**2014-15**

**IMBODEN AREA CHARTER SCHOOL**

**LEA #38-40-700**

**CLASSIFIED PERSONNEL POLICIES**

# 8.1—CLASSIFIED PERSONNEL SALARY SCHEDULE

1. Maintenance and Operations

 Custodian - $8,000-$10,000 per year

 General Maintenance - $8.26 per hour

2. Transportation

 Bus Driver - $12.00 - $12.50 per hour

3. Food Service

 $8.26 per hour

4. Secretarial and Clerical

 Administrative Assistant - $19,200 - $20,000 per year

 Clerical Personnel - $8.26 per hour

5. Aides and Paraprofessionals

 Paraprofessionals - $15.00 per hour

 Aides - $8.26 per hour

6. Health Services

 School Nurse - See Licensed Salary Schedule

 All nurses begin on Step 0

State law requires the School to include its classified employee’s salary schedule in its written personnel policies unless the School recognizes a classified employees’ union in its policies for, among other things, the negotiation of salaries. Your School is required to have a salary schedule for at least the following five categories of classified personnel: 1) Maintenance and Operations; 2) Transportation; 3) Food Service; 4) Secretarial and Clerical; and 5) Aids and Paraprofessionals. The School is required to post the salary schedule on its website by September 15 of each year and should place an obvious hyperlink, button, or menu item on the website's homepage that links directly to the current year classified policies and salary schedule.

For the purposes of this policy, an employee must work two thirds (2/3) of the number of their regularly assigned annual work days to qualify for a step increase.

The Director has the authority, when recommending an applicant and his/her placement on the School's salary schedule to the Board for its approval, to consider the applicant's previous work experience with similar duties, responsibilities, and skill sets to those job duties and responsibilities the applicant would assume for the School.

Cross References: Policy 1.9—POLICY FORMULATION

Legal References: A.C.A. § 6-17-2203

 A.C.A. § 6-17-2301

 ADE Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District

 Websites

Date Adopted: September 3, 2002

Last Revised: August 5, 2014

**8.2— CLASSIFIED PERSONNEL EVALUATIONS**

Classified personnel may be periodically evaluated.

Any forms, procedures or other methods of evaluation, including criteria, are to be developed by the Director, but shall not be part of the personnel policies of the school.

Legal Reference: A.C.A. S 6-17-2301

Date Adopted: October 21, 2003

Last Revised: May 23, 2006

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# 8.3—EVALUATION OF CLASSIFIED PERSONNEL BY RELATIVES

No person shall be employed in, or assigned to, a position which would require that he be evaluated by any relative, by blood or marriage, including spouse, parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, or first cousin.

Date Adopted: October 21, 2003

Last Revised:

**8.4— CLASSIFIED EMPLOYEES BUS DRIVER DRUG TESTING**

Scope of Policy

Each person hired for a position that allows or requires the employee operate a school bus shall meet the following requirements:

1. The employee shall possess a current commercial vehicle drivers license for driving a school bus;
2. Have undergone a physical examination, which shall include a drug test, by a licensed physician or advanced practice nurse within the past two years; and
3. A current valid certificate of school bus driver in service training.

Each person’s initial employment for a job entailing a safety sensitive function is conditioned upon the district receiving a negative drug test result for that employee. The offer of employment is also conditioned upon the employee’s signing an authorization for the request for information by the school from the Commercial Driver Alcohol and Drug Testing Database.

Methods of Testing

The collection, testing methods and standards shall be determined by the agency or other medical organizations chosen by the School Board to conduct the collection and testing of samples. The drug and alcohol testing is to be conducted by a laboratory certified pursuant to the most recent guidelines issued by the United States Department of Health and Human Services for such facilities. (“Mandatory Guidelines for Federal Workplace Drug Testing Programs”).

Definitions

“Safety sensitive function” includes:

* All time spent inspecting, servicing, and/or preparing the vehicle;
* All time spent driving the vehicle;
* All time spent loading or unloading the vehicle or supervising the loading or unloading of the vehicle; and
* All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

“School Bus” is a motorized vehicle that meets the following requirements:

* Is designed to carry more than ten (10) passengers;
* Is privately owned and operated for compensation, or which is owned, leased or otherwise operated by, or for the benefit of the District; and
* Is operated for the transportation of students from home to school, from school to home, or to and from school events.

Requirements

Employees shall be drug and alcohol free from the time the employee is required to be ready to work until the employee is relieved from the responsibility for performing work and/or any time they are performing a safety-sensitive function. In addition to the testing required as an initial condition of employment, employees shall submit to subsequent drug tests as required by law and/or regulation. Subsequent testing includes, and/or is triggered by, but is not limited to:

Random tests;

Testing in conjunction with an accident;

Receiving a citation for a moving traffic violation; and

Reasonable suspicion.

Prohibitions

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater;
2. No driver shall use alcohol while performing safety-sensitive functions;
3. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol;
4. No driver required to take a post-accident alcohol test under #2 above shall use alcohol for eight (8) hours
5. following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first;
6. No driver shall refuse to submit to an alcohol or drug test in conjunction with # 1, 2, and/or 4 above;
7. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when using any controlled substance, except when used pursuant to the instructions of a licensed medical practitioner who, with knowledge of the driver’s job responsibilities, who has advised the driver that the substance will not adversely affect the driver’s ability to safely operate his/her vehicle. It is the employee’s responsibility to inform his/her supervisor of the employee’s use of such medication;
8. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive or has adulterated or substituted a test specimen for controlled substances.

Violation of any of these prohibitions may lead to disciplinary action being taken against the employee, which could include termination or non-renewal.

Testing for Cause

Drivers involved in an accident in which there is a loss of another person’s life shall be tested for alcohol and controlled substances as soon as practicable following the accident. Drivers shall also be tested for alcohol within eight (8) hours and for controlled substances within thirty two (32) hours following an accident for which they receive a citation for a moving traffic violation if the accident involved: 1) bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or 2) one or more motor vehicles incurs disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.4

Refusal to Submit

Refusal to submit to an alcohol or controlled substance test means that the driver

* Failed to appear for any test within a reasonable period of time as determined by the employer consistent with applicable Department of Transportation agency regulation;
* Failed to remain at the testing site until the testing process was completed;
* Failed to provide a urine specimen for any required drug test;
* Failed to provide a sufficient amount of urine without an adequate medical reason for the failure;
* Failed to undergo a medical examination as directed by the Medical Review Officer as part of the verification process for the previous listed reason;
* Failed or declined to submit to a second test that the employer or collector has directed the driver to take;
* Failed to cooperate with any of the testing process; and/or
* Adulterated or substituted a test result as reported by the Medical Review Officer.

School bus drivers should be aware that refusal to submit to a drug test when the test is requested based on a reasonable suspicion can constitute grounds for criminal prosecution.

Consequences for Violations

Drivers who engage in any conduct prohibited by this policy, who refuse to take a required drug or alcohol test, refuse to sign the request for information required by law, or who exceed the acceptable limits for the respective tests shall no longer be allowed to perform safety-sensitive functions. Actions regarding their continued employment shall be taken in relation to their inability to perform these functions and could include termination or non-renewal of their contract of employment.5

Drivers who exhibit signs of violating the prohibitions of this policy relating to alcohol or controlled substances shall not be allowed to perform or continue to perform safety-sensitive functions if they exhibit those signs during, just preceding, or just after the period of the work day that the driver is required to be in compliance with the provisions of this policy. This action shall be based on specific, contemporaneous, articulatable observations concerning the behavior, speech, or body odors of the driver. The Director shall require the driver to submit to “reasonable suspicion” tests for alcohol and controlled substances. The direction to submit to such tests must be made just before, just after, or during the time the driver is performing safety-sensitive functions. If circumstances prohibit the testing of the driver the Director shall remove the driver from reporting for, or remaining on, duty for a minimum of 24 hours from the time the observation was made triggering the driver’s removal from duty.

If the results for an alcohol test administered to a driver is equal to or greater than 0.02, but less than 0.04, the driver shall be prohibited from performing safety-sensitive functions for a period not less than 24 hours from the time the test was administered. Unless the loss of duty time triggers other employment consequence policies, no further other action against the driver is authorized by this policy for test results showing an alcohol concentration of less than 0.04.

This policy is similar to Policy 3.7. If you change this policy, review 3.7 at the same time to ensure applicable consistency between the two.

Legal Reference: A.C.A. § 6-19-108

A.C.A. § 6-19-119

A.C.A. § 27-23-201 et seq.

49 C.F.R. § 382.101 – 605

49 C.F.R. § part 40

49 C.F.R. § 390.5

 Arkansas Division of Academic Facilities and Transportation

Rules Governing Maintenance and Operations of Arkansas Public School Buses and Physical Examinations of School Bus Drivers

Date Adopted: October 21, 2003

Last Revised: March 18, 2014

**8.5— CLASSIFIED EMPLOYEES SICK LEAVE**

Definitions

1. “Employee” is an employee of the school working 40 or more hours per week who is not required to have a teaching license as a condition of his employment.

2. “Sick Leave” is absence from work due to illness, whether by the employee or a member of employee’s immediate family, or due to a death in the family. The Director shall determine whether sick leave will be approved on the basis of a death outside the immediate family of the employee.

3. “Excessive Sick Leave” is absence from work , whether paid or unpaid, that exceeds twelve (12) days in a contract year for an employee and that is not excused pursuant to: School policy; the Family Medical Leave Act; a reasonable accommodation of disability under the American’s With Disabilities Act; or due to a compensable Workers’ Compensation claim.

4. “Grossly Excessive Sick Leave” is absence from work, whether paid or unpaid, that exceeds 10% of the employee’s contract length and that is not excused pursuant to: School policy; the Family Medical Leave Act; a reasonable accommodation of disability under the American’s With Disabilities Act; or due to a compensable Workers’ Compensation claim.

5. “Current Sick Leave” means those days of sick leave for the current contract year, which leave is granted at the rate of one day of sick leave per month worked, or major part thereof.

6. “Accumulated Sick Leave” is the total of unused sick leave, up to a maximum of ninety (90) days accrued from previous contract, but not used.

7. “Immediate family” means an employee’s spouse, child, parent, or any other relative provided the other relative lives in the same household as the employee.

Sick Leave

The Director has the discretion to approve sick leave for an employee to attend the funeral of a person who is not related to the employee, under circumstances deemed appropriate by the Director. Such approved sick leave shall not exceed one-half day.

Employees who are adopting or seeking to adopt a minor child or minor children may use up to 15 sick leave days in any school year for absences relating to the adoption, including time needed for travel, time needed for home visits, time needed for document translation, submission or preparation, time spent with legal or adoption agency representatives, time spent in court and bonding time. See also, 8.23 – CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE, which applies. Except for bonding time, documentation shall be provided by the employee upon request.

Pay for sick leave shall be at the employee’s daily rate of pay, which is that employee’s hourly rate of pay times the number of hours normally worked per day. Absences for illness in excess of the employee’s accumulated and current sick leave shall result in a deduction from the employee’s pay at the daily rate as defined above.

At the discretion of the Director, and if FMLA is applicable, subject to the certification or recertification provisions contained in policy 8.23 – CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE the School may require a written statement from the employee’s physiciandocumenting the employee’s illness. Failure to provide such documentation of illness may result in sick leave not being paid, or in dismissal.

