pregnancies, provided the teacher has unused extended sick leave days available.

### APPLICATION

A pregnant employee may remain on the job as long as she is performing her duties competently as determined by her immediate supervisor. The employee shall fill out a *Maternity Leave Request* form, giving as much advance notice as possible, but in no case less than thirty (30) days prior to the beginning date of leave, except in emergency situations. The form must be accompanied by a statement from a physician verifying the stage of pregnancy and expected dates of disability due to pregnancy. Such certificate shall follow the same standards as for submission of certificates for sick leave as found under *Certification of Absence* in policy *GBRIB, Sick Leave*. Failure to comply with the notice and other requirements of this policy may be considered

willful neglect of duty and may result in disciplinary action up to and including termination.

### RETURN TO WORK

Prior to returning to work, the employee must provide a physician's statement to the Personnel Department at least fifteen (15) days prior to the anticipated date of return. The Personnel Department shall provide the employee with a *Return to Work* form which shall be presented to the employee's immediate supervisor prior to being allowed to return to work. The immediate supervisor shall be responsible for making sure that the appropriate form has been processed prior to the employee being allowed to return.

Ref: 42 USC 2000e et seq. (*Equal Employment Opportunities*); La. Rev. Stat. Ann.

17:1171, 17:1202, 17:1211, 23:1007.

## MILITARY LEAVE

### ACTIVE DUTY

Any regular employee of the Central Community School Board who is serving in the military service or in the armed forces of the United States shall be granted a leave of absence for the period dating from his/her induction, enlistment, enrollment, or call to service. Such leave shall not affect tenure rights acquired prior thereto. An employee, upon return, must apply for reinstatement to the former position within limits established by statute after discharge or release from active duty.

An employee who is ordered to duty shall notify the immediate supervisor as early as possible so that scheduling arrangements can be made. The employee shall also notify the Human Resources Department within three (3) days of receipt of orders and shall submit to the Human Resources Department a copy of the official orders. While on military leave, employees shall continue to accrue leave and other benefits which they are entitled to receive in their normal assignment.

As long as the employee continues to pay the employee's contribution, the School Board shall continue to pay the employer's contribution to the *Teachers' Retirement System of Louisiana* or *Louisiana School Employees' Retirement System* for these employees during the duration of the period of deployment. The employee also has the option of continuing his/her dependent health insurance coverage by paying the regular monthly dependent coverage provisions.

### SCHOOL BOARD DIFFERENTIAL PAY

Any employee of the Central Community School Board called to active duty service in the uniformed services of the United States pursuant to a declaration of war, congressional authorization, or presidential proclamation pursuant to the War Powers Resolution, or National Emergency, whose military pay is less than his/her pay from the School Board, shall be paid the difference between his/her military pay and his/her School Board salary in his/her regular position. The payment shall be made in the same frequency and manner as the employee's regular pay from the School Board. The employee receiving the pay differential shall provide to the Human Resources Department all such documentation to ensure that the amount of payment is accurately calculated including, but not limited to a letter or documentation setting forth the pay schedule and a copy of the employee's military orders.

### RESERVE, NATIONAL GUARD, OR SIMILAR DUTY

All employees of the School Board who are members of the Officers' Reserve Corps of the Army of the United States, the National Guard of the United States, the Naval Reserve Corps, the Marine Corps Reserve, the Air Force Reserve, the Citizens' Military

Training Corps, or the Civil Air Patrol, either as officers or enlisted persons, are entitled to a leave of absence without loss of pay, time, annual leave, or efficiency rating, on all days which they are ordered to duty with troops, or at field experiences, or for instruction, not to exceed fifteen (15) days in any one calendar year, and when relieved from duty, are to be restored to the positions held by them when ordered to duty.

As professional educators interested in maintaining excellence in the educational system, it is expected that all teachers shall make every possible effort to schedule such military leaves during vacation periods. This effort shall be considered as one of the specified duties of all teachers.

Except in the event of a declared national emergency, such leave in excess of fifteen (15) days in any one calendar year shall be leave without pay, unless the employee or teacher affected applies for, qualifies for, and is granted one of the other forms of leave provided by the School Board.

Ref: 38 USC §4301-4333 (*Employment and Re-employment Rights of Members of the Uniformed Services*); La. Rev. Stat. Ann §§17:423, 17:1215, 29:401, 29:402, 29:403, 29:404, 29:405, 29:406, 29:407, 29:410, 42:394, 42:401, 42:402,

42:403.

## **JURY DUTY OR SUBPOENAS**

The Central Community School Board shall grant a leave of absence to any regularly employed person of the school system who has been called to serve jury duty. Such leave shall be granted for the period of time required to serve such jury duty without loss of sick, emergency, or personal leave or any other benefit. Jury duty shall not be deemed to interrupt service accumulated toward sabbatical leave.

Teachers authorized to serve jury duty must leave lesson plans for the substitutes with their principal.

### **LEAVE WHEN SUBPOENAED**

Personnel who are involuntarily subpoenaed to be witnesses in cases where the subpoena is not the result of their personal action/cause shall be granted civil leave and shall not be charge sick or annual leave. The School Board shall pay the difference between the pay as a witness (if any) and the regular daily pay.

An employee subpoenaed for reasons resulting from personal affairs or volunteering as a witness shall be required to take personal leave or leave without pay.

In all cases, the employee must furnish the Human Resources Department with a copy of the subpoena.

Ref: La. Rev. Stat. Ann. §§ 17:81, 17:1210.



## **LEAVE FOR MARRIAGE**

An employee of the Central Community School Board who becomes married during the school session shall be granted leave for three (3) consecutive school days (including the day of the marriage) without loss of pay. These days shall be charged against accumulated sick or emergency leave.

The request for a leave of absence to be married shall be in writing and submitted to the Superintendent two (2) weeks before the first day of leave for authorization.

Ref: La. Rev. Stat. Ann. '17:81.

## **LEAVE WITHOUT PAY**

The Central Community School Board may grant leaves of absence without pay for periods not exceeding one (1) year to any employee who requests such leave in writing when such leave is in the best interest of the school system. Requests for leave of absence without pay shall be submitted to the Human Resources Department, in writing, at least twenty (20) days prior to the effective date of the leave, whenever possible.

The granting of such leave shall be with the intention of both the employee and the School District that the employee returns to the same position he/she left. The School Board may reassign an employee taking leave without pay to a teaching, administrative, or similar position within the person's area of certification or job responsibility if a vacancy occurs. Such reassignment shall be effected in accordance with the School Board's transfer policy and applicable procedures.

An employee on leave without pay shall not earn retirement credit for those days missed, nor shall an employee who is on leave without pay be eligible to accrue annual leave or sick leave during an approved leave.

In the case of an employee potentially eligible for sabbatical leave, except for limited exceptions outlined in state statute or School Board policy, leaves of absence without pay shall be deemed to interrupt active service for sabbatical leave purposes, but shall not affect tenure rights which the person requesting leave may have acquired prior to the request for leave.

An employee granted leave without pay may not during the leave period be employed by any entity other than the Central Community School Board without specific written permission and authority from the School Board.

Employees granted leave without pay may continue to participate in the School Board's group hospitalization program. However, while on leave without pay, the employee shall be required to pay 100% of the insurance premium.

An employee on approved leave without pay shall notify the Personnel Department at least twenty (20) working days prior to the end of the granted leave of the intention to return to active employment. A fitness-for-duty certificate from the employee's physician may be required.

### **PRESIDENT OF STATEWIDE ORGANIZATION**

The Superintendent shall grant a leave of absence, without pay, to any regularly employed teacher or other employee who is president of a statewide professional

**FILE: F-10.10**  
**Cf: F-6.1, F-9.13**  
**Cf: F-9.18, F-10.13**

education organization with a membership of more than ten thousand members, during his/her term of office, not to exceed two (2) years. The granting of such leave shall not affect any tenure rights which may have been acquired prior thereto.

Ref: La. Rev. Stat. Ann. 17:81, 17:1186.

## ANNUAL LEAVE (VACATION)

All employees of the Central Community School Board employed on a twelve (12) month basis shall receive fifteen (15) days annual leave per fiscal year with full pay exclusive of the regular school holidays as determined by the school calendar. Only time accrued as a full-time 12-month employee shall be used in awarding annual leave. Once earned, annual leave may be used at any time during the year.

Annual leave shall be credited to the employee at the end of each month once earned. Eligible employees may carry over a maximum of five (5) annual leave days into the next fiscal year. Eligible employees may have no more than twenty (20) annual leave days on July 1 of any fiscal year.

### APPLICATION FOR ANNUAL LEAVE

All annual leave must be requested in writing on the approved *Request for Leave* form. The *Request for Leave* must be submitted to the Superintendent or his/her designee well in advance of the anticipated beginning date of leave (whenever possible). Employees should work with the appropriate supervisor in arranging for annual leave so that it is taken when least detrimental to the work environment. Administrative personnel shall take into consideration the services to be rendered by the employee when arranging for annual leave and shall make every effort to allow the annual leave as requested. Annual leave shall be taken in increments of one-half ( $\frac{1}{2}$ ) day.

### PAYMENT FOR UNUSED ANNUAL LEAVE

Upon retirement, resignation, or termination of employment, the employee shall be paid for any unused accumulated annual leave at the employee's daily rate of pay. Payment shall be made to the employee or upon his/her death prior to retirement his/her heirs on or before the next regular pay cycle during which the employee was working at the time of separation or no later than fifteen (15) days following the date of separation, whichever occurs first.

### DEFERRED RETIREMENT OPTION PROGRAM (DROP)

Any employee of the Central Community School Board who participates in the *Deferred Retirement Option Program* (DROP) shall be eligible for and may elect to receive on a one-time basis payment for unused annual leave upon entering DROP on the same basis as any other employee who retires or otherwise leaves employment; otherwise, any accrued annual leave shall be paid only upon final retirement of the employee.

Ref: La. Rev. Stat. Ann. §§ 11:754, 17:81, 17:425.1, 23:631; Board minutes, 8-13-12.

## HOLIDAYS

The Central Community School Board shall establish the holiday schedule for all personnel in addition to those included in the adoption of a school calendar. Whenever a holiday falls on a Saturday or Sunday, the School Board may declare that the holiday be observed on the preceding Friday or following Monday, respectively.

General election day shall be designated by each school system as a holiday every four (4) years for the presidential election.

Ref: La. Rev. Stat. Ann. '11:55; Louisiana Handbook for School Administrators, Bulletin 741, Louisiana Department of Education.