If the employees absences are excessive or grossly excessive as defined by this policy disciplinary action may be taken against the employee, which could include termination or nonrenewal of the contract of employment. The Director shall have the authority when making his/her determination to consider the totality of circumstances surrounding the absences and their impact on School operations or student services.

Sick leave days will be credited at the rate of one day per month worked.

**Sick Leave and Family Medical Leave Act (FMLA) Leave**

When an employee takes sick leave, the shall determine if the employee is eligible for FMLA leave and if the leave qualifies for FMLA leave. The school may request additional information from the employee to help make the applicability**3** determination. If the employee is eligible for FMLA leave and if the leave qualifies under the FMLA, the School will notify the employee~~,~~ in writing**~~4~~**, of the decision within five (5) workdays. If the circumstances for the leave as defined in policy 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE don’t change, the schoo~~l~~ is only required to notify the employee once of the determination regarding the applicability of sick leave and/or FMLA leave within any applicable twelve (12) month period. To the extent the employee has accrued paid sick leave, any sick leave taken that qualifies for FMLA leave shall be paid leave and charged against the employee’s accrued leave including, once an employee exhausts his/her accrued sick leave, vacation or personal leave. See 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE.

**Sick Leave and Outside Employment**

Sick leave related absence from work (e.g. sick leave for personal or family illness or accident, Workers Comp, and FMLA) inherently means the employee is also incapable of working at any source of outside employment. Except as provided in policy 8.36, if an employee who works a non-district job while taking district sick leave for personal or family illness or accident, Workers Comp, or FMLA shall be subject to discipline up to and including termination.

This policy is similar to Policy 3.8. If you change this policy, review 3.8 at the same time to ensure

 applicable consistency between the two.

Cross Reference:  8.12—CLASSIFIED PERSONNEL OUTSIDE EMPLOYMENT

8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE

8.36—CLASSIFIED PERSONNEL WORKPLACE INJURIES AND WORKERS’ COMPENSATION

Legal References: A.C.A. § 6-17-1301 et seq.

 29 USC §§ 2601 et seq.

29 CFR 825.100 et seq.

Date Adopted: October 21, 2003

Last Revised: March 18, 2014

**8.6—SICK LEAVE BANK — CLASSIFIED EMPLOYEES**

A sick leave bank is established for the purpose of permitting classified employees, upon approval, to obtain sick leave in excess of accumulated and current sick leave, when the classified employee has exhausted all such leave. Only those non-certified employees who contribute to the sick leave bank during a given contract year shall be eligible to withdraw from the sick leave bank.

The Director shall appoint a Classified Sick Leave Bank Committee. That committee shall consist of three (3) members: two (2) classified employees and one (1) administrator.

The Committee shall meet as necessary for the purpose of reviewing requests for withdrawal from the bank. The determination of the committee shall be final.

**Withdrawals**

The Committee may, but is not obligated to, grant sick leave up to (10) ten days per contract year for serious personal or family illness, disabilities or accidents (not including accidents for which the employee is receiving Workers’ Compensation), which cause the employee to be absent from work and when the employee has exhausted all accumulated and current sick leave. The employee shall be eligible to withdraw the day(s) he/she has donated to the bank if sufficient days are available in the bank.

Requests for withdrawal from the sick leave bank must state the reason(s) for the request and the number of days requested and must be accompanied by a detailed statement from an attending physician of the nature of the malady and the expected duration thereof.

If the information provided to the Committee is deemed by a majority of the Committee to be insufficient, the Committee may require additional information or deny the employee’s request, at its discretion.

The Committee shall have the authority to grant, reduce or deny any request. However, the Committee may grant no request, or any granted time may be withdrawn, when the employee accepts retirement; is eligible for Social Security Disability; or other disability insurance or the employee returns to work.

**Spousal Donations**

School employees who are husband and wife are eligible to utilize each other’s sick leave. Written permission must be received for each day of donated sick leave. If the employees are paid at different rates of pay, the lesser rate of pay shall be used for the purpose of the donated sick leave days.

Legal Reference: A.C.A. § 6-17-1306

Date Adopted: October 21, 2003

Last Revised: April 26, 2012

# 8.7— CLASSIFIED EMPLOYEES PERSONAL AND PROFESSIONAL LEAVE

For the school to function efficiently and have the necessary personnel present to effect a high achieving learning environment, employee absences need to be kept to a minimum. The school acknowledges that there are times during the school year when employees have personal business that needs to be addressed during the school day. Each full-time employee shall receive two (2) days of personal leave per contract year. The leave may be taken in increments of no less than 1 day.

Employees shall take personal leave or leave without pay for those absences which are not due to attendance at school functions which are related to their job duties and do not qualify for other types of leave (for sick leave see Policy 8.5, for professional leave see below).

School functions, for the purposes of this policy, means:

1. Athletic or academic events related to a public school; and
2. Meetings and conferences related to education.

The determination of what activities meet the definition of a school function shall be made by the Director. In no instance shall paid leave in excess of allotted vacation days and/or personal days be granted to an employee who is absent from work while receiving remuneration from another source as compensation for the reason for their absence.

Any employee desiring to take personal leave may do so by making a written request to the Director at least twenty-four (24) hours prior to the time of the requested leave. The twenty-four hour requirement may be waived by the Director when the Director deems it appropriate.

Employees who fail to report to work when their request for a personal day has been denied or who have exhausted their allotted personal days, shall lose their daily rate of pay for the day(s) missed (leave without pay). While there are instances where personal circumstances necessitate an employee’s absence beyond the allotted days of sick and/or personal leave, any employee who requires leave without pay must receive advance permission (except in medical emergencies and/or as permitted by policy 8.23 – CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE) from the Director. Failure to report to work without having received permission to be absent is grounds for discipline, up to and including termination.

Personal leave does not accumulate from one contract year to the next.

**Professional Leave**

“Professional Leave” is leave granted for the purpose of enabling an employee to participate in professional activities (e.g., workshops or serving on professional committees) which can serve to improve the school’s instructional program or enhances the employee’s ability to perform his duties. Professional leave will also be granted when a school employee is subpoenaed for a matter arising out of the employee’s employment with the school. Any employee seeking professional leave must make a written request to the Director, setting forth the information necessary for the Director to make an informed decision. Budgeting concerns and the potential benefit for the school’s students will be taken into consideration in reviewing a request for professional leave.

Applications for professional leave should be made as soon as possible following the employee’s discerning a need for such leave, but, in any case, no less then two (2) weeks before the requested leave is to begin, if possible.

If the employee does not receive or does not accept remuneration for their participation in the professional leave activity and a substitute is needed for the employee, the school shall pay the full cost of the substitute. If the employee receives and accepts remuneration for his/her participation in the professional leave activity, the employee shall forfeit his/her daily rate of pay from the school for the time the employee misses. The cost of a substitute, if one is needed, shall be paid by the school.

Please note that the provisions of Act 1028 of 2007 which gives state employees 8 hours of paid leave to attend their children’s school educational activities does **NOT** apply to public school employees.

Legal Reference: A.C.A. § 6-17-211

Date Adopted: May 15, 2007

Last Revised: April 26, 2012

8.8— CLASSIFIED PERSONNEL RESPONSIBILITIES IN DEALING WITH SEX OFFENDERS ON CAMPUS

Individuals who have been convicted of certain sex crimes must register with law enforcement as sex offenders. Arkansas law places restrictions on sex offenders with a Level 1 sex offender having the least restrictions (lowest likelihood of committing another sex crime), and Level 4 sex offenders having the most restrictions (highest likelihood of committing another sex crime).

While Levels 1 and 2 place no restrictions prohibiting the individual’s presence on a school campus, Levels 3 and 4 have specific prohibitions. These are specified in Policy 6.10—SEX OFFENDERS ON CAMPUS (MEGAN’S LAW) and it is the responsibility of school staff to know and understand the policy and, to the extent requested aid school administrators in enforcing the restrictions placed on campus access to Level 3 and Level 4 sex offenders.

It is the intention of the board of directors that school staff not stigmatize students whose parents or guardians are sex offenders while taking necessary steps to safeguard the school community and comply with state law. The Director should establish procedures so attention is not drawn to the accommodations necessary for registered sex offender parents or guardians.

Cross Reference: **6.10—SEX OFFENDERS ON CAMPUS (MEGAN’S LAW)**

Legal Reference: A.C.A. § 12-12-913 (g) (2)

 Arkansas Department of Education Guidelines for “Megan’s Law”

 A.C.A. § 5-14-132

Date Adopted: May 15, 2007

Last Revised: May 20, 2008

**8.9—PUBLIC OFFICE – CLASSIFIED PERSONNEL**

An employee of the school who is elected to the Arkansas General Assembly or any elective or appointive public office (not legally constitutionally inconsistent with employment by a public school) shall not be discharged or demoted as a result of such service.

No sick leave will be granted for the employee’s participation in such public office. The employee may take personal leave or vacation (if applicable), if approved in advance by the Director, during his absence.

Prior to taking leave, and as soon as possible after the need for such leave is discerned by the employee, he must make written request for leave to the Director, setting out, to the degree possible, the dates such leave is needed.

An employee who fraudulently requests sick leave for the purpose of taking leave to serve in public office may be subject to non-renewal or termination of his employment contract.

Cross Reference: Policy # 8.17—Classified Personnel Political Activity

Legal Reference: A.C.A. § 6-17-115

Date Adopted: October 21, 2003

Last Revised: April 26, 2012

**8.10—JURY DUTY – CLASSIFIED PERSONNEL**

Employees are not subject to discharge, loss of sick leave, loss of vacation time or any other penalty due to absence from work for jury duty, upon giving reasonable notice to the school through the Director.

The employee must present the original (not a copy) of the summons to jury duty to the Director in order to confirm the reason for the requested absence.

Employees shall receive their regular pay from the school while serving jury duty, and shall reimburse the school from the stipend they receive for jury duty, up to, but not to exceed, the cost of the substitute hired to replace the employee in his/her absence.

Legal Reference: A.C.A. § 16-31-106

Date Adopted: October 21, 2003

Last Revised: June 22, 2010

**8.11—OVERTIME, COMPTIME, and COMPLYING WITH FLSA**

The Imboden Area Charter School shall comply with those portions of the Fair Labor Standards Act that relate to the operation of public schools. The act requires that covered employees be compensated for all hours worked at greater than or equal to the applicable minimum wage for workweeks of less than or equal to 40 hours. It also requires that employees be compensated for workweeks of greater than 40 hours at 1 1/2 times their regular rate of pay either monetarily or through compensatory time.

## Definitions

Overtime is hours worked in excess of 40 per workweek. Compensation given for hours **not** worked such as for holidays or sick days do **not** count in determining hours worked per work week.

Workweek is the seven-day consecutive period of time from 12:00AM on Saturday to midnight on the following Friday.**1** Each workweek is independent of every other workweek for the purpose of determining the number of hours worked and the remuneration entitled to by the employee for that week.

Exempt Employees are those employees who are not covered under the FLSA.They include administrators and professional employees such as teachers, counselors, nurses, and supervisors.Any employee who is unsure of their coverage status should consult with the Director.

Covered Employees (also defined as non-exempt employees) are those employees who are not exempt, generally termed classified, and include bus drivers, clerical workers, maintenance personnel, custodians, transportation workers, receptionists, paraprofessionals, food service workers, secretaries, and bookkeepers.