## PUBLIC SERVICE

### ELECTED PUBLIC OFFICIALS

The Central Community School Board, cognizant of employees' interest in serving the community, shall grant public service leave to those employees duly elected to local or state public office. Such service shall not adversely affect tenure or sabbatical leave status.

The days an employee is absent from his/her specific School Board assignment while officially serving in the capacity of public official, shall be accounted for in units of a whole day and/or one-half day basis, not to exceed five (5) days or ten (10) half-days of *leave without pay* per fiscal year. However, when extraordinary circumstances or situations arising from the responsibilities of the elected office conflict with this provision, necessary arrangements shall be resolved by the Superintendent.

Available personal leave and/or accumulated annual leave may be used to fulfill public service obligations, with the exception that annual leave may not be used when duties require daily contact with students. When personal and/or annual leave is expended, the regular daily salary of the individual involved shall be reduced by an amount equal one-half day's or a whole day's salary, based on the above stated unit system.

### ELECTION COMMISSIONERS

An employee of the Central Community School Board appointed to serve as an election commissioner or clerk may be granted a leave of absence for that purpose. The employee shall notify the Superintendent within five (5) days following the publication of the official list of commissioners and clerks and request that a leave of absence be granted. Such leave, when approved, shall be *leave without pay*. All requests of this type should be submitted sufficiently in advance of the required date of absence to enable administrative consideration and action on the request.

Ref: La. Rev. Stat. Ann. ' 17:81, 17:1171.

## EMPLOYEE TOBACCO USE

Because tobacco is such a debilitating health concern, all property of the Central Community School Board shall be essentially a smoke-free/tobacco-free environment. The use of tobacco or tobacco-like products or any smoking device/object, including electronic cigarettes or similar devices, shall be prohibited on all School Board property, in all school facilities and vehicles, and on school and facility grounds, and at all school-sponsored functions. *School Board property* shall include any portable buildings, field houses, stadiums, equipment storage areas, vacant land, or any property owned, operated, or leased by the School Board.

Also prohibited shall be items such as lighters or clothing with tobacco logos that might contribute or promote tobacco use and acceptability.

### COMPLIANCE AND ENFORCEMENT

Violations shall subject an employee to appropriate disciplinary action and the employee may be referred to cessation counseling services.

### COMMUNICATION OF POLICY

Employees shall be informed of this policy through written notice, policy manuals, and orientation training.

Ref: 20 USC 7183 (*No Child Left Behind Act of 2001*); La. Rev. Stat. Ann. §§17:240, 40:1300.251, 40:1300.252, 40:1300.253, 40:1300.256, 40:1300.261.

## EMPLOYEE DRESS CODE

The Central Community School Board recognizes that teachers, employees, and administrators have traditionally upheld high standards of professionalism, including that of appropriate personal appearance and professional attire. In accordance with that tradition, the School Board embraces the following standards as they relate to employee dress and a positive, professional public image.

### DRESS AND PERSONAL GROOMING

Employees on a daily basis shall dress as professionals, in businesslike attire in order to set a good example for co-employees, students and the general public. Employee dress and grooming shall not detract from the learning/educational environment of students' participation in classes, school programs or other school-related activities. Extremes in style and fit in employee dress and extremes in style of grooming shall not be permitted. Administrators shall be authorized to use their discretion in determining extremes in styles of dress and grooming and what is appropriate and suitable for School Board employees. No employee shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, blade, symbols, sign, or other things which are affiliated with drugs, alcohol, violence, or gang-related activities. Policies regarding dress and grooming stress the importance of reducing distractions that inhibit learning and are addressed in an attempt to enhance the learning environment.

### GUIDELINES

The guidelines of the School Board shall be that no mode of attire shall be considered proper for school wear that distracts from or disrupts classroom and school decorum. To maintain a proper image for teachers, it is the responsibility of principals to see that teachers are appropriately dressed.

Principals or building administrators may make exceptions to the mode of dress in specific shop-type situations where deemed appropriate. Any condition of grooming or dress judged inappropriate by the principal or building administrators shall not be allowed.

The provisions of the employee dress code shall be applicable to teachers, administrators, substitute teachers, student teachers, teacher aides, and any others who have responsibilities for the instruction of children, as well as to clerical personnel. These standards also apply to employees at the Central Office, and any other off-campus facilities.

The following items shall not be acceptable in the workplace:

1. Skirts, dresses, and other articles of clothing that with a length that is above the kneecap. Slits shall also not come above the kneecap.



2. Spaghetti strap dresses, camisoles, or tank tops without jackets.
3. Athletic attire – sweat suits/wind suits.
4. Shorts of any type, except for physical education teachers.
5. Garments that inappropriately bare or expose private areas of the body or undergarments, including low cut tops. No cleavage should be visible. No midriffs, halter tops, backless clothing, tube tops, garments made of fishnet, mesh, or similar material, tank tops, muscle tops, etc. If there is any doubt about the appropriateness of a garment, it should not be worn.
6. Inappropriately sheer or tight clothing, including spandex pants.
7. Jeans of any nature, except for days approved by the principal or Superintendent. On approved days, jeans shall be appropriate and not faded, ripped, or too tight. Jeans are defined as pants and must be of pant length. Denim capris shall not be allowed.
8. Overalls.
9. Sweat shirts, except for approved special Fridays.
10. Flip-flops, crocs, or tennis shoes. On approved jean days, clean/heat tennis shoes, with or without socks or stockings, may be worn. Sandals with a strap between the toes shall be required to have a strap on the back.
11. Hats or headgear, unless when worn outside.
12. Leggings, unless worn with a knee-length dress.

The following guidelines also apply:

1. On approved blue jeans days, employees shall be required to wear maroon or black polo-type Central Community School System approved shirts.
2. Pants shall be worn on the outside of boots.
3. Employees shall maintain well-groomed hairstyles and haircuts.
4. Only earrings shall be allowed. No other piercings/jewelry such as in the nose, eyebrow, lip, or chin shall be allowed.
5. Employees' tattoos shall not be visible at any time.

Ref: La. Rev. Stat. Ann. '17:81.

## **INVESTIGATIONS**

### GENERAL INVESTIGATIONS

Concerns about serious situations or conditions within the school system should be reported to the Superintendent or his/her designee. Should the Superintendent determine that the situation/condition warrants investigation, he/she shall have the matter investigated by appointing appropriate staff personnel (one or more persons) to make the necessary inquiries. At the conclusion of their investigation, a report shall be prepared for submission to the Superintendent.

Any investigation undertaken in the school system shall be conducted in accordance with the following stipulations:

1. No School Board member shall participate in any manner in an investigation.
2. The Superintendent shall notify all School Board members of the impending action.
3. The Superintendent shall have complete control of such investigations, including documents and publicity.
4. Such inquiries shall be concluded within a reasonable amount of time and, upon conclusion, each School Board member shall be notified by the Superintendent of his/her findings and recommendations.
5. The Superintendent shall use every means possible to protect School Board personnel from unwarranted personal criticism and employees' identity shall not be divulged unless required by judicial proceedings.

In any investigation into incidents involving accidents or injuries to students or employees, or involving student misconduct, or the competence, honesty or performance of duties of employees, all employees of the Central Community School Board shall, after request by the Superintendent or his/her designee, give a statement of the facts and circumstances within the employee's knowledge, or an accounting of the employee's conduct concerning the circumstances which are the subject of the investigation.

If deemed appropriate by the Superintendent or his/her designee in the conduct of such investigation, employees shall, after reasonable notification, appear at the time requested at the offices of the Superintendent or at such other suitable location within the parish as might be appropriate and convenient in the investigation.

During any such employee interview, the employee may have legal representation if desired by the employee, but said representation shall be at no cost to the School Board.

### PUBLIC ANNOUNCEMENT OF EMPLOYEE DISCIPLINE

The Central Community School Board, in accordance with state law, shall provide for an investigation of an employee, in cases where the School Board has made a public announcement that an employee may be disciplined, whether or not there is an accompanying reduction in pay. The investigation shall proceed as outlined below under *Reporting Procedures*. Not later than thirty (30) days after the conclusion of the investigation and prior to any disciplinary action, the employee may appear, if he/she so determines, before the School Board in open session and be given a reasonable time, as determined by the School Board, to comment on the investigation and any actions taken or proposed to be taken involving the employee.

These provisions shall not be applicable to any reduction of personnel initiated by the Superintendent.

### IMPERMISSIBLE CORPORAL PUNISHMENT OR MORAL OFFENSES

If an employee is accused of impermissible corporal punishment, or of a moral offense involving a student, a prompt, thorough investigation shall be conducted by the Superintendent or designee. The investigation shall proceed as outlined below under *Reporting Procedures*. A written report of the results of the investigation shall be prepared, and the employee shall be provided with a copy of such report. The Superintendent may promulgate such administrative regulations and procedures as he/she deems necessary to implement this policy. Any employee found to have violated the provisions of School Board policy shall be disciplined by such means as appropriate to the incident, including reprimand, suspension, termination, and/or referral to the local child protection agency/law enforcement.

If the allegation falls within the definition of *abuse* as defined in School Board policy *JGCE, Child Abuse*, then all school employees with knowledge of such incidents become *mandatory reporters* and the allegations must be reported to child protection or law enforcement as provided by state law and School Board policy. Such reporting shall be made and applied in conjunction with the procedures outlined in this policy.

### INVESTIGATION PROCEDURES

Notwithstanding any statute or other School Board policy, any complaint relative to employee conduct shall be handled as follows:

1. Any employee or School Board member should bring to the

Superintendent's attention serious concerns or conditions which may effect School Board operations. The Superintendent shall consider the information presented to determine if further investigation is needed.

2. The Superintendent or his/her designee may order such investigation to be conducted in each instance as is warranted by the circumstances.
3. The investigation shall be conducted by the Superintendent or his/her designee. These procedures contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint. Staff members or students may be interviewed if it is deemed essential to the investigation.
4. The Superintendent or his/her designee shall confer with each accused employee's immediate supervisor concerning the results of the investigation and the immediate supervisor shall discuss the matter with the employee.
5. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Superintendent or designee and a copy forwarded to the complainant no later than (30) days after its filing.
6. If charges are substantiated, disciplinary action may be taken in accordance with School Board policy, based upon investigative evidence gathered, which may include termination of the employee. Any disciplinary action shall be placed in the offender's personnel file which shall reflect the action taken and the grounds thereof.

Ref: La. Rev. Stat. Ann. ' ' 14:403, 17:81, 17:81.6, 17:81.8.

## DRUG-FREE WORKPLACE

The Central Community School Board, in compliance with the *Drug-Free Workplace Act of 1988*, recognizes its obligation in providing and maintaining a drug-free workplace to remain eligible to receive federal grants and in support of local, state and national efforts to achieve drug-free schools and communities.

The Central Community School Board shall:

1. Advise all employees through the distribution of this policy that the unlawful sale, manufacture, distribution, dispensing, possession or use of a controlled substance and/or intoxicants are prohibited in any workplace with the School Board. For any School Board employee, the consequences of violation of this prohibition shall be any or all of the following based on the specific offense: testing for presence of drugs/alcohol in body by a recognized hospital, chemical dependency unit, or drug testing facility, counseling, reprimanding, termination, suspension with or without pay while the case is pending in court. Confirmed or substantial evidence of the use, sale, or possession of controlled substances by any School Board employee while off duty or off school premises shall result in any or all of the following:
  - A. Requiring the employee to submit to a drug test from a recognized hospital, chemical dependency unit or drug testing facility, and presenting to the Superintendent or his/her designee certification from the agency performing the test that employee is drug free.
  - B. Immediate suspension with or without pay and recommendation for job termination.
  - C. Conviction for use, distribution, or possession of controlled substances while off duty or off school premises shall result in termination. The employee shall be required to participate satisfactorily in an approved substance abuse assistance or rehabilitation program before he or she is reconsidered for employment with the School Board.
2. The School Board shall notify all employees that, as a condition of employment under the grant, all employees shall abide by the preceding statement and notify the Superintendent or a designated representative of the drug statute violation occurring in the workplace no later than five (5) days after such conviction. The Superintendent or a designated representative shall notify the granting agency within ten (10) days after receiving notice from an employee or otherwise receiving actual notice of

such conviction.

3. The School Board shall take one or more of the following actions within thirty (30) days of receiving notice with respect to any employee who is so convicted:
  - A. Taking appropriate personnel action against such an employee, up to and including termination; or
  - B. Requiring such employee to participate satisfactorily in a drug assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.
4. A *Drug Awareness Program* developed by the School Board shall inform all employees about:
  - A. The dangers of drug abuse in the workplace.
  - B. The School Board's policy of maintaining a drug-free workplace.
  - C. Any available drug counseling, rehabilitation, and/or employee assistance programs.
  - D. The penalties that may be imposed upon employees for drug violations occurring in the workplace.
5. In order to accomplish the objectives of this policy, the School Board reserves the right, at all times and in any work area, when circumstances warrant or reasonable cause exists, to conduct unannounced reasonable searches and inspections of School Board facilities. These searches shall be conducted by authorized supervisors or search personnel, including drug detection dogs. The areas open to search include but are not limited to lockers, briefcases, desks, boxes, lunch boxes, tool chests, vehicles, and other personal effects of employees.

## EMPLOYMENT CONDITIONS

### Condition of Continuation of Employment

Compliance with the Central Community School Board's current or amended *Drug-Free Workplace* and *Employee Alcohol and Drug Testing* policies shall be a condition of continuation of employment. Failure or refusal of an employee to cooperate fully, sign any required document, submit to any inspection or test, or follow any prescribed course of substance abuse treatment shall be grounds for discipline, up to and

including termination. Violation of any part of these policies shall be grounds for termination.

### Consequences of Refusal by Employee

Any employee refusing to consent to testing or to submit a saliva, urine or blood sample for testing when requested by the Superintendent and/or his/her designee shall be subject to disciplinary action, up to and including termination of employment. Attempted or actual substitution or adulteration of samples shall be equivalent to refusal to submit to testing or equivalent to a positive drug test.

### Prescription Drugs

No prescription drug shall be brought on any property owned or operated by the Central Community School Board by any person other than the one for whom it is prescribed; and such drugs shall be used only in the manner, combination, and quantity prescribed. The use or possession of prescription drugs contrary to this provision shall result in the drug being deemed an illegal drug.

### Unauthorized Possession or Consumption of Alcoholic Beverages

Unauthorized possession or consumption of alcoholic beverages by persons on public school property shall be reported to local law enforcement and may result in the person(s) being fined not more than one thousand dollars and imprisoned not less than fifteen (15) days nor more than six (6) months without benefit of suspension of sentence.

## DEFINITIONS

*Controlled substance* is any substance listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 821), and as further defined by 21 CFR 1308.11 through 1308.15.

*Conviction* is a finding of guilt (including a plea of nolo contendere or imposition of sentence or both) by any judicial body charged with the responsibility to determine the violations of the Federal or State criminal drug statutes.

*Workplace* is any Central Community School Board property or other site where work is performed by employees of the School Board, whether owned, leased, or used by the school system, at any school-sponsored or supervised activity, in any School Board owned, leased, vehicle, machinery or equipment used in the course of School Board employment, including any school bus or any employee workplace.

*Alcoholic Beverage* is any fluid or solid capable of being converted into fluid, suitable for human consumption, and having an alcoholic content of more than 6% by volume,

including alcohol, but excluding antiseptics, toilet preparations, and scientific/chemical products unfit for human consumption.

#### EMPLOYEE ASSISTANCE PROGRAM

Employees who feel they need help with an alcohol or drug abuse problem shall be urged to contact the Superintendent or his/her designee. Assistance may be available to employees at the employee's expense. Assistance may include referral to counseling or medical agencies and a leave of absence for treatment when appropriate.

If a leave of absence is necessary for treatment, and is approved, the employee's position (or one similar to it) shall be held open for a reasonable period of time. After successful completion of treatment, the employee shall be reinstated at the same pay without loss of benefits.

After return to work, the employee's performance, progress, and follow-up treatment shall be monitored. In addition, an employee may be required to take periodic urine or blood alcohol screenings to verify progress. Failure to continue any recommended therapy shall result in termination. Failure to follow all School Board policies and pertinent administrative regulations and procedures pertaining to drugs and alcohol, as well as maintenance of a drug and alcohol-free work environment, shall result in termination.

Any information disclosed by an employee relating to a drug or alcohol problem or its treatment shall be *confidential*.

Ref: 20 USC § 7101 et seq. (*Safe and Drug-Free Schools and Communities*); 21 USC § 812 (*Schedules of controlled substances*); 41 USC §§ 701-707 (*Drug-Free Workplace*); 21 CFR 1308.11 (*Schedules of controlled substances*); La. Rev. Stat. Ann. §§ 14:91.7, 17:240, 17:405, 40:961, 40:962, 40:963, 40:964, 40:967,



40:968, 40:969, 40:970, 40:971, 40:971.1.

## ALCOHOL AND DRUG TESTING-GENERAL EMPLOYEES

### GENERAL PROVISIONS:

The Central Community School Board fully supports the concept of drug-free and alcohol-free workplaces and employees. Though the School Board is cognizant of the privacy rights of individuals, it also believes that the safety and well-being of its students and employees requires that it take legally permissible steps to prevent or eliminate the use of drugs and/or abuse of use of alcohol by its employees. School Board policy prohibits the unlawful manufacturing, distribution, dispensing, possession, or intoxication due to or as a result of use of a controlled substance by its employees in any workplace operated by the system or in any other location. Also, School Board policy prohibits the possession, use or distribution of alcohol or being under the influence of alcohol by its employees on any school system property, whether owned, leased or used by the school system, at any school sponsored or supervised activity, in any School Board owned, leased or used vehicle including any school bus, or at any employee workplace.

As a condition of employment with the School Board, all individuals seeking employment must submit to drug screening prior to final appointment. Persons who refuse to undergo drug screening and persons whose test sample results in a positive drug screen result may not be given further consideration for employment with the School Board and shall not be reconsidered for employment with the School Board for at least six (6) months from receipt of the test results.

As a condition of continued employment, the Central Community School Board may require samples from an employee for alcohol/drug testing in the following circumstances:

1. When an employee is involved in any accident during the course and scope of his or her employment, and alcohol or drugs are suspected to have contributed to the cause of the accident;
2. Under circumstances which result in a reasonable suspicion that drugs are being used by the employee;
3. As part of a monitoring program, to assure employee compliance with a rehabilitation or treatment agreement;
4. In connection with any required periodic medical exams; or
5. As part of a program of random drug testing of designated employees who occupy safety-sensitive or security-sensitive positions.

In addition, when an employee is injured as a result of a job-related accident and who after alcohol/drug testing is determined to be intoxicated under the standards set forth in La. Rev. Stat. Ann. ' 23:1081 or the employee refuses to immediately submit to such testing, then in accordance with state law such employee shall be presumed to be intoxicated at the time of the accident and may be denied workers' compensation benefits in addition to any other authorized action.

Also, a positive confirmatory drug test result may be used as a basis to terminate an employee for wrongful conduct and to deny unemployment compensation as set forth in La. Rev. Stat. Ann. ' 23:1601, or as the basis of other disciplinary action.

An employee involved in any of the above situations may be directed by his/her supervisor to submit to alcohol/drug testing. An employee, who provides a sample on the basis of any of the above authority and whose sample is determined to be positive as to the presence of drugs or alcohol after a confirmatory test shall be required to undergo a rehabilitation or treatment program at the employee's expense and/or be subject to disciplinary action.

#### SAFETY AND/OR SECURITY-SENSITIVE POSITIONS:

For the purposes of the random testing of employees, the following definitions apply:

**Safety-sensitive** refers to a position which requires as part of the employee's assigned duties, primarily or specifically, the operation, maintenance or repair of a motor vehicle; or responsibility for supervising or attending to children on a motor vehicle used to transport children to and from school; or inspecting, servicing, maintaining or using gas fired equipment or gas utility systems. An employee who has the responsibility of supervising, either directly or indirectly, employees who perform any of the above described duties shall also be considered as occupying a *safety-sensitive* position.

**Security-sensitive** refers to a position which may require an employee, primarily or specifically, to employ deadly force in the exercise of his/her duties and whose duties are directly related to the security of employees and students, a school or facility of the Central Community School Board, and which, if not performed properly, could result in serious injury or death to the employee, student, other employees or the general public as a result of the use of a firearm, or any other deadly force. An employee who has the responsibility of supervising, either directly or indirectly, employees who perform any of the above described duties shall be considered as occupying a *security-sensitive* position.

**THE FOLLOWING POSITIONS ARE DESIGNATED AS SAFETY-SENSITIVE OR SECURITY SENSITIVE POSITIONS:** school bus operators; any person who operates a school system vehicle; mechanics who perform maintenance or repairs of school

buses or other school system vehicles; all persons supervising or attending children on a school bus or any other vehicle used to transport school children; security guards or personnel; maintenance department employees who inspect, repair, or in any other manner service any equipment, pipeline or apparatus which uses natural or propane gas or is connected to natural or propane gas; and all who exercise any supervision over such persons. Persons in any of the above positions shall be subject to unannounced random alcohol/drug testing. A positive confirmatory test as a result of random testing may require the employee to undergo treatment at the employee's expense or be subjected to disciplinary action.