Regular Rate of Pay includes all forms of remuneration for employment and shall be expressed asan hourly rate. For those employees previously paid on a salary basis, the salary shall be converted to an hourly equivalent. Employees shall be paid for each and every hour worked.

## Employment Relationships

The school does not have an employment relationship in the following instances:

* Between the school and student teachers;
* Between the school and its students;
* Between the school and individuals who as a public service volunteer or donate their time to the school without expectation or promise of compensation.

The school does not have a joint employment relationship in the following instances:

* Between the school and off-duty policemen or deputies who are hired on a part-time basis for security purposes or crowd control. The school is separate from and acts independently of other governmental entities.
* Between the school and any agency contracted with to provide transportation services, security services, or other services.

## Hours Worked

Employees shall be compensated for all the time they are required to be on duty and shall be paid for all hours worked each workweek. Employees shall accurately record the hours they work each week.

The school shall determine the manner to be used by employees to accurately record the hours they work. Each employee shall record the exact time they commence and cease work including meal breaks. Employees arriving early may socialize with fellow workers who are off the clock, but shall not commence working without first recording their starting time.

Employees shall sign in/clock in where they start work and sign out/clock out at the site where they cease working.Employees who do not start and end their workday at the same site shall carry a time card or sheet with them to accurately record their times. They shall turn in their time sheets or cards to their immediate supervisor no later than the following Monday morning after reviewing them to be sure that they accurately reflect their hours worked for that week.

Each employee is to personally record his or her own times. Any employee who signs in or out (or who punches a time clock) for another employee or who asks another employee to do so for him or her will be dismissed.

Employees whose normal workweek is less than 40 hours and who work more than their normal number of hours in a given workweek may, at the school’s option, be given compensatory time for the hours they worked in excess of their normal workweek in lieu of their regular rate pay. Compensatory time given in this manner shall be subject to the same conditions regarding accumulation and use as compensatory time given in lieu of overtime pay.

## Breaks and Meals

Each employee working more than 20 hours per week shall be provided two, paid, 15-minute duty free breaks per workday.

Meal periods which are less than 30 minutes in length or in which the employee is not relieved of duty are compensable Employees with a bona fide meal period shall be completely relieved of their duty to allow them to eat their meal which they may do away from their work site, in the school cafeteria, or in a break area.

The employee shall not engage in any work for the school during meal breaks except in rare and infrequent emergencies.

## Overtime

Covered employees shall be compensated at not less than 1.5 times his or her regular rate of pay for all hours worked over 40 in a workweek. Overtime compensation shall be computed on the basis of the hours worked in each week and may not be waived by either the employee or the school. Overtime compensation shall be paid on the next regular payday for the period in which the overtime was earned.

Employees working two or more jobs for the school at different rates of pay shall be paid overtime at a weighted average of the differing wages. This shall be determined by dividing the total regular remuneration for all hours worked by the number of hours worked in that week to arrive at the weighted average. One half that rate is then multiplied times the number of hours worked over 40 to arrive at the overtime compensation due.

Provided the employee and the school have a written agreement or understanding before the work is performed, compensatory time off may be awarded in lieu of overtime pay for hours worked over 40 in a workweek and shall be awarded on a one-and-one-half (1 1/2) time basis for each hour of overtime worked. The school reserves the right to determine if it will award compensatory time in lieu of monetary pay for the overtime worked. The maximum number of compensatory hours an employee may accumulate at a time is 20. The employee must be able to take the compensatory time off within a reasonable period of time that is not unduly disruptive to the school.

An employee whose employment is terminated with the school, whether by the school or the employee shall receive monetary compensation for unused compensatory time. Of the following methods, the one that yields the greatest money for the employee shall be used.

1. The average regular rate received by the employee during the last 3 years of employment. Or
2. The final regular rate received by the employee.

## Overtime Authorization

There will be instances where the school’s needs necessitate an employee work overtime. It is the Board’s desire to keep overtime worked to a minimum. To facilitate this, employees shall receive authorization from their supervisor in advance of working overtime except in the rare instance when it is unforeseen and unavoidable.

All overtime worked will be paid in accordance with the provisions of the FLSA, but unless the overtime was pre-approved or fit into the exceptions noted previously, disciplinary action must be taken for failure to follow School policy. In extreme and repeated cases, disciplinary action could include the termination of the employee.

## Leave Requests

All covered employees shall submit a leave request form prior to taking the leave if possible. If, due to unforeseen or emergency circumstances, advance request was not possible the leave form shall be turned in the day the employee returns to work. Unless specifically granted by the Board for special circumstances, the reason necessitating the leave must fall within School policy.

Payment for leave could be delayed or not occur if an employee fails to turn in the required leave form.

Leave may be taken in a minimum of 30 minute increments.

## Record Keeping and Postings

The school shall keep and maintain records as required by the FLSA for the period of time required by the act.

The school shall display minimum wage posters where employees can readily observe them.

## Cooperation with Enforcement Officials

All records relating to the FLSA shall be available for inspection by, and school employees shall cooperate fully with, officials from the DOL and/or its authorized representatives in the performance of their jobs relating to:

1. Investigating and gathering data regarding the wages, hours, and other conditions and practices of employment;
2. Entering, inspecting, and/or transcribing the premises and its records;
3. Questioning employees and investigating such facts as the inspectors deem necessary to determine whether any person has violated any provision of the FLSA.

Legal References: **A:** 29 USC § 206(a), ACA § 6-17-2203

 **B:** 29 USC § 207(a)(1), 29 CFR § 778.100

 **C:** 29 USC § 207(o), 29 CFR § 553.50

 **D:** 29 CFR § 778.218(a)

 **E:** 29 CFR § 778.105

 **F:** 29 USC § 213(a), 29 CFR §§ 541 et seq.

 **G:** 29 USC § 207(e), 29 CFR § 778.108

 **H:** 29 CFR §§ 785.9, 785.16

 **I:** 29 CFR § 516.2(7)

 **J:** 29 CFR §§ 785.1 et seq.

 **K:** ACA § 6-17-2205

 **L:** 29 CFR §§ 785.19

**M:** 29 USC § 207(a), 29 CFR § 778.100, 29 USC § 207(o), 29 CFR §§ 553.20 – 553.32

 **N:** 29 CFR § 778.106

 **O:** 29 USC § 207(g)(2), 29 CFR § 778.115

 **P:** 29 USC § 207(o)(2)(A), 29 CFR § 553.23

 **Q:** 29 CFR § 553.20

 **R:** 29 USC § 207(o)(4), 29 CFR § 553.27

 **S:** 29 USC § 211(c), 29 CFR §§ 516.2, 516.3, 553.50

 **T:** 29 CFR § 516.4

**U:** 29 CFR §§ 516.5, 516.6

 **V:** 29 USC § 211(a)(b)

Date Adopted: October 21, 2003

Last Revised: February 22, 2005

**8.12— CLASSIFIED PERSONNEL OUTSIDE EMPLOYMENT**

An employee of the school may not be employed in any other capacity during regular working hours.

An employee may not accept employment outside of his school employment that will interfere, or otherwise be incompatible with the school employment, including normal duties outside the regular workday; nor shall an employee accept other employment that is inappropriate for an employee of a public school.

The Director shall be responsible for determining whether outside employment is incompatible, conflicting, or inappropriate.

When a classified employee is additionally employed by the School by a contract for a second classified position or to perform supplementary duties for a stipend or multiplier, the duties, expectations, and obligations of the primary position employment contract shall prevail over all other employment duties unless the needs of the school dictate otherwise. If there is a conflict between the expectations of the primary position and any other contracted position, the employee shall notify the Director as far in advance as is practicable. The Director shall determine the needs of the school on a case-by-case basis and rule accordingly. The Director’s decision is final with no appeal to the School Board. Frequent conflicts or scheduling problems could lead to the non-renewal or termination of the conflicting contract of employment or the contract to perform the supplementary duties.

For employees who work two or more jobs for the School, the Director shall specify which is the employee's primary job. If circumstances change, the determination can be changed to reflect the current needs of the School. Furthermore, if on any given day, one of the employee's jobs requires more hours worked than is customary, the School reserves the right to lessen the number of hours the employee may work in his/her other job such that the employee does not exceed forty (40) hours worked in that week.

**Sick Leave and Outside Employment**

Sick leave related absence from work (e.g. sick leave for personal or family illness or accident, Workers Comp, and FMLA) inherently means the employee is also incapable of working at any source of outside employment. Except as provided in policy 8.26, if an employee who works a non-district job while taking district sick leave for personal or family illness or accident, Workers Comp, or FMLA shall be subject to discipline up to and including termination.

Cross References: 8.5—CLASSIFIED EMPLOYEES SICK LEAVE

 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE

 8.36—CLASSIFIED PERSONNEL WORKPLACE INJURIES AND WORKERS’

 COMPENSATION

Legal Reference: A.C.A. § 6-24-106, 107, 111

Date Adopted: October 21, 2003

Last Revised: March 18, 2014

**8.13— CLASSIFIED PERSONNEL EMPLOYMENT**

All prospective employees must fill out an application form provided by the school, in addition to any resume provided, all of the information provided is to be placed in the personnel file of those employed.

If the employee provides false or misleading information, or if he withholds information to the same effect, it may be grounds for dismissal. In particular, it will be considered a material misrepresentation and grounds for termination of contract of employment if an employee’s application information is discovered to be other than as was represented by the employee, either in writing on application materials or in the form of representations made to the school.

It is grounds for termination of contract of employment if an employee fails a criminal background check or receives a true report on the Child Maltreatment Central Registry check.

An employee who receives notification of a failure to pass a criminal background check or a true result on the Child Maltreatment Central Registry check shall have thirty (30) days following the notification to submit to the superintendant, or designee, a written request for a hearing before the Board to request a waiver. The written request should include any documentation, such as police reports, or other materials that are related to the event giving rise to the failed background check or true result on the Child Maltreatment Registry as well as information supporting your request for the waiver. Employees requesting a board hearing to request a waiver should be aware that this hearing is subject to the Arkansas Freedom of Information Act and it must be fully open to the public as a result.

The School is an equal opportunity employer and shall not discriminate on the grounds of race, color, religion, national origin, sex, age, or disability.

In accordance with Arkansas law, the School provides a veteran preference to applicants who qualify for one of the following categories:

1. a veteran without a service-connected disability;
2. a veteran with a service-connected disability;
3. a deceased veteran’s spouse who is unmarried throughout the hiring process; or

For purposes of this policy, “veteran” is defined as:

1. A person honorably discharged from a tour of active duty, other than active duty for training only, with the armed forces of the United States; or
2. Any person who has served honorably in the National Guard or reserve forces of the United States for a period of at least six (6) years, whether or not the person has retired or been discharged.

In order for an applicant to receive the veterans preference, the applicant must be a citizen and resident of Arkansas, be substantially equally qualified as other applicants and do all of the following:

1. Indicate on the employment application the category the applicant qualifies for;
2. Attach the following documentation, **as applicable**, to the employment application:
* Form DD-214 indicating honorable discharge;
* A letter dated within the last six months from the applicant’s command indicating years of service in the National Guard or Reserve Forces as well as the applicant’s current status;
* Marriage license;
* Death certificate;
* Disability letter from the Veteran’s Administration (in the case of an applicant with a service-related disability).