### TESTING PROCEDURES

All testing/screening shall be conducted in accordance with applicable state and federal laws and regulations. The Superintendent shall promulgate administrative regulations and procedures to implement the provisions of this policy.

In addition to this policy, for those employees who are required by the nature of their job to hold a commercial driver's license (CDL), the provisions of policy *F-11.5b, Alcohol and Drug Abuse and Testing-Commercial Drivers' License Holders* shall also be applicable.

### DISCIPLINARY ACTION

Failure to comply with the provisions of this policy shall be grounds for disciplinary action including, but not limited to, written reprimands, suspension from work, and/or termination.

An employee shall be subject to immediate termination if the employee refuses to cooperate with any of the enforcement provisions of the policy or is believed to have tampered or purposefully tried to alter the outcome of drug and alcohol tests. Additionally, the employee may be terminated if found using, manufacturing, selling, or distributing drugs or alcohol while on School Board premises. Any employee arrested for a drug related offense shall have five (5) working days from the day of the arrest to notify the School Board. Should an employee at any time be convicted of a drug related offense, immediate termination shall result.

Ref: 49 USC 5331 (*Omnibus Transportation Employee Testing Act of 1991*), 49 CFR 40.1 (*United Teachers of New Orleans et al. v. Orleans Parish School Board and Jefferson Parish School Board, et al, 142 F.3d 853*); La. Rev. Stat. Ann. '17:81, 23:1081, 23:1601, 49:1001, 49:1002, 49:1005, 49:1006, 49:1007,

49:1008, 49:1011, 49:1012, 49:1015.

## **ALCOHOL AND DRUG ABUSE AND TESTING - COMMERCIAL DRIVERS' LICENSES HOLDERS**

The Central Community School Board, as a result of its responsibilities to its employees and to the public it serves, has a compelling obligation to eliminate illegal drug and alcohol use from its workplace. The School Board recognizes the increased risks and dangers when employees use drugs in the workplace. In an effort to provide a safe, healthful, and productive work environment, the School Board shall act to establish a drug and alcohol policy for all drivers of a district-owned vehicle or a contract vehicle, whether employed part-time or full-time. It is the intent of this policy to comply with current Federal and State statutes, and U.S. Department of Transportation regulations concerning drugs in the workplace and drug-testing of employees.

### **APPLICATION**

This policy shall apply to all present and future full or part time drivers, driver applicants, contract drivers, volunteers, and auxiliary personnel employed by or representing the School Board when driving a School Board vehicle or while driving on School Board business. The School Board requires compliance with this policy as a condition of employment, continued employment, and continuation of contractual agreements with the School Board in the capacity of a driver. The School Board shall pay the costs of any alcohol or drug tests that it may require.

The terms of this policy shall apply to all School Board property including but not limited to School Board land, offices, buildings, structures, installations, work locations, and all fixtures, machinery, and equipment herein. This policy shall also apply to all owned, leased, or used automobiles, trucks, vehicles, equipment, or other transportation used at or while traveling to and from School Board property during the performance of any School Board business. The term employee in this policy shall refer to anyone who drives a vehicle owned or contracted by the Central Community School Board.

### **DEFINITIONS**

*Alcohol* means the intoxicating agent in beverage alcohol, alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

*Alcohol concentration (or content)* means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

*Alcohol use* means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

*Covered vehicle* means a motor vehicle, including any school bus and other vehicles, as defined by law and federal regulations, the operation of which requires a driver with a commercial drivers license (CDL).

*Controlled substance* is any drug identified in the Schedule of Controlled Substances in state or federal law as a Schedule I drug or an amphetamine, narcotic, or other habit forming drug. It also includes, but is not limited to, marijuana (THC), cocaine, opiates, opium derivatives, hallucinogenic substances, depressants, stimulates, amphetamines, and phencyclidine (PCP).

*Confirmation test* for alcohol testing means a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. For controlled substances testing, a confirmation test means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to insure reliability and accuracy.

*Screening Test* (also known as *Initial Test*) in alcohol testing means an analytical procedure (Breath Alcohol Test) to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

#### Alcohol Use and Possession

No driver shall report for duty or remain on duty to operate a school bus or other covered vehicle while having an alcohol concentration of 0.04 or greater. No driver shall be on duty or operate a school bus or other covered commercial motor vehicle while the driver possesses alcohol. No driver shall operate a school bus or other covered vehicle within four (4) hours after using alcohol. No driver required to take a post-accident alcohol test shall consume alcohol for eight (8) hours following the accident or until he/she undergoes a post accident alcohol test, whichever occurs first. Any violation of this policy may result in discipline up to and including termination.

#### Controlled Substance Use Prohibited

No driver shall report for duty or remain on duty when the driver is using a Schedule I drug on the Schedule of Controlled Substances listed in state or federal law or an amphetamine, narcotic, or any other habit-forming drug. The schedule of drugs includes, but is not limited to, opiates, opium derivatives, hallucinogenic substances, depressants, and stimulants. The driver shall not consume any of these controlled substances while off duty or on duty. Any violation of this policy may result in discipline up to and including termination.

A driver may use a substance administered by or under the instruction or supervision of

a licensed physician who has advised the driver that the substance will not affect the driver's ability to safely operate a motor vehicle. The driver must furnish written evidence of the doctor's prescription to his/her supervisor prior to operating any covered vehicle. No driver shall respond to work or drive while taking medication prescribed by a licensed physician that will impair that driver's ability to safely operate a motor vehicle.

*Impaired* means under the influence of a substance so that the driver's motor senses -- i.e., sight, hearing, balance, reaction, reflex, or judgment -- either are or may be presumed to be affected. Any violation of the policy may result in discipline up to and including termination.

#### Refusal to Submit to a Required Alcohol or Controlled Substance Test

Any driver who refuses to submit to a post-accident alcohol or controlled substance test required under this policy, a random alcohol or controlled substances test when required, a reasonable suspicion of alcohol or controlled substance test, or a follow-up alcohol or controlled substance test shall be immediately suspended without pay pending discipline, including possible termination.

#### Possession Prohibited

No driver at any work site shall possess any controlled substance, lawful or unlawful, which could result in impaired performance, with the exception of substances administered by or under the instructions of a licensed physician. *Work site* means any motor vehicle, office, building, yard, or other property operated by the Central Community School Board, or any other location at which the driver is to perform work for the School Board. *Possess* means to have either in or on the driver's person, personal effects, motor vehicle, or areas substantially entrusted to the driver's control. Any violation of this policy may result in discipline up to and including termination.

#### Controlled Substance Test Results

No driver shall report for duty, remain on duty or drive a vehicle if the driver tests positive for any controlled substance. The driver will be suspended without pay.

#### ENFORCEMENT

In order to accomplish the objectives of this policy, the School Board reserves the right, at all times and in any work area, when circumstances warrant or reasonable cause exists, to conduct unannounced reasonable searches and inspections of School Board facilities. These searches shall be conducted by authorized supervisors or search personnel, including drug detection dogs. The areas open to search include but are not limited to lockers, briefcases, desks, boxes, lunch boxes, tool chests, vehicles, and other employee's personal effects.



The School Board also reserves the right, in certain circumstances, to require employees to submit to medical or physical examinations or tests. These procedures may be required at any time as a condition of employment or continued employment. The procedures used may include, but are not limited to, urine drug tests, blood alcohol tests, breathalyzer tests, or other medical examination to determine the use of any substance prohibited by this policy or to determine satisfactory fitness for duty. The tests may be announced or unannounced and may be utilized under the following circumstances:

1. **Pre-Employment Testing.** Prior to assuming a driving position, all applicants shall be subject to testing for alcohol and controlled substances that complies with pertinent federal regulations. Refusal to submit to screening shall make it impossible to medically qualify the applicant, and the applicant cannot be employed as a driver.
2. **Post-Accident Testing.** After any accident involving a covered vehicle, driver shall be tested for alcohol and controlled substances if the accident involved the loss of human life, bodily injury, property damage, or a driver receives a citation under state or local law for a moving traffic violation arising from the accident. Alcohol tests should be administered within two (2) hours following the accident but not more than eight (8) hours following the accident. A controlled substance test is required to be administered within thirty-two (32) hours following the accident. A driver who is subject to a post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing. A refusal to submit to testing may result in discipline up to and including termination.
3. **Random Testing.** Random alcohol and/or controlled substance testing may be used to detect and prevent substance abuse by employees. The selection of drivers for the random alcohol and controlled substance testing shall be made utilizing a random numbered table of a computer based random number generator that is matched with drivers' social security numbers. The procedures for the random testing shall be conducted in accordance with applicable federal regulations.
4. **Reasonable Suspicion Testing.** When a supervisor or other supervisory personnel who is trained in accordance with applicable federal regulations, based upon the required observations for alcohol and/or controlled substances formed reasonable suspicion to conduct an alcohol test or a controlled substance test. The observations and tests shall be conducted in accordance with applicable federal regulations.
5. **Return to Duty Testing.** Prior to returning to duty after engaging in

conduct prohibited by this policy, the driver shall undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a controlled substance test with a result indicating a verified negative results for controlled substance use.

6. Follow-up Testing. If determined that a driver is in need of special assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, such driver is subject to unannounced follow-up alcohol and/or controlled substance testing as directed by a substance abuse professional in accordance with the provisions of applicable federal regulations.
7. Other Alcohol-Related Conduct. If a driver is tested as provided in this policy and found to have an alcohol concentration of 0.02 or greater but less than 0.04, such driver shall be prohibited from returning to duty and operating any covered motor vehicle until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test.
8. Compliance with Federal Regulations. All procedures for any testing shall conform to federal regulations.

### Test Results

1. Test results shall be reviewed to determine whether there is an indication of alcohol misuse or controlled substance use. The results are confidential. The School Board's designated *Medical Review Officer* (MRO) shall be the custodian of the individual test results. The Medical Review Officer shall furnish a report of the test results to the Supervisor of Human Resources. All test results, reporting information and record retention shall be in accordance with pertinent federal regulations.
2. Any employee who has a confirmed positive test for a controlled substance may request an analysis of the split specimen at the employee's expense and if requested within seventy-two (72) hours of having been informed by the MRO of a verified positive test.