Failure of the applicant to comply with the above requirements shall result in the applicant not receiving the veteran preference; in addition, meeting the qualifications of a veteran or spousal category does not guarantee either an interview or being hired.

Legal References: A.C.A. § 6-17-414

A.C.A. § 21-3-302

A.C.A. § 21-3-303

A.C.A. § 25-19-101 et seq.

Date Adopted: October 21, 2003

Last Revised: March 18, 2014

**8.14— CLASSIFIED PERSONNEL REIMBURSEMENT OF TRAVEL EXPENSES**

Employees shall be reimbursed for personal and/or travel expenses incurred while performing duties or attending workshops or other employment-related functions, provided that prior written approval for the activity for which the employee seeks reimbursement has been received from the Director and that the employee’s attendance/travel was at the request of the school.

Reimbursement claims must be made on forms provided by the school and must be supported by appropriate, original receipts. Copies of receipts or other documentation are not acceptable, except in extraordinary circumstances.

The provisions of policy 7.12-EXPENSE REIMBURSEMENT are incorporated by reference into this policy.

Date Adopted: October 21, 2003

Last Revised: March 15, 2011

# 8.15— CLASSIFIED PERSONNEL TOBACCO USE

Smoking or use of tobacco or products containing tobacco in any form (including, but not limited to, cigarettes, cigars, chewing tobacco, and snuff) in or on any real property owned or leased by the School, including school buses owned or leased by the School, or other school vehicles is prohibited.

With the exception of recognized tobacco cessation products, this policy’s prohibition includes any tobacco or nicotine delivery system or product. Specifically, the prohibition includes any product that is manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pips, or under any other name or descriptor.

Violation of this policy by employees shall be grounds for disciplinary action up to, and including, dismissal.

Legal Reference: A.C.A. § 6-21-609

Date Adopted: October 21, 2003

Last Revised: July 1, 2013

# 8.16—DRESS OF CLASSIFIED EMPLOYEES

Employees shall ensure that their dress and appearance are professional and appropriate to their positions.

Date Adopted: October 21, 2003

Last Revised:

**8.17— CLASSIFIED PERSONNEL POLITICAL ACTIVITY**

Employees are free to engage in political activity outside of work hours and to the extent that it does not affect the performance of their duties or adversely affect important working relationships.

It is specifically forbidden for employees to engage in political activities on the school grounds or during work hours. The following activities are forbidden on school property:

1. Using students for preparation or dissemination of campaign materials;
2. Distributing political materials;
3. Distributing or otherwise seeking signatures on petitions of any kind;
4. Posting political materials; and
5. Discussing political matters with students, in or out of the classroom, in other than circumstances appropriate to the employee’s responsibilities to the students and where a legitimate pedagogical reason exists.

Date Adopted: October 21, 2003

Last Revised:

**8.18— CLASSIFIED PERSONNEL DEBTS**

For the purposes of this policy, "garnishment" of a School employee is when the employee has lost a lawsuit to a judgment creditor who brought suit against a School employee for an unpaid debt, has been awarded money damages as a result, and these damages are recoverable by filing a garnishment action against the employee’s wages. For the purposes of this policy, the word “garnishment” excludes such things as child support, student loan or IRS liens or deductions levied against an employee’s wages.

All employees are expected to meet their financial obligations. If an employee writes “hot” checks or has his income garnished by a judgement creditor, dismissal may result.

An employee will not be dismissed for having been the subject of one (1) garnishment. However, a second or third garnishment may result in dismissal.

At the discretion of the Director, he may meet with an employee who has received a second garnishment for the purpose of warning the employee that a third garnishment will result in a recommendation of dismissal to the School Board.

At the discretion of the Director, a second garnishment may be used as a basis for a recommended dismissal. The Director may take into consideration other factors in deciding whether to recommend dismissal based on a second garnishment. Those factors may include, but are not limited to, the amount of the debt, the time between the first and the second garnishment, and other financial problems that come to the attention of the school.

Date Adopted: October 21, 2003

Last Revised: July 1, 2013

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**8.19— CLASSIFIED PERSONNEL GRIEVANCES**

The purpose of this policy is to provide an orderly process for employees to resolve, at the lowest possible level, their concerns related to the personnel policies or salary payments of this school.

**Definitions**

Grievance: a claim or concern related to the interpretation, application, or claimed violation of the personnel policies, including salary schedules, federal or state laws and regulations, or terms or conditions of employment, raised by an individual employee of this school. Other matters for which the means of resolution are provided or foreclosed by statute or administrative procedures shall not be considered grievances. Specifically, no grievance may be entertained against a supervisor for directing, instructing, reprimanding, or “writing up” an employee under his/her supervision.\* A group of employees who have the same grievance may file a group grievance.

Group Grievance: A grievance may be filed as a group grievance if it meets the following criteria: (meeting the criteria does not ensure that the subject of the grievance is, in fact, grievable)

More than one individual has interest in the matter; and

The group has a well-defined common interest in the facts and/or circumstances of the grievance; and

The group has designated an employee spokesperson to meet with administration and/or the board; and

All individuals within the group are requesting the same relief.

Employee: any person employed under a written contract by this school .

Immediate Supervisor: the person immediately superior to an employee who directs and supervises the work of that employee.

Day: a calendar day, unless otherwise specified.

Working day: Any weekday other than a holiday whether or not the employee under the provisions of their contract is scheduled to work or whether they are currently under contract.

**Process**

Level One: An employee who believes that he/she has a grievance shall inform that the Assistant Director that the employee has a potential grievance and discuss the matter with the Assistant Director within five working days of the occurrence of the grievance. The Assistant Director shall offer the employee an opportunity to have a witness or representative who is not a member of the employee’s immediate family present at their conference. (The five-day requirement does not apply to grievances concerning back pay.) If the grievance is not advanced to Level Two within five days following the conference, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

If the grievance cannot be resolved by the Assistant Director, the employee can advance the grievance to Level Two. To do this, the employee must complete the top half of the Level Two Grievance Form within five working days of the discussion with the Assistant Director, citing the manner in which the specific personnel policy was violated that has given rise to the grievance, and submit the Grievance Form to the Assistant Director. The Assistant Director will have ten working days to respond to the grievance using the bottom half of the Level Two Grievance Form that he/she will submit to the Director.

Level Two: Upon receipt of a Level Two Grievance Form, the Director will have ten working days to schedule a conference with the employee filing the grievance. The Director shall offer the employee an opportunity to have a witness or representative who is not a member of the employee’s immediate family present at their conference. After the conference, the Director will have ten working days in which to deliver a written response to the grievance to the employee. If the grievance is not appealed to the Board of Directors within five days of the conference, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

Appeal to the Board of Directors: An employee who remains unsatisfied by the written response of the Director may appeal the Director’s decision to the Board of Education within five working days of his/her receipt of the Director’s written response by submitting a written request for a board hearing to the board president, with a copy sent to the Director. If the grievance is not appealed to the Board of Directors within five days of his/her receipt of the Director’s response, the matter will be considered resolved and the employee shall have no further right with respect to said grievance.

The Board of Directors will address the grievance at their next regular meeting unless the employee agrees in writing to an alternate date for the hearing. After reviewing the Level Two Grievance Form and the Director’s reply, the board will decide if the grievance, on its face, is grievable under school policy. If the grievance is presented as a “group grievance,” the Board shall first determine if the composition of the group meets the definition of a “group grievance.” If the Board determines that it is a group grievance, the Board shall then determine whether the matter raised is grievable. If the Board rules the composition of the group does not meet the definition of a group grievance, or the grievance, whether group or individual, is not grievable, the matter shall be considered closed. (Individuals within the disallowed group may choose to subsequently refile their grievance as an individual grievance beginning with Level One of the process.) If the Board rules the grievance to be grievable, they shall immediately commence a hearing on the grievance. All parties have the right to representation by a person of their own choosing who is not a member of the employee’s immediate family at the appeal hearing before the Board of Directors. The employee shall have no less than 90 minutes to present his/her grievance, unless a shorter period is agreed to by the employee, and both parties shall have the opportunity to present and question witnesses. The hearing shall be open to the public unless the employee requests a private hearing. If the hearing is open, the parent or guardian of any student under the age of eighteen years who gives testimony may elect to have the student’s testimony given in closed session. At the conclusion of the hearing, if the hearing was closed, the Board of Directors may excuse all parties except board members and deliberate, by themselves, on the hearing. At the conclusion of an open hearing, board deliberations shall also be in open session unless the board is deliberating the employment, appointment, promotion, demotion, disciplining, or resignation of the employee. A decision on the grievance shall be announced no later than the next regular board meeting.

**Records**

Records related to grievances will be filed separately and will not be kept in, or made part of, the personnel file of any employee.

**Reprisals**

No reprisals of any kind will be taken or tolerated against any employee because he/she has filed or advanced a grievance under this policy.

**\*** It is important to understand the implications of the language contained in this paragraph. Only matters specified in the first sentence of the paragraph are, in fact, grievable, but that cannot prohibit an employee from filing a grievance which the administration does not deem to be grievable and nonetheless advancing it through the grievance process. Ultimately, it is the board that determines whether or not the matter is actually grievable by comparing the written grievance to the definition of grievance in the grievance policy, and continuing on with the hearing only if the grievance is determined to be within the definition. This is addressed in the “Appeal to the Board of Directors” paragraph.

Legal Reference: ACA § 6-17-208.210

Date Adopted: October 21, 2003

Last Revised: May 23, 2006

8.19F—Level Two Grievance Form – CLASSIFIED

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date submitted to Assistant Director: \_\_\_\_\_\_\_\_\_\_\_\_

No-certified Personnel Policy grievance is based upon: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Grievance (be specific): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

What would resolve your grievance? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Assistant Director’s Response

Date submitted to Director­­­­­­­: \_\_\_\_\_\_\_\_\_\_\_\_

Date Adopted: October 21, 2003

Last Revised:

**8.20— CLASSIFIED PERSONNEL SEXUAL HARASSMENT**

The Imboden Area Charter School is committed to having an academic and work environment in which all students and employees are treated with respect and dignity. Student achievement and amicable working relationships are best attained in an atmosphere of equal educational and employment opportunity that is free of discrimination. Sexual harassment is a form of discrimination that undermines the integrity of the educational environment and will not be tolerated.

Believing that prevention is the best policy, the school will periodically inform students and employees about the nature of sexual harassment, the procedures for registering a complaint, and the possible redress that is available. The information will stress that the school does not tolerate sexual harassment and that students and employees can report inappropriate behavior of a sexual nature without fear of adverse consequences.

It shall be a violation of this policy for any student or employee to be subjected to, or to subject another person to, sexual harassment as defined in this policy. Any employee found, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to, and including, termination.

Sexual harassment refers to unwelcome sexual advances; requests for sexual favors, or other personally offensive verbal, visual, or physical conduct of a sexual nature made by someone under any of the following conditions:

Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual’s education or employment;

Submission to, or rejection of, such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; and/or

Such conduct has the purpose or effect of substantially interfering with an individual’s academic or work performance or creates an intimidating, hostile, or offensive academic or work environment.