### Evaluation and Rehabilitation

Whenever a driver is found to have alcohol concentration greater than 0.04 or a controlled substance testing with positive urine specimens, the driver shall be subject to appropriate disciplinary action including termination, with the driver being suspended without pay pending such action. If an employee provides an evaluation of a substance abuse professional that prescribes a rehabilitation program to resolve problems associated with alcohol misuse and/or controlled substance abuse, then the employee

status may be changed to suspension with pay. During such period, the employee shall be required to utilize accumulated sick leave for the period of rehabilitation. However, if the employee has exhausted his/her accumulated sick leave, the employee may be granted additional sick leave not to exceed thirty (30) days. Prior to return to duty, the employee shall be required to complete the return to duty testing and be subject to follow-up testing to consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty.

If the driver tests positive for non-prescribed use of illegal or controlled illegal substances, then the driver shall be immediately terminated.

If the driver tests positive for any other controlled substance that requires a prescription and the driver is not taking the drug pursuant to the prescription, then the driver shall be suspended without pay for a period of seven (7) calendar days or the period of time medically necessary for the body to no longer test positive for the drug or controlled substance, whichever is longer. In order for the driver to return to work, he or she shall be retested at the end of the suspension period. If the test result is positive, the driver's suspension period shall be converted to termination. If the test result is negative, then the driver shall be able to return to work. The School Board shall thereafter have the driver tested regularly for drug and alcohol abuse during the driver's remaining employment tenure with the School Board. In the event a second positive reading for any drugs on any test within one (1) year after the driver returns to work, the bus driver shall be terminated.

If marijuana or any other controlled substance is found in the driver's vehicle as a result of a search occasioned by the use of undercover agents or other appropriate means, the employee shall be terminated.

If alcoholic beverages, marijuana, or other controlled substances are found in any driver's locker, lunch box, or similar container, or on the driver as a result of a search occasioned by reasonable suspicion, then the driver shall be terminated.

Ref: 49 USC 5331 (*Omnibus Transportation Employee Testing Act of 1991*), 49 CFR 40.1 (*Procedures for Transportation Workplace Drug and Alcohol Testing Programs*); La. Rev. Stat. Ann. ' ' 17:81, 23:897, 23:1081, 23:1601.

## EMPLOYEE HEALTH AND SAFETY

The Central Community School Board recognizes the importance of protecting the health and welfare of students, teachers, and other employees of the educational system from the spread of communicable diseases. The transfer of certain diseases by contact with body fluids may pose a health risk to students, teachers and employees. Therefore, decisions regarding the type of educational and care setting for an infected person should be based on the behavior, neurologic development, and physical interaction with others in that setting. The risk in the school setting should also be considered since children may have a greater risk of encountering infectious agents in a school setting than at home.

It is the responsibility of each and every employee to conduct themselves in a safe and orderly manner. All employees should follow safe operating practices.

Unanticipated events that may quickly escalate into tragic or catastrophic school-wide situations should be dealt with in accordance with the School Board's *Crisis Management Plan* in order to protect the welfare, safety and care of students and staff.

### HANDLING BODY FLUIDS IN SCHOOL

All personnel shall be required to follow specific guidelines in the handling of body fluids in the school setting. While the risk of infection may be low, contact with body fluids shall be minimized. Employees who fail to use the precautions outlined in the guidelines for handling body fluids may be subject to disciplinary action.

Ref: 20 USC 1400-1485 (*Education of Individuals with Disabilities*); La. Rev. Stat. Ann. §§ 17:416.16, 17:436, 17:437; *Louisiana Handbook for School Administrators*, Bulletin 741, Louisiana Department of Education.

## EMPLOYEE COMMUNICABLE DISEASES

The Central Community School Board recognizes the importance of protection of the health and welfare of students, teachers, and other employees of the educational system from the spread of communicable diseases, including AIDS. The provisions contained herein shall be reviewed and revised regularly as necessary to reflect current medical research and legal opinion.

*A communicable disease* shall be defined as persistent or recurring infection which may be potentially transmitted to a susceptible person by contact with an infected individual.

When reliable evidence or information from a public health officer or physician confirms an employee of the School Board has a communicable disease or infection that is known to be spread by any form of casual contact and is considered a health threat to the school population or work environment, the Superintendent may exclude such person from school or employment for not more than five (5) days, or the amount of time required by state or local public health officials. Such staff member shall be excluded unless the public health officer approves return to employment or the condition is no longer contagious.

When reliable evidence or information from a public health officer or physician confirms a staff member has a communicable disease or infection that is known not to be spread by casual contact, the decision as to whether or not the affected person shall remain in school or the employment workplace shall be addressed on a case-by-case basis by a *Review Panel* to ensure due process.

Infected employees shall inform appropriate school officials of the infection so that proper precautions for the protection of the students, other employees, and the infected employee can be taken. Failure to do so may be grounds for termination of employment.

Irrespective of the disease presence, routine procedures shall be used and adequate sanitation facilities shall be available for handling blood or body fluids within the school setting or on school buses. School personnel shall be trained in the proper procedures for handling blood and body fluids and these procedures shall be strictly adhered to by all school personnel (see policy *F-11.6b, Guidelines for Handling Body Fluids in Schools*).

### REVIEW PANEL

Communicable diseases that are known not to be spread by casual contact shall be addressed on a case-by-case basis by a *Review Panel*. Membership of the *Review Panel*, procedures for convening the *Review Panel*, and the process used to review the case shall be as outlined in *Health and Safety*, Bulletin 135, Louisiana Department of

Education.

The Superintendent shall provide a written decision to the affected party within three (3) business days (i.e. a day when the School Board Central Office is open for business) after the *Review Panel* convenes. The written decision shall convey information brought out during the review process and include the rationale for the decision concerning school attendance of the employee.

### APPEALS

Appeals may be made by the affected employee in writing to the Superintendent and subsequently to the School Board as outlined in *Health and Safety*, Bulletin 135, Louisiana Department of Education. If the written decision of the Superintendent is contrary to the majority opinion of the *Review Panel*, a majority of the *Review Panel* has the right to appeal the decision in the same manner as outlined in Bulletin 135.

### CONFIDENTIALITY

All persons involved in procedures to assess work attendance of an employee with a communicable disease that is not spread by casual contact shall be required to treat all medical information about the employee, proceedings, deliberations, and documents as *confidential information*. Records of the proceedings and the decisions shall be kept by the Superintendent in a sealed envelope with access limited to only those persons receiving the consent of the parent/guardian or infected person, in accordance with state or federal law.

Before any medical information is shared with anyone in the school setting, a *Need to Know* review shall be made which includes the employee or his/her representative, unless the information is required to meet the mandates of federal or state law or regulation, or Louisiana Board of Elementary and Secondary Education policy.

The identity of an infected individual or an individual believed to be an infected individual shall be revealed only to those who have a need to know. If an infected individual is permitted to remain in the school setting after a determination has been made, employees who will have regular personal contact with the individual shall be informed of his or her identify and provided with appropriate information as to the individual's medical condition. They also shall be informed of public health precautions which should be taken. Persons informed of the identity of an infected person shall not disclose such information to others except as authorized under this policy.

Revised: June, 2015

Ref: 20 USC 1400-1485, *Education of Individuals with Disabilities*; La. Rev. Stat. Ann.

§§17:170, 17:436, 17:437, 17:1941; *Health and Safety*, Bulletin 135, Louisiana Department of Education.



## GUIDELINES FOR HANDLING BODY FLUIDS IN SCHOOL

The Central Community School Board shall require all personnel to follow specific guidelines in the handling of body fluids in the school setting. While the risk of infection may be low, contact with body fluids shall be minimized. Employees who fail to use the precautions outlined in the guidelines for handling body fluids may be subject to disciplinary action.

The body fluids of all persons should be considered to contain potentially infectious agents (germs). The term *body fluids* includes: blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g., nasal discharge) and saliva. Contact with body fluids presents a risk of infection with a variety of germs. In general, however, the risk is very low and dependent on a variety of factors including the type of fluid with which contact is made and the type of contact made with it.

The following table provides examples of particular germs that may occur in body fluids of children and the respective transmission concerns. The body fluids with which one may come in contact usually contain many organisms, some of which may cause disease. Furthermore, many germs may be carried by individuals who have no symptoms of illness. These individuals may be at various stages of infection: incubating disease, mildly infected without symptoms, or chronic carriers of certain infectious agents including the AIDS and hepatitis viruses. In fact, transmission of communicable diseases is more likely to occur from contact with infected body fluids of unrecognized carriers than from contact with fluids from recognized individuals because precautions are not always carried out.

### TRANSMISSION CONCERNS IN THE SCHOOL SETTING BODY FLUID SOURCE OF INFECTIOUS AGENTS

<u>Body Fluid Source</u>	<u>Organism Of Concern</u>	<u>Transmission Concern</u>
Blood -cuts/abrasions -nosebleeds	Hepatitis B virus AIDS virus Cytomegalo virus	Bloodstream inoculation through cuts and abrasions on hands
*Feces -incontinence	Salmonella bacteria Shigella bacteria Rotavirus Hepatitis A virus	Oral inoculation from contaminated hands
*Urine -incontinence	Cytomegalovirus	Bloodstream and oral inoculation from contaminated hands

<u>Body Fluid Source</u>	<u>Organism Of Concern</u>	<u>Transmission Concern</u>
Respiratory Secretions -saliva	Mononucleosis Common cold virus Influenza virus	Oral inoculation from contaminated hands
-nasal discharge	Hepatitis B virus	Bloodstream inoculation through cuts and abrasions on hands; bites
*Vomit hands	Gastrointestinal viruses, e.g.,  (Norwalk agent Rotavirus)	Oral inoculation from contaminated
Semen	Hepatitis B AIDS virus Gonorrhea	Sexual contact (intercourse)

\*Possible transmission of AIDS and Hepatitis B is of little concern from these sources. There is no evidence at this time to suggest that the AIDS virus is present in these fluids.

#### A. Contact With Body Fluids

When possible, direct skin contact with body fluids should be avoided. Disposable gloves should at least be available in the office of the custodians, nurses, or principal. It is recommended that gloves be available in every classroom, and convenient to teachers on playground duty. Gloves are recommended when direct hand contact with body fluids is anticipated (e.g., treating bloody noses, handling clothes soiled by incontinence, cleaning small spills by hand). Gloves used for this purpose should be put in a plastic bag, and sprayed with a solution of 1 part bleach to 10 parts water, mixed fresh, and disposed in a lined trash can, secured, and disposed of daily.