The terms “intimidating,” “hostile,” and “offensive” include conduct of a sexual nature which has the effect of humiliation or embarrassment and is sufficiently severe, persistent, or pervasive that it limits the student’s or employee’s ability to participate in, or benefit from, an educational program or activity or their employment environment.

Within the educational or work environment, sexual harassment is prohibited between any of the following: students; employees and students; non-employees and students; employees; employees and non-employees.

Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all of the surrounding circumstances. Depending upon such circumstances, examples of sexual harassment include, but are not are not limited to: unwelcome touching; crude jokes or pictures; discussions of sexual experiences; pressure for sexual activity; intimidation by words, actions, insults, or name calling; teasing related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the individual self-identifies as homosexual; and spreading rumors related to a person’s alleged sexual activities.

Employees who believe they have been subjected to sexual harassment are encouraged to file a complaint by contacting the Director who will assist them in the complaint process. Under no circumstances shall an employee be required to first report allegations of sexual harassment to a school contact person if that person is the individual who is accused of the harassment. To the extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.

Employees who file a complaint of sexual harassment will not be subject to retaliation or reprisal in any form.

Employees who knowingly fabricate allegations of sexual harassment shall be subject to disciplinary action up to and including termination.

Individuals who withhold information, purposely provide inaccurate facts, or otherwise hinder an investigation of sexual harassment shall be subject to disciplinary action up to and including termination.

Legal References: Title IX of the Education Amendments of 1972, 20 USC 1681, et seq.

 Title VII of the Civil Rights Act of 1964, 42 USC 2000-e, et seq.

 ACA § 6-15-1005 (b) (1)

Date Adopted: October 21, 2003

Last Revised: March 15, 2011

**8.21— CLASSIFIED PERSONNEL SUPERVISION OF STUDENTS**

All school personnel are expected to conscientiously execute their responsibilities to promote the health, safety, and welfare of the school’s students under their care. The Director shall establish regulations ensuring adequate supervision of students throughout the school day and at extracurricular activities.

Date Adopted: October 21, 2003

Last Revised:

**8.22— CLASSIFIED PERSONNEL COMPUTER USE POLICY**

The Imboden Area Charter School provides computers and/or computer Internet access for many employees, to assist employees in performing work related tasks. Employees are advised that they enjoy **no expectation of privacy** in any aspect of their computer use, including email, and that under Arkansas law, both email and computer use records maintained by the school are subject to disclosure under the Freedom of Information Act. Consequently, no employee or student-related reprimands or other disciplinary communications should be made through email.

Passwords or security procedures are to be used as assigned, and confidentiality of student records is to be maintained at all times. Employees must not disable or bypass security procedures, compromise, attempt to compromise, or defeat the district’s technology network security, alter data without authorization, disclose passwords to other staff members or students, or grant students access to any computer not designated for student use. It is the policy of this school to equip each computer with Internet filtering software designed to prevent users from accessing material that is harmful to minors. The designated School Technology Administrator may authorize the disabling of the filter to enable access by an adult for a bona fide research or other lawful purpose.

Employees who misuse school-owned computers in any way, including excessive personal use, using computers for personal use during work or instructional time, using computers to violate any other policy, knowingly or negligently allowing unauthorized access, or using the computers to access or create sexually explicit or pornographic text or graphics, will face disciplinary action, up to and including termination or non-renewal of the employment contract.

Legal References: Children’s Internet Protection Act; PL 106-554

20 USC 6777

47 USC 254(H)

A.C.A. § 6-21-107

 A.C.A. § 6-21-111

Date Adopted: October 21, 2003

Last Revised: August 3, 2009

**8.22F— CLASSIFIED PERSONNEL Internet Use Agreement**

Name (Please Print)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

School\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date\_\_\_\_\_\_\_\_\_\_\_\_

The Imboden Area Charter School agrees to allow the employee identified above (“Employee”) to use the school’s technology to access the Internet under the following terms and conditions:

1. Conditional Privilege: The Employee’s use of the school’s access to the internet is a privilege conditioned on the Employee’s abiding by this agreement.

2. Acceptable Use: The Employee agrees that in using the school’s internet access he/she will obey all federal and state laws and regulations. Internet access is provided as an aid to employees to enable them to better perform their job responsibilities. Under no circumstances shall an Employee’s use of the school’s internet access interfere with, or detract from, the performance of his/her job-related duties.

3. Penalties for Improper Use: If the Employee violates this agreement and misuses the internet, the Employee shall be subject to disciplinary action up and including termination.

4. “Misuse of the School’s access to the Internet” includes, but is not limited to, the following:

1. using the internet for any activities deemed lewd, obscene, vulgar, or pornographic as defined by prevailing community standards;
2. using abusive or profane language in private messages on the system; or using the system to harass, insult, or verbally attack others;
3. posting anonymous messages on the system;
4. using encryption software;
5. wasteful use of limited resources provided by the school including paper;
6. causing congestion of the network through lengthy downloads of files;
7. vandalizing data of another user;
8. obtaining or sending information which could be used to make destructive devices such as guns, weapons, bombs, explosives, or fireworks;
9. gaining or attempting to gain unauthorized access to resources or files;
10. identifying oneself with another person’s name or password or using an account or password of another user without proper authorization;
11. using the network for financial or commercial gain without school permission;
12. theft or vandalism of data, equipment, or intellectual property;
13. invading the privacy of individuals;
14. using the Internet for any illegal activity, including computer hacking and copyright or intellectual property law violations;
15. introducing a virus to, or otherwise improperly tampering with, the system;
16. degrading or disrupting equipment or system performance;
17. creating a web page or associating a web page with the school or school without proper authorization;
18. attempting to gain access or gaining access to student records, grades, or files of students not under their jurisdiction;
19. providing access to the school’s internet Access to unauthorized individuals; or
20. taking part in any activity related to internet use which creates a clear and present danger of the substantial disruption of the orderly operation of the school or any of its schools;
21. making unauthorized copies of computer software.
22. personal use of computers during instructional time.

5. Liability for debts: Staff shall be liable for any and all costs (debts) incurred through their use of the school’s computers or the internet including penalties for copyright violations.

1. No Expectation of Privacy: The Employee signing below agrees that in using the internet through the school’s access, he/she waives any right to privacy the Employee may have for such use. The Employee agrees that the school may monitor the Employee’s use of the school’s internet access and may also examine all system activities the Employee participates in, including but not limited to e-mail, voice, and video transmissions, to ensure proper use of the system.

7. Signature: The Employee, who has signed below, has read this agreement and agrees to be bound by its terms and conditions.

Employee’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Adopted: October 21, 2003

Last Revised:

**8.23— CLASSIFIED PERSONNEL** **FAMILY MEDICAL LEAVE**

Employees are eligible for benefits under the Family Medical and Leave Act when the School has fifty (50) or more employees. The Imboden Area Charter School has fewer than fifty (50) employees and therefore employees are not eligible for FMLA benefits.

Legal References: 29 USC 2601 et seq.

29 CFR part 825

Date Adopted: October 21, 2003

Last Revised: April 26, 2012

**8.24—SCHOOL BUS DRIVER’S USE OF MOBILE COMMUNICATION DEVICES**

“School Bus” is a motorized vehicle that meets the following requirements:

1. Is privately owned and operated for compensation, or which is owned, leased or otherwise operated by, or for the benefit of the School; and
2. Is operated for the transportation of students from home to school, from school to home, or to and from school events.

Any driver of a school bus shall not operate a school bus while using a device to browse the internet, make or receive phone calls or compose or read emails to text messages. If the school bus is safely off the road with the parking brake engaged, exceptions are allowed to call for assistance due to a mechanical problem with the bus, or to communicate with any of the following during an with the bus or to communicate with during an emergency:

* An emergency system response operator or 911 public safety communications dispatcher;
* a hospital or emergency room;
* a physician’s office or health clinic;
* an ambulance or fire department rescue service;
* a fire department, fire protection district, or volunteer fire department; or
* police department.

In addition to statutorily permitted fines, violations of this policy shall be grounds for disciplinary action up to and including termination.

Legal Reference: A.C.A. § 6 –19 -120

Date Adopted: October 21, 2003

Last Revised: March 18, 2014

**8.25— CLASSIFIED PERSONNEL CELL PHONE USE**

Use of cell phones or other electronic communication devices by employees during their designated work time for other than school approved purposes is strictly forbidden unless specifically approved in advance by the Director.

School staff shall not be given cell phones or computers for any purpose other than their specific use associated with school business. School employees who use a school issued cell phone~~s~~ and/or computers for non-school purposes, except as permitted by school policy, shall be subject to discipline, up to and including termination. School employees who are issued school cell phones due to the requirements of their position may use the phone for personal use on an “as needed” basis provided it is not during designated work time.

All employees are forbidden from using school issued cell phones while driving any vehicle at any time. Violation may result in disciplinary action up to and including termination.

No employee shall use any device for the purposes of browsing the internet; composing or reading emails and text messages; or making or answering phone calls while driving a motor vehicle which is in motion and on school property. Violation may result in disciplinary action up to and including termination.

Cross References:  4.47— POSSESSION AND USE OF CELL PHONES, BEEPERS, ETC.

 7.14—USE OF DISTRICT CELL PHONES AND COMPUTERS

Legal Reference: IRS Publication 15 B

Date Adopted: October 21, 2003

Last Revised: March 18, 2014

8.26— CLASSIFIED PERSONNEL RESPONSIBILITIES GOVERNING BULLYING

School employees who have witnessed, or are reliably informed that, a student has been a victim of bullying as defined in this policy, including a single action that if allowed to continue would constitute bullying, shall report the incident(s) to the Director. The Director shall be responsible for investigating the incident(s) to determine if disciplinary action is warranted.

The person or persons reporting behavior they consider to be bullying shall not be subject to retaliation or reprisal in any form.

School staff is required to help enforce implementation of the school’s anti-bullying policy and shall receive the training necessary to comply with this policy. The school’s definition of bullying is included below. Students who bully another person are to be held accountable for their actions whether they occur on school equipment or property; off school property at a school-sponsored or school-approved function, activity, or event; or going to or from school or a school activity. Students are encouraged to report behavior they consider to be bullying, including a single action which, if allowed to continue, would constitute bullying, to their teacher, staff member, or the Director. The report may be made anonymously.

The Director who receives a credible report or complaint of bullying shall promptly investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation.

Definitions:

**Attribute** means an actual or perceived personal characteristic including without limitation race, color, religion, ancestry, national origin, socioeconomic status, academic status, disability, gender, gender identity, physical appearance, health condition, or sexual orientation;

**Bullying** means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that may address an attribute of the other student, public school employee, or person with whom the other student or public school employee is associated and that causes or creates actual or reasonably foreseeable:

* Physical harm to a public school employee or student or damage to the public school employee's or student's property;
* Substantial interference with a student's education or with a public school employee's role in education;
* A hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or
* Substantial disruption of the orderly operation of the school or educational environment;

**Electronic act** means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager that results in the substantial disruption of the orderly operation of the school or educational environment.