#### B. Direct Skin Contact

In many instances, unanticipated skin contact with body fluids may occur in situations where gloves may be immediately unavailable (e.g., when wiping a runny nose, applying pressure to a bleeding injury outside the classroom, helping a child in the bathroom). In these instances, hands and other affected skin areas of all exposed persons should be routinely washed with disinfectant soap and water for a full three (3) minutes after direct contact has ceased. Clothing and other non-disposable items (e.g., towels used to wipe up body

fluid) that are soaked through with body fluids should be rinsed and placed in plastic bags. If presoaking is required to remove stains, (e.g., blood, feces), use gloves to rinse or soak the item in cold water prior to bagging. Clothing should be sent home for washing with appropriate directions to parents/teachers. Contaminated disposable items (e.g., tissues, paper towels, diapers), should be handled as with disposable gloves.

C. Removing Spilled Body Fluids From The Environment

Most schools have standard procedures already in place for removing body fluids (e.g., vomitus). These procedures should be reviewed to determine whether appropriate cleaning and disinfection steps have been included. Many schools stock sanitary, absorbent agents specifically intended for cleaning body fluid spills. Disposable gloves should be worn when using these agents. The dry material is applied to the area, left for a few minutes to absorb the fluid, and then vacuumed or swept up. The vacuum bag or sweepings should be disposed of in a plastic bag. Broom and dustpan should be rinsed in a disinfectant. No special handling is required for vacuuming equipment.

D. Handwashing Procedures

Proper handwashing requires the use of soap and water and vigorous washing under a stream of running water for approximately one minute.

Soap suspends easily removable soil and microorganisms allowing them to be washed off. Running water is necessary to carry away dirt and debris. Rinse under running water. Use paper towels to thoroughly dry hands.

Should an ungloved person have any contact with bodily fluids, the person having contact should wash his/her hands for a full three (3) minutes using disinfectant soap and water.

E. Disinfectants

An intermediate level disinfectant should be used to clean surfaces contaminated with body fluids. Such disinfectants will kill vegetative bacteria, fungi, tuberculosis bacillus and viruses. The disinfectant should be registered by the U. S. Environmental Protection Agency (EPA) for use as a disinfectant in medical facilities and hospitals.

Various classes of disinfectants are listed below. Hypochlorite solution (bleach) is preferred for objects that may be put in the mouth.

1. Ethyl or isopropyl alcohol (70%)
2. Phenolic germicidal detergent in a 1 per cent aqueous solution (e.g.,

- Lysol\*)
3. Sodium Hypochlorite with at least 100 ppm available chlorine (2 cup household bleach in 1 gallon water, needs to be freshly prepared each time it is used)
  4. Quaternary ammonium germicidal detergent in 2 per cent aqueous solution (e.g., Tri-quat\*, Mytar\* or Sage\*)
  5. Iodophor germicidal detergent with 500 ppm available iodine (e.g., Wescodyne\*)

\*Brand names used only for examples of each type of germicidal solution, and should not be considered an endorsement of a specific product.

#### F. Disinfection Of Hard Surfaces And Care Of Equipment

After removing the soil, a disinfectant is applied. Mops should be soaked in the disinfectant after use and rinsed thoroughly or washed in a hot water cycle before rinse. Disposable cleaning equipment and water should be placed in a toilet or plastic bag as appropriate. Non-disposable cleaning equipment (dust pans, buckets) should be thoroughly rinsed in the disinfectant. The disinfectant solution should be promptly disposed down a drain. Remove gloves and discard in appropriate receptacles.

#### G. Disinfection Of Rugs

Apply sanitary absorbent agent, let dry and vacuum. If necessary, mechanically remove with dust pan and broom in disinfectant. If necessary, wash brush with soap and water. Dispose of nonreusable cleaning equipment as noted above.

#### H. Laundry Instructions For Clothing Soiled With Body Fluids

The most important factor in laundering clothing contaminated in the school setting is elimination of potentially infectious agents. Clothing soaked with body fluids should be washed separately from other items. Presoaking may be required for heavily soiled clothing. Otherwise, wash and dry as usual. If the material is bleachable, add 2 cup household bleach to the wash cycle. If the material is not colorfast, add 2 cup of non-hypochlorite solution to the wash cycle.

Ref: Information and Guidelines: Prevention of Disease Transmission in Schools, Acquired Immune Deficiency Syndrome (AIDS), State of Connecticut, Department of Education and Department of Health Services, March 1985; Louisiana Handbook for School Administrators, Bulletin 741, Health and Safety,

Bulletin 135, Louisiana Department of Education.

## **HEALTH EXAMINATIONS**

The Central Community School Board, through the Superintendent or designee, may require an employee to have a medical examination whenever there is evidence the employee's condition warrants such action, or there is concern for safety. Examinations may also be conducted to determine adequacy of job performance or to meet requirements of state or federal laws. All examinations conducted shall conform to all state and federal requirements. The physician shall be designated by the Superintendent and/or his/her designee, and the cost of the examination shall be paid by the School Board. The School Board may be entitled to reimbursement from an employee for the costs of such employee's or applicant's pre-employment medical examination or drug test, however, if the employee terminates the employment relationship sooner than ninety (90) working days after the first day of work or never reports to work, unless there is a substantial change made to the employment by the School Board.

Ref: 42 USC 12101 et seq. (*Title I, Americans With Disabilities Act*); La. Rev. Stat. Ann. §§ 17:81, 17:491, 17:491.2, 23:897.

## DANGEROUS WEAPONS

Quality education begins with a safe school environment. The presence of firearms or any dangerous weapon on school campuses or at school-sponsored events presents unnecessary opportunities for students, employees, parents, and others to be seriously injured.

Employees of the Central Community School Board shall be prohibited from bringing firearms, dangerous weapons, or any instrument intended or likely to produce great bodily harm, or any sort of instrument or object which may be used in any way as a weapon, onto school campuses or to school-sponsored events or on a school bus. Employees who violate this prohibition shall be considered as willfully neglecting their duties and shall be subject to disciplinary action against them, up to and including termination. Others who violate this policy shall be subject to expulsion from School Board property.

This policy is not intended to prevent firearms from being brought to school for educationally-related purposes, such as ROTC training, props for drama presentations, gun safety classes, etc. The provisions of this policy shall also not apply to law enforcement officers or school resource officers on school property. For purposes of this policy, the term *firearm* is defined to include both instruments which propel shot by the action of gunpowder (i.e., rifles, shotguns) and instruments which propel shot by the action of air (i.e., pellet guns, BB guns).

### FIREARM FREE ZONES

It is unlawful for an employee to intentionally possess a firearm on school property or within 1000 feet of school property, with limited exception, or while on a school bus. The area surrounding the school campus or within 1000 feet of any such school campus, or within a school bus shall be designated *firearm-free zones*. The School Board, in cooperation with local governmental agencies, and the Louisiana Department of Education, shall designate and mark *firearm-free zones* which surround all schools and school property.

Ref: La. Rev. Stat. Ann. §§ 14:2, 14:95, 14:95.2, 14:95.6, 17:81.

## **EMPLOYEE ATTENDANCE**

Employees of the Central Community School Board shall be expected and required to report to their designated work locations in the prescribed manner and at the prescribed time work activity is to commence. Employees are also expected to remain at work for the entire work period excluding any rest and meal periods permitted. Tardiness, unexpected absence, or failure to report to work as scheduled may result in disciplinary action. In cases of anticipated absence or where the employee cannot report to work as scheduled, the employee shall notify his/her supervisor as soon as possible after the employee becomes aware that he/she will be absent from work. Continual absence by the employee shall be conveyed to the employee's supervisor on a regular basis. The frequency of contact that may be required shall be determined by the supervisor.

Employees shall report to work each day at the time specified. Certain categories of employees may be required to have their work time each day kept and recorded through the use of a time-keeping system, such as sign-in sheets or a time clock.

### ABSENCES DURING DAY

Principals shall notify the Superintendent or his/her designee in advance of being absent from school. For those schools that do not have assistant principal, another responsible individual should be designated by the principal and made known to the school office staff.

No teacher or other employee shall leave the school campus or work location without having first obtained permission from the principal/building administrator or designee. Teachers shall be required to sign out, stating the reason for leaving school. Upon returning, the teacher shall sign back in and note the time of his/her return. An employee's immediate supervisor may authorize an absence during the business day. Otherwise, appropriate leave shall be granted in order for an employee to be properly absent from work.

The following reasons shall be considered as authorized absences for employees by the Central Community School Board: personal illness, personal leave, professional leave, military leave, extended sick leave, annual leave (vacation), workers' compensation, jury duty, court summons, and approved school business. Absences for any other reasons may be considered as unauthorized absences, resulting in the employee being docked full pay for the time reported.

### Reporting Absences

All absences of one (1) hour or more shall be reported by the immediate supervisor and shall be recorded and counted toward an employee's leave time and reported on the bi-weekly or monthly payroll absence report. However, the immediate supervisor shall be allowed to record and count less than one (1) hour at his/her discretion.



### Tardiness

Employees who are habitually tardy are subject to reduction in pay. Continued tardiness or early departures shall be investigated to determine if the employee is in willful neglect of his/her job responsibilities. These matters shall be handled by the building principal or appropriate authority, who shall follow personnel guidelines in recording, investigating, and referring the matter for further action.

### Unauthorized Absence

Any employee who is absent from work and who has not received an authorized leave shall be considered on *unauthorized leave*. Any employee on unauthorized leave shall receive no pay for those days which constituted the unauthorized leave and may be subject to dismissal and/or other disciplinary actions.

### JOB ABANDONMENT

If an employee is absent for ten (10) or more days without notice of leave, the School Board may consider the job as abandoned and the employee may be terminated in accordance with School Board policy, unless the employee can provide acceptable and verifiable evidence of extenuating circumstances. The Superintendent or his/her designee shall be responsible for determining acceptability of evidence of extenuating circumstances.

Ref: La. Rev. Stat. Ann. §§ 17:81, 17:1186, 17:1201, 17:1202, 17:1203, 17:1204, 17:1206, 17:1208, 17:1208.1.

## **EMPLOYEE CONDUCT**

The Central Community School Board believes the teaching profession occupies a position of public trust involving not only the individual teacher's personal conduct, but also the interaction of the school and the community. Education is most effective when these many relationships operate in a friendly, cooperative, and constructive manner. A teacher's conduct, as well as the conduct of all employees throughout the school district, should meet acceptable standards of the community and show respect for the law and the rights of others.

All employees, volunteers, student teachers, interns, and any other person affiliated with the Central Community School Board have the responsibility to be familiar with and abide by the laws of the state, the policies and decisions of the School Board, and the administrative regulations and procedures designed to implement School Board policies. Employees and others shall also comply with the standards of conduct set out in this policy and with any other policies, regulations, procedures, or guidelines that impose duties, requirements, or standards of conduct attendant to their status as School Board employees.

Employees and all others shall be expected to observe at least the following standards of conduct:

- ! Be courteous to students, one another, and the public and conduct themselves in a professional and ethical manner.
- ! Recognize and respect the rights and property of students, other employees, and the public.
- ! Maintain confidentiality of all matters relating to students and other employees.
- ! Demonstrate dependable attendance and punctuality with regard to assigned activities and work schedules.
- ! Observe and adhere to all terms of an employee's contract or job description.
- ! Strive to keep current and knowledgeable about the employee's area of responsibility.
- ! Refrain from promoting personal attitudes and opinions for matters other than general discussion.
- ! Refrain from using undue influence to gain, or attempt to gain, promotion,

leave, favorable assignments, or other individual benefit or advantage.

- ! Refrain from conducting or participating in any unauthorized studies, surveys, or investigations while on duty.
- ! Advocate positive personal behavior on or off campus and attempt to avoid improprieties or the appearance of improprieties.

While the operation of the School Board and its schools is governed by the provisions of this and all other School Board policies, regulations, and procedures, as well as procedures of the individual schools, no policy manual can list each and every instance of misconduct that is precluded. Accordingly, employees are cautioned that the appropriateness of certain action or behavior must necessarily be dictated by the nature of the position held by the employee and standards of common sense. By virtue of one's education and experience, an employee knows and understands that certain actions or conducts are unacceptable even in the absence of formal School Board policy. For instance, without the need of a specific prohibition or warning, a classroom teacher should be aware of the impropriety of certain practices such as leaving students unattended, using profanity or sexually suggestive language, or bringing a firearm onto campus. Such conduct constitutes both incompetence and willful neglect of duty. Such conduct, as well as violation of any state or federal law or School Board policies, regulations, or procedures, or school regulations or procedures, shall result in the imposition of discipline up to and including termination.

### JOB INTERFERENCE

Employees shall be prohibited from knowingly aiding or engaging in any activity for the purpose of causing disruption or interference with the performance of his or her job duties or duties of other employees, or conduct that is otherwise detrimental to the efficient and orderly operation of the school system for which the employee is employed.

### PROHIBITED SEXUAL CONDUCT

Employees shall be prohibited from engaging in any form of sexual conduct with students. In particular, it is a violation of criminal statutes for any educator, which includes any administrator, coach, instructor, teacher, paraprofessional, teacher aide, or student aide, to engage in sexual conduct, as defined in La. Rev. Stat. Ann. §14:81.4 with a student who is seventeen (17) years of age or older, but less than twenty-one (21) years of age, where there is an age difference of greater than four (4) years between the two persons.

Notwithstanding any claim of privileged communication, any educator, having cause to believe that prohibited sexual conduct has occurred between another educator and a student, shall be required by state law to immediately report such conduct to a local or

state law enforcement agency.

## NOTIFICATION BY EMPLOYEES

### Convictions

A teacher or any other School Board employee shall report to his/her immediate supervisor and the Human Resources Department any final conviction or plea of guilty or *nolo contendere* to any criminal offense, excluding traffic offenses, to the School Board within forty-eight (48) hours of conviction or plea.

Any incarcerated employee may authorize another person to act on that employee's behalf in notifying or providing documents to that employee's immediate supervisor and the Human Resources Department.

### Initiation of Criminal Prosecution

When a criminal prosecution is initiated in court against any employee by way of indictment, bill of information, or affidavit for committing any offense, other than a minor traffic violation, that employee shall provide his/her immediate supervisor and the Human Resources Department each with a copy of the indictment, bill of information, or affidavit within five (5) calendar days of his/her arrest or service of summons. In lieu of such indictment, bill of information, or affidavit, the employee so charged may otherwise properly notify his or her supervisor and the Human Resources Department of the particulars of the criminal prosecution.

Within five (5) calendar days of the scheduling of any court hearing or trial related to criminal prosecution, the affected employee shall give notice to the Human Resources Department of the date and time of the pending hearing or trial.

### Arrests for Certain Sexual Offenses

An employee shall be required to report his/her arrest for a violation of La. Rev. Stat. Ann. §§14:42-14:43.5, 14:80-14:81.5, any other sexual offense affecting minors, any of the crimes listed in La. Rev. Stat. Ann. §15:587.1, or any justified complaint of child abuse or neglect on file with the Louisiana Department of Children and Family Services.

The report shall be submitted to the Superintendent or his/her designee within twenty-four (24) hours of the arrest. However, if the employee is arrested on a Saturday, Sunday, or a legally declared school holiday such report shall be made prior to the employee next returning for his/her work assignment at a school. Such report shall be made by the employee or an agent of the employee regardless of whether he/she was performing an official duty or responsibility as an employee at the time of the offense. In addition, the employee shall report the disposition of any legal proceedings related

to any such arrest, which shall also be made a part of any related files or records. Any employee who fails to comply with these provisions shall be suspended with or without pay if such employee is serving a probationary term of employment or if the provisions of law relative to probation and tenure are not applicable to the employee.

Any employee employed with the School Board who is a tenured employee of the School Board shall be subject to removal under applicable state laws for failure to comply with these provisions. Written and signed charges alleging such failure shall be brought against the employee.

Unless criminal charges are instituted pursuant to an arrest which is required to be reported as provided above, all information, records, hearing materials, and final recommendations of the school pertaining to such reported arrest shall remain confidential and shall not be subject to a public records request.

*School employee*, as used in this policy, shall mean *any* employee of the School Board, including teachers, substitute teachers, and other employees, and shall include all temporary, part-time, and permanent school employees.

Ref: 41 USC 8103 (*Drug-Free Workplace*); La. Rev. Stat. Ann. §§14:42, 14:42.1, 14:43, 14:43.1, 14:43.2, 14:43.3, 14:43.5, 14:80, 14:80.1, 14:81, 14:81.1, 14:81.1.1, 14:81.2, 14:81.3, 14:81.4, 14:81.5, 17:15, 17:16, 17:81, 17:439; Sylvester v. Cancienne, 95-0789 (La. App. 1st Cir. 11/9/95), 664 So.2d 1259; Howard v. West Baton Rouge Parish School Board, 2000-3234 (La. 6/29/01), 793 So.2d 153; Spurlock v. East Feliciana Parish School Board, 03-1879 (La.

App. 1<sup>st</sup> Cir. 6/25/04), 885 So.2d 1225.

## **PROFANITY AND DEROGATORY LANGUAGE**

### PROFANE LANGUAGE OR BEHAVIOR

The Central Community School Board disapproves of and shall not tolerate the use of profane words, language or gestures by employees. All employees shall refrain from the use of such language and behavior and shall be responsible for assuring that their school or other work place is free from such language and behavior at all times in accordance with this policy.

Violation of this policy may be grounds for disciplinary action, including, but not limited to termination of an offending employee.

### DEROGATORY LANGUAGE

The Central Community School Board disapproves of and shall not tolerate language from or by employees which is racially derogatory or derogatory on the basis of sex, religion, national origin, physical handicap or ethnicity. All employees shall refrain from the use of such language and shall be responsible for assuring that their school or other work place is free from such language at all times in accordance with this policy.

Violation of this policy may be grounds for disciplinary action, including termination of employment.

### COMPLAINTS

Any person who has a complaint regarding an alleged violation of this policy shall be urged to bring the matter to the attention of the Superintendent or his/her designee so that it may be investigated and dealt with. If the complaint involves someone who is the employee's immediate supervisor, the employee may discuss the matter and/or file a complaint with the Director of Human Resources.

The Superintendent or his/her designee shall investigate all complaints in this regard and shall endeavor to handle these matters expeditiously in a professional manner so as to protect the offended individual.

## REPORTING OF ILLEGAL OR UNETHICAL ACTIVITIES

All employees shall be responsible and accountable for adhering to all Central Community School Board policies, and accompanying administrative regulations and procedures, and to all state and federal laws governing the operation of the school system. Employees therefore have a duty to promptly and confidentially report any illegal or unethical act, practice or activity of which they become aware by a School Board member, employee or official or by an outside agency transacting business with the School Board. It is the policy of the School Board to protect employees who have reported such activities in keeping with School Board policies and procedures.

Matters to be reported include any illegal, fraudulent, or dishonest activity arising in connection with school system operations or activities. Unethical activities to be reported under this policy are those acts or practices that are prohibited by the *Louisiana Code of Governmental Ethics* (La. Rev. Stat. Ann. ' ' 42:1101-42:1170).

Reports of illegal or unethical acts, practices or activities shall be made confidentially to one's immediate supervisor, except when the act, practice or activity involves the supervisor, in which event the report shall be made to the Superintendent or his/her designee. Reports of illegal or unethical acts, practices or activities involving the Superintendent shall be made to the School Board President.

### RETALIATION PROHIBITED

Central Community School Board employees and officials shall not take retaliatory action, or threaten retaliatory action against any person who in good faith and pursuant to this policy reports any workplace practice, act or activity which he/she reasonably believes to be in violation of any state or federal law, including the state code of ethics for public employees or elected public officials, or against anyone who in good faith, and after having informed the School Board thereof: (1) discloses or threatens to disclose a workplace act, practice, or activity that is a violation of law; (2) provides information to or testifies before any public body conducting an investigation, hearing or inquiry into any violation of the law; or (3) objects to or refuses to participate in an employment act, practice or activity that is in violation of law.

The term *retaliation* shall include, but not be limited to, any form of intimidation, reprisal, harassment or adverse change in the terms and conditions of employment, either at the time the report is made or any time thereafter.

Ref: La. Rev. Stat. Ann. ' ' 17:81, 23:968.



## USE OF TELECOMMUNICATION AND OTHER ELECTRONIC DEVICES

### TELECOMMUNICATION DEVICES

Employees of the Central Community School Board shall be prohibited from using electronic telecommunication devices such as personal cellular telephones, pagers, beepers or other such devices during the workday unless otherwise authorized or upon prior approval of their immediate supervisor.

Employees may use such communication devices during breaks or in emergency situations. *Emergency* means an actual or imminent threat to public health or safety which may result in the loss of life, injury, or property damage.

In addition, camera phones with video and/or still photography capabilities, voice-recording capabilities, or future technological improvements and/or still equivalent equipment may not be used unless authorized by the school principal or his/her designee. A violation of any of these provisions may be grounds for disciplinary actions, including but not limited to, dismissal of the employee.

Notwithstanding the above provisions, this policy shall not affect the conduct of law enforcement activities including the use of electronic detection devices, dogs or other means of conducting searches for weapons, drugs, or other contraband in whatever manner is otherwise permitted by law and consistent with School Board policy.