Electronic acts of bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose;

**Harassment** means a pattern of unwelcome verbal or physical conduct relating to another person's constitutionally or statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment; and

**Substantial disruption** means without limitation that any one or more of the following occur as a result of the bullying:

* Necessary cessation of instruction or educational activities;
* Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment;
* Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or
* Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

Examples of "Bullying" may include but are not limited to a pattern of behavior involving one or more of the following:

1. Sarcastic "comments" about another student’s personal appearance or actual or perceived attributes,
2. Pointed questions intended to embarrass or humiliate,
3. Mocking, taunting or belittling,
4. Non-verbal threats and/or intimidation such as “fronting” or “chesting” a person,
5. Demeaning humor relating to a student’s race, gender, ethnicity or actual or perceived attributes,
6. Blackmail, extortion, demands for protection money or other involuntary donations or loans,
7. Blocking access to school property or facilities,
8. Deliberate physical contact or injury to person or property,
9. Stealing or hiding books or belongings, and/or
10. Threats of harm to student(s), possessions, or others.
11. Sexual harassment, as governed by policy 8.20, is also a form of bullying.
12. Teasing or name-calling based on the belief or perception that an individual is not conforming to expected gender roles (Example: “Slut”) or conduct or is homosexual, regardless of whether the student self-identifies as homosexual (Examples: “You are so gay.” “Fag” “Queer).

Act 907 of 2011 requires all personnel to receive training related to compliance with the district’s antibullying policies.

Legal Reference: A.C.A. § 6-18-514

Date Adopted: April 20, 2004

Last Revised: July 1, 2013

8.27— CLASSIFIED PERSONNEL LEAVE — INJURY FROM ASSAULT

Any staff member who, while in the course of their employment, is injured by an assault or other violent act; while intervening in a student fight; while restraining a student; or while protecting a student from harm, shall be granted a leave of absence for up to one (1) year from the date of the injury, with full pay.

A leave of absence granted under this policy shall not be charged to the staff member’s sick leave.

In order to obtain leave under this policy, the staff member must present documentation of the injury from a physician, with an estimate for time of recovery sufficient to enable the staff member to return to work, and written statements from witnesses (or other documentation as appropriate to a given incident) to prove that the incident occurred in the course of the staff member’s employment.

Legal Reference: A.C.A. § 6-17-1308

Date Adopted: April 20, 2004

Last Revised:

**8.28— DRUG FREE WORKPLACE – CLASSIFIED PERSONNEL**

The conduct of school staff plays a vital role in the social and behavioral development of our students. It is equally important that the staff have a safe, healthful, and professional environment in which to work. To help promote both interests, the school shall have a drug free workplace. It is, therefore, the school’s policy that school employees are prohibited from the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, alcohol, as well as inappropriate or illegal use of prescription drugs. Such actions are prohibited both while at work or in the performance of official duties while off school property; violations of this policy will subject the employee to discipline, up to and including termination.

To help promote a drug free workplace, the school shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the school's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance abuse programs, and the penalties that may be imposed upon employees for drug abuse violations.(Insert substance abuse resources here.)**1**

Should any employee be found to have been under the influence of, or in illegal possession of, any illegal drug or controlled substance, whether or not engaged in any school or school-related activity, and the behavior of the employee, if under the influence, is such that it is inappropriate for a school employee in the opinion of the Director, the employee may be subject to discipline, up to and including termination. This policy also applies to those employees who are under the influence of alcohol while on campus or at school-sponsored functions, including athletic events.

An employee living on campus or on school owned property is permitted to possess alcohol in his/her residence. The employee is bound by the restrictions stated in this policy while at work or performing his/her official duties.

Possession, use or distribution of drug paraphernalia by any employee, whether or not engaged in school or school-related activities, may subject the employee to discipline, up to and including termination. Possession in one’s vehicle or in an area subject to the employee’s control will be considered to be possession as though the substance were on the employee’s person.

It shall not be necessary for an employee to test at a level demonstrating intoxication by any substance in order to be subject to the terms of this policy. Any physical manifestation of being under the influence of a substance may subject an employee to the terms of this policy. Those physical manifestations include, but are not limited to: unsteadiness; slurred speech; dilated or constricted pupils; incoherent and/or irrational speech; or the presence of an odor associated with a prohibited substance on one’s breath or clothing.

Should an employee desire to provide the school with the results of a blood, breath or urine analysis, such results will be taken into account by the school only if the sample is provided within a time range that could provide meaningful results and only by a testing agency chosen or approved by the school. The school shall not request that the employee be tested, and the expense for such voluntary testing shall be borne by the employee.

Any employee who is charged with a violation of any state or federal law relating to the possession, use or distribution of illegal drugs, other controlled substances or alcohol, or of drug paraphernalia, must notify the Director within five (5) week days (i.e., Monday through Friday, inclusive, excluding holidays) of being so charged.

Any employee so charged is subject to discipline, up to and including termination. However, the failure of an employee to notify the Director of having been so charged shall result in that employee being recommended for termination by the Director.

Any employee convicted of any criminal drug statute violation for an offense that occurred while at work or in the performance of official duties while off school property shall report the conviction within 5 calendar days to the Director. Within 10 days of receiving such notification, whether from the employee or any other source, the school shall notify federal granting agencies from which it receives funds of the conviction. Compliance with these requirements and prohibitions is mandatory and is a condition of employment.

Any employee convicted of any state or federal law relating to the possession, use or distribution of illegal drugs, other controlled substances, or of drug paraphernalia, shall be recommended for termination.

Any employee who must take prescription medication at the direction of the employee’s physician, and who is impaired by the prescription medication such that he cannot properly perform his duties shall not report for duty. Any employee who reports for duty and is so impaired, as determined by the Director, will be sent home. The employee shall be given sick leave, if owed any. The school or employee will provide transportation for the employee, and the employee may not leave campus while operating any vehicle. It is the responsibility of the employee to contact his physician in order to adjust the medication, if possible, so that the employee may return to his job unimpaired. Should the employee attempt to return to work while impaired by prescription medications, for which the employee has a prescription, he will, again, be sent home and given sick leave, if owed any~~.~~ Should the employee attempt to return to work while impaired by prescription medication a third time the employee may be subject to discipline, up to and including a recommendation of termination.

Any employee who possesses, uses, distributes or is under the influence of a prescription medication obtained by a means other than his own current prescription shall be treated as though he was in possession, possession with intent to deliver, or under the influence, etc. of an illegal substance. An illegal drug or other substance is one which is (a) not legally obtainable; or (b) one which is legally obtainable, but which has been obtained illegally. The school may require an employee to provide proof from his physician and/or pharmacist that the employee is lawfully able to receive such medication. Failure to provide such proof, to the satisfaction of the Director, may result in discipline, up to and including a recommendation of termination.

This policy is similar to Policy 3.39. If you change this policy, review 3.39 at the same time to ensure consistency between the two.

Legal References: 41 USC § 702, 703, and 706

Date Adopted: February 22, 2005

Last Revised: August 3, 2009

**8.28F—DRUG FREE WORKPLACE POLICY ACKNOWLEDGEMENT**

CERTI FICATION

I, hereby certify that I have been presented with a copy of the Imboden Area Charter School’s drug-free workplace policy, that I have read the statement, and that I will abide by its terms as a condition of my employment with the school.

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

8.29— CLASSIFIED PERSONNEL VIDEO SURVEILLANCE AND OTHER MONITORING

The Board of Directors has a responsibility to maintain discipline, protect the safety, security, and welfare of its students, staff, and visitors while at the same time safeguarding school facilities, vehicles, and equipment. As part of fulfilling this responsibility, the board authorizes the use of video/audio surveillance cameras, automatic identification, data compilation devices, and technology capable of tracking the physical location of school equipment, students, and/or personnel.

The placement of video/audio surveillance cameras shall be based on the presumption and belief that students, staff and visitors have no reasonable expectation of privacy anywhere on or near school property, facilities, vehicles, or equipment, with the exception of places such as rest rooms or dressing areas where an expectation of bodily privacy is reasonable and customary.

Signs shall be posted on school property and in or on school vehicles to notify students, staff, and visitors that video cameras may be in use. Violations of school personnel policies or laws caught by the cameras and other technologies authorized in this policy may result in disciplinary action.

The school shall retain copies of video recordings until they are erased which may be accomplished by either deletion or copying over with a new recording.

Videos, automatic identification, or data compilations containing evidence of a violation of school personnel policies and/or state or federal law shall be retained until the issue of the misconduct is no longer subject to review or appeal as determined by board policy or staff handbook**;** any release or viewing of such records shall be in accordance with current law.

Staff who vandalize, damage, defeat, disable, or render inoperable (temporarily or permanently) surveillance cameras and equipment, automatic identification, or data compilation devices shall be subject to appropriate disciplinary action and referral to appropriate law enforcement authorities.

Video recordings and automatic identification or data compilation records may become a part of a staff member’s personnel record.

Date Adopted: May 20, 2008

Last Revised: March 15, 2011

# 8.30—CLASSIFIED PERSONNEL REDUCTION IN FORCE

The School Board acknowledges its authority to conduct a reduction in force (RIF) when a decrease in enrollment or other reason(s) make such a reduction necessary or desirable. A RIF will be conducted when the need for a reduction in the work force exceeds the normal rate of attrition for that portion of the staff that is in excess of the needs of the school as determined by the Director.

In effecting a reduction in force, the primary goals of the school shall be: what is in the best interests of the students; to maintain accreditation in compliance with the Standards of Accreditation for Arkansas Public Schools and/or the North Central Association; and the needs of the school. A reduction in force will be implemented when the Director determines it is advisable to do so and shall be effected through non-renewal, termination, or both.  Any reduction in force will be conducted by evaluating the needs and long- and short-term goals of the school in relation to the staffing of the school.

If a reduction in force becomes necessary, the RIF shall be conducted separately for each occupational category of classified personnel identified within the school on the basis of each employee’s years of service. The employee within each occupational category with the least years of experience will be non-renewed first. The employee with the most years of employment in the school as compared to other employees in the same category shall be non-renewed last. In the event that employees within a given occupational category have the same length of service to the school the one with the earlier hire date, based on date of board action, will prevail.

When the school is conducting a RIF, all potentially affected classified employees shall receivea listing of the personnel within their category with corresponding point totals of years of service. Upon receipt of the list, each employee has ten (10) working days within which to appeal his or her total years of service to the Director whose decision shall be final. Except for changes made pursuant to the appeals process, no changes will be made to the list that would affect an employee’s total after the list is released.

Total years of service to the school shall include non-continuous years of service; in other words, an employee who left the school and returned later will have the total years of service counted, from all periods of employment. Working fewer than 160 days in a school year shall not constitute a year. Length of service in a licensed position shall not count for the purpose of length of service for a classified position. There is no right or implied right for any employee to “bump” or displace any other employee. This specifically does not allow a licensed employee who might wish to assume a classified position to displace a classified employee.

**Recall:**

There shall be no right of recall for any classified employee.

Legal Reference: A.C.A. § 6-17-2407

Date Adopted: July 19, 2005

Last Revised: July 1, 2013

8.31— CLASSIFIED PERSONNEL TERMINATION AND NON-RENEWAL

For procedures relating to the termination and non-renewal of classified employees, please refer to the Public School Employee Fair Hearing Act A.C.A. S6-17-1701 through 1705. The Act specifically is not made a part of this policy by this reference.

A copy of the code is available in the office of the Director.

Legal Reference: A.C.A. 6-17-2301

Date Adopted: July 19, 2005

Last Revised: May 23, 2006

8.32— CLASSIFIED PERSONNEL ASSIGNMENTS

The Director shall be responsible for assigning and reassigning non-certified personnel.

Legal Reference: A.C.A. 6-17-2301

Date Adopted: July 19, 2005

Last Revised: May 23, 2006

8.33— CLASSIFIED PERSONNEL SCHOOL CALENDAR

The Director shall present to the PPC a school calendar which the board has adopted as a proposal. The Director, in developing the calendar, shall accept and consider recommendations from any staff member or group wishing to make calendar proposals. The PPC shall have the time prescribed by law and/or policy in which to make any suggested changes before the board may vote to adopt the calendar.

The School shall not establish a school calendar that interferes with any ACTAAP scheduled testing that might jeopardize or limit the valid testing and comparison of student learning gains.

The Imboden Area Charter School shall operate by the following calendar:

# August 4 Professional Development Begins

# August 18 School Begins

# September 1 Labor Day – No School

October 17 End of First Quarter

October 22 P-T Conferences

November 27-28 Thanksgiving Break – No School

December 22 – January 2 Christmas Break – No School

January 5 School Resumes

January 9 End of Second Quarter

January 14 Report Cards

January 19 MLK Day – No School

February 16 President’s Day – No School

March 13 End of Third Quarter

March 18 P-T Conferences

March 23-27 Spring Break

May 21 Awards/Graduation

May 22 Last Day of School/Family Picnic

(Bad weather days in calendar – Jan 19, Feb 16, May 26, 27, 28)

Legal Reference: A.C.A. § 6-17-2301

 Arkansas Comprehensive Testing, Assessment, and Accountability Plan Rules

Date Adopted: June 17, 2003

Last Revised: July 1, 2013

8.34— CLASSIFIED PERSONNEL WHO ARE MANDITORY REPORTERS Duty to Report Child Abuse, Maltreatment or Neglect

It is the statutory duty of noncertified school employees **who are mandatory reporters1** and who have reasonable cause to suspect child abuse or maltreatment to directly and personally report these suspicions to the Arkansas Child Abuse Hotline, by calling 1-800-482-5964. Failure to report suspected child abuse, maltreatment or neglect by calling the Hotline can lead to criminal prosecution and individual civil liability of the person who has this duty. Notification of local or state law enforcement does not satisfy the duty to report; only notification by means of the Child Abuse Hotline discharges this duty.

The duty to report suspected child abuse or maltreatment is a direct and personal duty for statutory mandatory reporters, and cannot be assigned or delegated to another person. There is no duty to investigate, confirm or substantiate statements a student may have made which form the basis of the reasonable cause to believe that the student may have been abused or subjected to maltreatment by another person; however, a person with a duty to report may find it helpful to make a limited inquiry to assist in the formation of a belief that child abuse, maltreatment or neglect has occurred, or to rule out such a belief**2**. Employees and volunteers who call the Child Abuse Hotline in good faith are immune from civil liability and criminal prosecution.

By law, no school or school employee may prohibit or restrict an employee or volunteer **who is a mandatory reporter** from directly reporting suspected child abuse or maltreatment, or require that any person notify or seek permission from any person before making a report to the Child Abuse Hotline.

This policy is similar to Policy 3.40. If you change this policy, review 3.40 at the same time to ensure applicable consistency between the two.

Legal References: A.C.A. § 12-18-107

A.C.A. § 12-18-201 et seq.

A.C.A. § 12-18-402

Date Adopted: May 20, 2008

Last Revised: May 10, 2011

**8.35—OBTAINING AND RELEASING STUDENT’S FREE AND REDUCED PRICE MEAL ELIGIBLITY INFORMATION**

**Obtaining Eligibility Information**

A fundamental underpinning of the National School Lunch and School Breakfast Programs (Programs) is that in their implementation, there will be no physical segregation of, discrimination against, or overt identification of children who are eligible for the Program's benefits. While the requirements of the Programs are defined in much greater detail in federal statutes and pertinent Code of Federal Regulations, this policy is designed to help employees understand prohibitions on how the student information is obtained and/or released through the Programs. Employees with the greatest responsibility for implementing and monitoring the Programs should obtain the training necessary to become fully aware of the nuances of their responsibilities.

The School is required to inform households with children enrolled in the School of the availability of the Programs and of how the household may apply for Program benefits. However, the School and anyone employed by the school is **strictly forbidden** from **requiring** any household or student within a household from submitting an application to participate in the program. There are NO exceptions to this prohibition and it would apply, for example, to the offer of incentives for completed forms, or disincentives or negative consequences for failing to submit or complete an application. Put simply, federal law requires that the names of the children shall not be published, posted or announced in any manner.

In addition to potential federal criminal penalties that may be filed against a staff member who violates this prohibition, the employee shall be subject to discipline up to and including termination.

**Releasing Eligibility Information**

As part of the school’s participation in the National School Lunch Program and the School Breakfast Program, the school collects eligibility data from its students. The data’s confidentiality is very important and is governed by federal law. The school has made the determination to release student eligibility status or information**1** as permitted by law. Federal law governs how eligibility data may be released and to whom. The school will take the following steps to ensure its confidentiality:

Some data may be released to government agencies or programs authorized by law to receive such data without parental consent, while other data may only be released after obtaining parental consent. In both instances, allowable information shall only be released on a need to know basis to individuals authorized to receive the data. The recipients shall sign an agreement with the school specifying the names or titles of the persons who may have access to the eligibility information. The agreement shall further specify the specific purpose(s) for which the data will be used and how the recipient(s) shall protect the data from further, unauthorized disclosures.

The Director shall designate the staff member(s) responsible for making eligibility determinations. Release of eligibility information to other school staff shall be limited to as few individuals as possible who shall have a specific need to know such information to perform their job responsibilities. Counselors and teachers shall not have routine access to eligibility information or status.

Each staff person with access to individual eligibility information shall be notified of their personal liability for its unauthorized disclosure and shall receive appropriate training on the laws governing the restrictions of such information.

Legal References: Commissioner’s Memos IA-05-018, FIN 09-041, IA 99-011, and FIN 13-018

ADE Eligibility Manual for School Meals Revised July 2012

7 CFR 210.1 – 210.31

 7 CFR 220.1 – 220.22

 7 CFR 245.5, 245.6, 245.8

 42 USC 1758(b)(6)

Date Adopted: March 30, 2009

Last Revised: July 1, 2013

**8.36— CLASSIFIED PERSONNEL WORKPLACE INJURIES AND WORKERS’ COMPENSATION**

The school provides Workers’ Compensation Insurance, as required by law. Employees who sustain **any** injury at work must immediately notify the Director. An injured employee must fill out a Form N and the Director will determine whether to report the claim or to file the paperwork if the injury requires neither medical treatment or lost work time. While many injuries will require no medical treatment or time lost at work, should the need for treatment arise later, it is important that there be a record that the injury occurred. All employees have a duty to provide information and make statements as requested for the purposes of the claim assessment and investigation.

For injuries requiring medical attention, the school will exercise its right to designate the initial treating physician and an injured employee will be directed to seek medical attention, if necessary, from a specific physician or clinic.

A Workers’ Compensation absence may run concurrently with FMLA leave (policy 3.32) when the injury is one that meets the criteria for a serious health condition. To the extent that workers compensation benefits and FMLA leave run concurrently, the employee will be charged for any paid leave accrued by the employee at the rate necessary to bring the total amount of combined income up to 100% of usual contracted daily rate of pay. If the health care provider treating the employee for the workers compensation injury certifies the employee is able to return to a “light duty job,” but is unable to return to the employee’s same or equivalent job, the employee may decline the School’s offer of a “light duty job.” As a result, the employee may lose his/her workers’ compensation payments, but for the duration of the employee’s FMLA leave, the employee will be paid for the leave to the extent that the employee has accrued applicable leave.

Employees who are absent from work in the school due to a Workers’ Compensation claim may not work at a non-school job until they have returned to full duties at their same or equivalent district job; those who violate this prohibition may be subject to discipline up to and including termination. This prohibition does NOT apply to an employee whose has been cleared by his/her doctor to return to "light duty" but the District has no such position available for the employee and the employee's second job qualifies as "light duty".

To the extent an employee has accrued sick leave and a WC claim has been filed:

* the employee will be charged for a day's sick leave for the all days missed until such time as the WC claim has been approved or denied;
* an employee whose WC claim is accepted by the WC insurance carrier as compensable and who is absent for eight or more days shall be charged sick leave at the rate necessary, when combined with WC benefits,

to bring the total amount of combined income up to 100% of the employee's usual contracted daily rate of pay;

* an employee whose WC claim is accepted by the WC insurance carrier as compensable and is absent for 14 or more days will be credited back that portion of sick leave for the first seven (7) days of absence that is not necessary to have brought the total amount of combined income up to 100% of the employee's usual contracted gross pay.

Cross Reference: 8.5—CLASSIFIED EMPLOYEES SICK LEAVE

8.12—CLASSIFIED PERSONNEL OUTSIDE EMPLOYMENT

 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE

Legal References: Ark. Workers Compensation Commission RULE 099.33 - MANAGED CARE

 A.C.A. § 11-9-508(d)(5)(A)

 A.C.A. § 11-9-514(a)(3)(A)(i)

Date Adopted: August 3, 2009

Last Revised: March 18, 2014

8.37—CLASSIFIED PERSONNEL SOCIAL NETWORKING AND ETHICS

**Definitions**

Social Media Account: a personal, individual, and non-work related account with an electronic medium or service where users may create, share, or view user-generated content, including videos, photographs, blogs, podcasts, messages, emails or website profiles or locations, such as FaceBook, Twitter, LinkedIn, MySpace, Instagram.

Professional/education Social Media Account: an account with an electronic medium or service where users may create, share, or view user-generated content, including videos, photographs, blogs, podcasts, messages, emails or website profiles or locations, such as FaceBook, Twitter, LinkedIn, MySpace, Instagram.

Blogs are a type of networking and can be either social or professional in their orientation. Professional blogs, approved by the Director are encouraged and can provide a place for staff to inform students and parents on school related activities. Social blogs are discouraged to the extent they involve staff and students in a non-education oriented format.

**Policy**

School staff are encouraged to use educational technology, the Internet, and professional/education social networks to help raise student achievement and to improve communication with parents and students. However, technology and social media accounts also offer staff many ways they can present themselves unprofessionally and/or interact with students inappropriately.

It is the duty of each staff member to appropriately manage all interactions with students, regardless of whether contact or interaction with a student occurs face-to-face or by means of technology, to ensure that the appropriate staff/student relationship is maintained. This includes instances when students initiate contact or behave inappropriately themselves.

Public school employees are, and always have been, held to a high standard of behavior. Staff members are reminded that whether specific sorts of contacts are permitted or not specifically forbidden by policy, they will be held to a high standard of conduct in all their interactions with students. Failure to create, enforce and maintain appropriate professional and interpersonal boundaries with students could adversely affect the school’s relationship with the community and jeopardize the employee’s employment with the school.

Staff members are discouraged from creating personal social media accounts to which they invite students to be friends or followers. Employees taking such action do so at their own risk and are advised to monitor the site’s privacy settings regularly.

School employees may set up blogs and other professional/education social media accounts using school resources and following school guidelines**1** to promote communications with students, parents, and the community concerning school-related activities and for the purpose of supplementing classroom instruction. Accessing professional/education social media during school hours is permitted.