### Exceptions

School administrators and supervisors may be permitted to carry cell phones in sight due to administrative and safety responsibilities. It is suggested that the phone be in the vibrate mode and used out of the sight of students whenever possible. No personal use of the cell phone is allowed except as provided above for the teachers and staff.

### EMPLOYER PROVIDED CELLULAR PHONES

The School Board may provide cell phones to selected employees to ensure the safety of the educational community and its inhabitants, as well as to enhance all facets of school operations and procedures to improve the efficiency of the district. The Superintendent shall designate those employees who may be issued cell phones, based on the employees' duties and responsibilities.

Cell phones are not a personal benefit, nor a primary mode of personal communication. Cell phones shall be used for school-related business **only**. While School Board-owned cell phones are not to be used for personal calls, should such calls occur, the School Board shall be reimbursed for all personal calls as well as a pro rata share of assessed fees and charges. Employees shall reimburse the School Board within ten

(10) days of the billing notice by the School Board.

School Board personnel shall monitor use of the School Board-owned cell phones on a monthly basis for propriety and reasonableness of phone use.

Ref: La. Rev. Stat. Ann. §§14:40.3, 17:81, 17:239.

## ELECTRONIC COMMUNICATIONS BETWEEN EMPLOYEES AND STUDENTS

The Central Community School Board shall require that all communications between employees and students be appropriate and in accordance with state law. All electronic or any other communications by employees to students at any time shall be expected to be professional, acceptable in content to any reasonable person, and limited to information that is school-related or is acceptable to both student and parent.

All electronic communication, including electronic mail, by an employee to any student enrolled in a public school in this school district relative to the educational services provided to the student shall use a means provided by or otherwise made available by the school system for this purpose and the School Board shall prohibit the use of all such system means to electronically communicate with a student for a purpose not related to such educational services, except communication with an immediate family member if such communication is specifically authorized by the School Board.

Any electronic communication made by an employee to any student enrolled in a public school in this school district or that is received by an employee from any student enrolled in a public school in this school district using a means other than one provided by or made available by the school system shall be reported by the employee in a manner deemed appropriate by the School Board. Records of any such reported communication shall be maintained by the School Board for a period of at least one (1) year.

The School Board may authorize a school principal, or his/her designee, to permit an employee at the school to contact one or more specifically identified students enrolled at the school and be contacted by such student or students using a means other than one provided by or made available by the school, provided the employee has requested and received permission from the principal, or his/her designee, to do so and has provided documentation in writing to the principal, or his/her designee, stating the purpose or purposes for such contact. Such purposes may include but need not be limited to necessary communications relative to extracurricular activities, student athletic activities, community-based youth activities such as scouting, and faith-based activities such as a youth group sponsored by a religious organization.

### DEFINITIONS

1. *Electronic Communication* includes any direct communication facilitated by voice or text-based telecommunication devices, or both, computers, as well as those devices that facilitate indirect communication using an intermediate method, including but not limited to Internet-based social networks. It shall also include transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature in whole or in part by wire, radio, electromagnetic, photoelectric, or photo-optical system and pertains to both personal and School Board issued devices.

2. *Electronic mail* – the transmission of text-based information or communication by use of the Internet, computers, a facsimile machine, a pager, a cellular telephone, a video recorder, or any other electronic device or means sent to a person identified by a unique address or address number and received by that person.
3. *Computers* – pertains to any and all computers.
4. *Social networks* – locations on the Internet where users may interact with other users -- examples are Facebook, MySpace, YouTube, and other social networks sites available on the internet.
5. *Improper or inappropriate communications* – any communication between employee and student, regardless of who initiates the communication, that may be viewed as derogatory, sexual or lewd in content, threatening or harassing, discriminatory, simple fraternization, or suggestive in nature.

#### NOTIFICATION

The School Board shall ensure that at the beginning of each school year each employee, student, and parent, or other person responsible for a student's attendance, be notified of the provisions of this policy and any related procedures or practices regarding communications between employees and students.

The parent or other person responsible for a student's attendance shall also be notified of his/her right to request that his/her child not be contacted through electronic communication by any school employee unless the purpose of such communication is directly related to the child's educational services and is sent to and received by more than one student at the school.

#### INAPPROPRIATE COMMUNICATIONS

The School Board is aware that the reputations and careers of students and educators have been damaged due to inappropriate communications between parties. Therefore, it is the intent of the Central Community School Board to make all employees and students aware of the expectations and procedures of the school system and the School Board in regard to proper use of all telecommunication devices and computers if used to communicate with one another. The policy is not intended to limit the use of technology as an effective teaching tool.

In addition to reporting communication to or from students not made through the means provided by the school system, employees must report to their supervisor at the first opportunity available, *any* student-initiated communication that may be construed as inappropriate.

Employees shall be required to comply with all policies, procedures, and practices established by the School Board regarding direct communications with a student, and any failure to do so may result in disciplinary action, up to and including termination of employment. Extreme circumstances may constitute willful neglect of duty. Should an employee's failure to comply also violate state or federal law, the Superintendent or his/her designee shall report such violation to the proper authorities.

### Violations

1. Any violation of this policy shall be immediately investigated by the employee's supervisor. The investigation shall include dates, the name of the person reporting the allegation, and the specific allegation made.
2. The supervisor shall meet with the employee to document his/her response to the allegation. The employee shall be required to cooperate fully with the investigation.
3. All information of the investigation shall be provided to the Superintendent and the Director of Human Resources by the supervisor.

Violations of this policy or any implementing regulations or procedures may result in discipline of the employee up to and including termination of employment in accordance with School Board policy.

### MANDATORY REPORTING

Nothing in this policy shall prohibit or deter the mandatory reporting requirements in cases of suspected abuse/neglect as provided for in *H-4.6, Child Abuse*, state, and/or federal law.

Ref: La. Rev. Stat. Ann. §§14:40.3, 17:81, 17:239.

## **MISCELLANEOUS CONDITIONS OF EMPLOYMENT**

### **INSPECTIONS AND SEARCHES**

It shall be the policy of the Central Community School Board to reserve the right to inspect any School Board-owned property including, without limitations, computers, desks, lockers, and similar furnishings at any time, with or without notice, and that personal property an employee may bring onto School Board premises may be subject to inspection, including searches, in connection with the School Board's investigation of stolen property, hazardous materials, controlled substances, or the health and safety of employees and students.

As a condition of employment, each employee of the School Board shall acknowledge the School Board's right to conduct such inspections and investigations, and agree to any inspections made, and cooperate in all respects during any such proceedings.

### **SECURITY AND CONFIDENTIALITY**

It is the policy of the School Board to maintain strict control over entrance to the premises, access to work locations and records, computer information, and cash and other items of monetary value. Employees who are assigned keys, given special access, or assigned job responsibilities in connection with the safety, security, or confidentiality of such records, material, equipment, or items of monetary or business value shall be required to use sound judgment and discretion in performing their duties, and shall be held accountable for any wrongdoing or acts of indiscretion.

Confidential information obtained as a result of employment with the School Board shall not be used by an employee for the purpose of furthering any private interest, or as a means of making personal gains. Use or disclosure of such information may result in civil or criminal penalties, both for the individuals involved and for the School Board and subject the employee to disciplinary action, up to and including termination.

### **ACCOMMODATIONS FOR BREAST-FEEDING MOTHERS**

Each school under the jurisdiction of the School Board shall provide the following:

1. An appropriate, private room, other than a restroom, that may be used by an employee to express breast milk.
2. A reasonable amount of break time to accommodate an employee needing to express breast milk that, to the extent possible, shall run concurrently with the break time already provided to the employee, and that shall be available to the employee for up to one (1) year following the

birth of her child.

3. Procedures for the employee to notify her supervisor or other appropriate personnel of her intent to make use of the accommodations offered pursuant to this policy and to schedule accordingly.

Any additional break time used by an employee to express breast milk shall be considered unpaid leave time.

Ref: La. Rev. Stat. Ann. '17:81; Board minutes, 10-14-13.

## SUBSTITUTE PERSONNEL

### SUBSTITUTE TEACHERS

The Central Community School Board shall require the compilation of a list of qualified individuals to serve as day-by-day substitute teachers within the school district. The Superintendent or his/her designee shall prepare the list assuring that all those listed possess appropriate employment criteria, including verification of teachers' qualifications and certification.

Substitute teachers shall be assigned on a daily basis from the principal or his/her designee. Teachers who are to be absent shall call the principal/designee to notify him/her of the dates of and reason for the absence. Notification on the same day as the absence shall be given as soon as possible, but no later than one (1) hour before the employee's appointed daily start time, except in extreme emergencies. Failure to provide adequate notification may subject the employee to disciplinary measures.

It shall be the responsibility of the principal and the regular teacher to ensure that the substitute teacher has the necessary instructions and materials to teach effectively, including textbooks, lesson plans, class rolls, schedules and an outline of local school procedures.

Retired teachers may be employed as substitute teachers provided that use of retired teachers as substitutes is in accordance with the rules and regulations established by the *Teacher's Retirement System of Louisiana* and pertinent statutory provisions and School Board policy.

Qualified teachers may also be selected to substitute for teachers who plan to be absent for long periods of time. Provisions shall be made for the hiring of, or contracting with applicable substitute teachers in these instances as developed by the Superintendent and staff.

### Substitute Pay

Compensation paid to substitute teachers shall be based upon the degree status of the substitute in accordance with a pay schedule as set by the School Board.

Any school employee whose job does not require a teaching certificate who performs work as a substitute teacher for more than a single class period shall be compensated for that time at the rate of a substitute teacher. The principal or his/her designee shall authorize the school employee to act as a substitute teacher prior to the employee's participation in the classroom as a substitute, and shall verify the hours as a substitute teacher for payroll purposes.



### Long-term Substitute

Those persons recommended to work as a long-term substitute by the principal of the school, and approved by the Director of Human Resources, shall be paid as long-term substitutes. *Long-term substitute* shall be considered to be a substitute hired for a period of four (4) weeks or more. All recommendations for long-term substitute teaching must be made by the principal prior to the start of the regular teacher's medical or sabbatical leave, whenever possible.

### SUBSTITUTES FOR SUPPORT PERSONNEL

The School Board shall require the maintenance of a list of properly qualified and approved substitute personnel eligible to substitute for support personnel absent from work. Only persons approved by the School Board shall be eligible for employment as substitutes. Appropriate judgment as to actual need should be exercised before employment of a substitute for support personnel.

Revised: September, 2014

Ref: La. Rev. Stat. Ann. §§11:710, 17:81, 17:419.3, 17:493.1, 17:500, 17:1202, 17:1212, 17:1213, 17:1216, 17:1217; Board minutes, 10-27-14.