Staff are reminded that the same relationship, exchange, interaction, information, or behavior that would be unacceptable in a non-technological medium, is unacceptable when done through the use of technology. In fact, due to the vastly increased potential audience digital dissemination presents, extra caution must be exercised by staff to ensure they don’t cross the line of acceptability. A good rule of thumb for staff to use is, “if you wouldn’t say it face-to-face in a group, don’t say it online.”

Whether permitted or not specifically forbidden by policy, or when expressed in an adult-to-adult, face-to-face context, what in other mediums of expression could remain private opinions, including “likes” or comments that endorse or support the message or speech of another person, when expressed by staff on a social media website, have the potential to be disseminated far beyond the speaker’s desire or intention.

This could undermine the public’s perception of the individual’s fitness to interact with students, thus undermining the employee’s effectiveness. In this way, the expression and publication of such opinions, could potentially lead to disciplinary action being taken against the staff member, up to and including termination or nonrenewal of the contract of employment.

Accessing social media websites for personal use during school hours is prohibited, except during breaks or preparation periods. Staff are discouraged from accessing social media websites on personal equipment during their breaks and/or preparation periods because, while this is not prohibited, it may give the public appearance that such access is occurring during instructional time. Staff shall not access social networking websites using district equipment at any time, including during breaks or preparation periods, except in an emergency situation or with the express prior permission of theDirector. All school employees who participate in social media websites shall not post any school data, documents, photographs taken at school or of students, logos, or other school owned or created information on any website. Further, the posting of any private or confidential school material on such websites is strictly prohibited.

Specifically, the following forms of technology based interactivity or connectivity are expressly permitted or forbidden:

* Sharing personal landline or cell phone numbers with students;
* Text messaging students;
* Emailing students other than through and to school controlled and monitored accounts;
* Soliciting students as friends or contacts on social networking websites;
* Accepting the solicitation of students as friends or contacts on social networking websites;
* Creation of administratively approved and sanctioned “groups” on social networking websites that permit the broadcast of information without granting students access to staff member’s personal information;
* Sharing personal websites or other media access information with students through which the staff member would share personal information and occurrences.

Privacy of Employee's Social Media Accounts

In compliance with A.C.A. § 11-2-124, the School shall not require, request, suggest, or cause a current or prospective employee to:

1. Disclose the username and/or password to his/her personal social media account;
2. Add an employee or the Director administrator to the list of contacts associated with his/her personal social media account;
3. Change the privacy settings associated with his/her personal social media account; or
4. Retaliate against the employee for refusing to disclose the username and/or password to his/her personal social media account.

The School may require an employee to disclose his or her username and/or password to a personal social media account if the employee’s personal social media account activity is reasonable believed to be relevant to the investigation of an allegation of an employee violating district policy, or state, federal or local laws or regulations. If such an investigation occurs, and the employee refuses, upon request, to supply the username and/or password required to make an investigation, disciplinary action may be taken against the employee, which could include termination or nonrenewal of the employee’s contract of employment with the School.

Notwithstanding any other provision in this policy, the School reserves the right to view any information about a current or prospective employee that is publicly available on the Internet.

In the event that the School inadvertently obtains access to information that would enable the School to have access to an employee’s personal social media account, the School will not use this information to gain access to the employee’s social media account. However, disciplinary action may be taken against an employee in accord with other School policy for using School equipment or network capability to access such an account. Employees have no expectation of privacy in their use of School issued computers, other electronic device, or use of the School's network. (See policy 8.22—CLASSIFIED PERSONNEL COMPUTER USE POLICY)

Cross reference: 8.22—CLASSIFIED PERSONNEL COMPUTER USE POLICY

Legal Reference: A.C.A. § 11-2-124

Date Adopted: March 15, 2011

Last Revised: July 1, 2013

**8.38— CLASSIFIED PERSONNEL VacationS**

240 day contracted employees are credited with 10 days of vacation at the beginning of each fiscal year. This is based on the assumption that a full contract year will be worked. If an employee fails to finish the contract year due to resignation or termination, the employee’s final check will be reduced at the rate of .833 days per month, or major portion of a month, for any days used but not earned.

All vacation time must be approved, in advance to the extent practicable, by the Director who shall consider the staffing needs of the School in making his/her determination.If vacation is requested, but not approved, and the employee is absent from work in spite of the vacation denial, disciplinary action will be taken against the employee, which may include termination or nonrenewal.

No employee shall be entitled to more than 15 days of vacation as of the first day of each fiscal year. The permissible carry forward includes the 10 days credited upon the start of the fiscal year. Employees having accrued vacation totaling more than 15 days as of the date this policy is implemented shall not be eligible to increase the number of days carried forward during their employment with the school. Earned but unused vacation will be paid upon retirement, termination, or nonrenewal at the employee’s current daily rate of pay.

Date Adopted: March 15, 2011

Last Revised: July 1, 2013

8.39—Depositing collected funds

From time to time, staff members may collect funds in the course of their employment. It is the responsibility of any staff member to deposit such funds they have collected daily**1** into the appropriate accounts for which they have been collected. The Director or his/her designee shall be responsible for determining the need for receipts for funds collected and other record keeping requirements and of notifying staff of the requirements.

Staff that use any funds collected in the course of their employment for personal purposes, or who deposit such funds in a personal account, may be subject to discipline up to and including termination.

Date adopted: March 15, 2011

Last Revised: April 26, 2012

8.40—CLASSIFIED PERSONNEL WEAPONS ON CAMPUS

Firearms

Except as permitted by this policy, no employee of this School, including those who may possess a “concealed carry permit,” shall possess a firearm on any School campus or in or upon any school bus or at a School designated bus stop.

Employees who meet one or more of the following conditions are permitted to bring a firearm onto school property.

* He/she is participating in a school-approved educational course or program involving the use of firearms such as ROTC programs, hunting safety or military education, or before or after-school hunting or rifle clubs;
* The firearms are securely stored and located in an employee’s on-campus personal residence and/or immediately adjacent parking area;
* He/she is a registered, commissioned security guard acting in the course and scope of his/her duties.

Possession of a firearm by a School employee who does not fall under any of the above categoriesanywhere on school property, including parking areas and in or upon a school bus, will result in disciplinary action being taken against the employee, which may include termination or nonrenewal of the employee.

Other Weapons

Employees may not possess any weapon, defined herein as an item designed to harm or injure another person or animal, any personal defense item such as mace or pepper spray, or any item with a sharpened blade, except those items which have been issued by the school district or are otherwise explicitly permitted (example: scissors) in their workspace.

Legal References: A.C.A. § 5-73-119

 A.C.A. § 5-73-120

 A.C.A. § 5-73-124(a)(2)

 A.C.A. § 5-73-301

 A.C.A. § 5-73-306

Date Adopted: July 1, 2013

Last Revised March 18, 2014

8.41—CLASSIFIED PERSONNEL HEALTH CARE COVERAGE REPORTING

**Definitions**

"ACA" is the Affordable Care Act

“Full-time employee,” for the purposes of this policy, means a classified employee who is in a position requiring on average thirty (30) hours of actual performance per week.

“Responsible individual” means a primary insured employee who, as a parent or spouse, enrolls one or more individuals in a district’s health care plan.

“Tax Identification Number (TIN)” means an individual’s social security account number.

"Variable hour employee", for the purposes of this policy, means an individual who has no base minimum number of hours required per week. A variable hour employee is not eligible for health insurance through the School.

**TIN Reporting**

All classified employees are required to complete and return 8.41F‑Health Care Coverage and TIN Report Form**2** by no later than October 1 of each year. All employees that meet the **above** definition of a responsible individual are required to include the name, date of birth, and TIN of any dependent that receives health insurance through a School offered health care plan. Due to very significant penalties and sanctions contained within the ACA that the Internal Revenue Service (IRS) could levy against the School for the failure to submit required information to the IRS, the failure of any employee to submit a completed copy of 8.41F‑Health Care Coverage and TIN Report Form by October 1 shall be grounds for disciplinary action against the employee up to and including termination or non-renewal of contract.

**Statement of Return**

Under provisions of the ACA, the School is required to file information with the IRS pertaining to each employee. The School is also required to send each full time employee a Statement of Return (Statement). Each full-time employee shall receive a Statement from the School by January 31 of each year. The Statement contains information the School provided to the IRS, as required by law, regarding the employee’s health insurance coverage. Each Statement consists of important School identification and contact information and a copy of the documents the School filed with the IRS concerning the employee’s health care coverage. As with other tax documents, the information contained in the Statements covers the immediately preceding calendar year. Only one statement will be provided to a household with an employee who meets the **above** definition of a responsible individual. The employee shall receive a paper copy of the Statement unless the employee completes and returns 7.23F‑Electronic Receipt of Statements Consent Form.

Cross References: 7.23‑Health Care Coverage and the Affordable Care Act

7.23F‑Electronic Receipt of Statements Consent Form

8.41F‑Health Care Coverage and TIN Report Form

Legal References: A.C.A. § 21-5-410

 26 U.S.C. § 6055

 26 U.S.C. § 6056

 26 U.S.C. § 6109

Date Adopted: March 18, 2014

Last Updated: August 5, 2014

8.41F—CLASSIFIED PERSONNEL HEALTH CARE COVERAGE AND TIN REPORT FORM

The School requires all classified employees to complete the following form **each year** and return it to the School office by October 1. In accordance with Arkansas law, the School shall not use, display, release, or print any of the information on this form for any other purpose than to comply with IRS regulations.

**Definition**

“Tax Identification Number (TIN)” means an individual’s social security account number.

**Health Insurance Information**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

TIN: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date of Birth : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please select the box that most accurately describes your health insurance coverage for the **current year**:

\_\_\_\_\_ Neither I nor any of my dependents received health insurance through one of the School’s health insurance plans during the **current calendar year**. (No coverage through School)

\_\_\_\_\_ I alone received health insurance through one of the School’s health insurance plans during the **current calendar year**. (Employee only coverage through the School)

\_\_\_\_\_ Both I and my dependent(s) received health insurance through a School’s family or spousal health insurance plan during the **current calendar year**. A spouse is included in the definition of a dependent. (Employee plus children, Employee plus spouse, Employee plus spouse and children)

If you had a family or spousal health care plan during the current year, please complete the following:

Dependent 1:

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ TIN: \_\_\_\_\_\_\_\_\_\_\_\_\_ Date of Birth: \_\_\_\_\_\_\_\_

Dependent 2:

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ TIN: \_\_\_\_\_\_\_\_\_\_\_\_\_ Date of Birth: \_\_\_\_\_\_\_\_

Dependent 3:

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ TIN: \_\_\_\_\_\_\_\_\_\_\_\_\_ Date of Birth: \_\_\_\_\_\_\_\_

Dependent 4:

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ TIN: \_\_\_\_\_\_\_\_\_\_\_\_\_ Date of Birth: \_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

8.42—CLASSIFIED PERSONNEL BUS DRIVER END OF ROUTE REVIEW

Each bus driver shall walk inside the bus from the front to the back to make sure that all students have gotten off the bus after each trip. If a child is discovered through the bus walk, the driver will immediately notify the office and make arrangements for transporting the child appropriately. If children are left on the bus after the bus walk through has been completed and the driver has left the bus for that trip, the driver shall be subject to discipline up to and including termination.

Date Adopted: March 18, 2014

Last Revised: