

# **Westwood Staff Handbook**

**Revised April 13, 2011**

Approved 4/13/2011

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Revised \_\_\_\_\_

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### **Equal Employment Opportunity**

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, will be directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, Westwood Community School District, 1000 Rebel Way, Sloan, Iowa 51055; or by telephoning 712 428 3355.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, may also be directed in writing to the Director of the Region VII office of Civil Rights, U.S. Department of Education, 310 W. Wisconsin Ave., Ste. 800, Milwaukee, Wisconsin, 53203-2292, (414) 291-1111 or the Iowa Civil Rights Commission, 400 E. 14<sup>th</sup> Street, Des Moines, Iowa, 50319-1004, (515) 281-4121 or 1-800-457-4416, <http://www.state.ia.us/government/crc/index.html>. This inquiry or complaint to the federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.

Further information and copies of the procedures for filing a complaint are available in the school district's central administrative office and the administrative office in each attendance center.

### **Multicultural and Nonsexist Equity Education Opportunity Policy**

The Westwood Community School District is committed to providing an educational program that is multicultural and nonsexist. Multicultural, nonsexist education is the district's planned curriculum and instruction, which educates students about the cultural diversity of our society.

The board will not discriminate in its educational activities on the basis of race, color, national origin, religion, sex, disability, sexual orientation, gender identity or marital status. The board requires all persons, agencies, vendors, contractors and other persons and organizations doing business with or performing services for the school district to subscribe to all applicable federal and state laws, executive orders, rules and regulations pertaining to contract compliance and equal opportunity. The board is committed to the policy that no otherwise qualified person will be excluded from educational activities on the basis of race, color, religion, sex, marital status, national origin, sexual orientation, gender identity or disability. Further, the board affirms the right of all students and staff to be treated with respect and to be protected from intimidation, discrimination, physical harm and harassment.

### **Student Abuse Investigators**

If a student, school district employee, or other member of the school district community believes a child has suffered abuse by a school district employee in the course of his/her employment, it should be reported to the designated investigator immediately.

Level I Investigators: Sue Oberg (428-3303) & Connie Smits (428-3200).

### **Non-Discrimination Policy**

The Westwood Community School District does not discriminate in its policies and programs on the basis of race, color, creed, religion, age, sex, sexual orientation, gender identity, handicap, national origin or ancestry. Inquiries concerning the application of Title IX, Section 504 or Title VI may be referred to the Title IX Coordinator, Mrs. Connie Smits (712-428-3200) in Sloan, Iowa.

**LICENSED EMPLOYEE DEFINED**

**Code No. 405.1**

Licensed employees, including administrators, are those employees required to hold an appropriate license from the Iowa Department of Education for their position as required by the Board of Educational Examiners or others with professional licenses. Licenses required for a position will be considered met if the employee meets the requirements established by the Iowa Department of Education.

It is the responsibility of the superintendent to establish job specifications and job descriptions for licensed employees' positions, other than the position of the superintendent. Job descriptions may be approved by the board.

Licensed employees must present evidence of current license to the board secretary prior to payment of salary each year.

**CLASSIFIED EMPLOYEE DEFINED**

**Code No. 411.1**

Classified employees are employees who are not administrators or employees in positions which require an Iowa Department of Education teaching license and who are employed to fulfill the duties listed on their job description on a monthly or hourly basis. Classified employees will include, but not be limited to, teacher and classroom aides, custodial and maintenance employees, clerical employees, food service employees, bus drivers, and temporary help for summer or other maintenance. The position may be full-time or part-time.

It is the responsibility of the superintendent to establish job specifications and job descriptions for classified employee positions. Job descriptions may be approved by the board.

Classified employees required to hold a license for their position must present evidence of their current license to the board secretary prior to payment of wages each year.

**EMPLOYEE QUALIFICATIONS, RECRUITMENT, SELECTION**

Persons interested in a position will have an opportunity to apply and qualify for positions in the school district without regard to age, race, creed, color, sex, national origin, religion or disability. Job applicants for licensed positions will be considered on the basis of the following:

- Training, experience, and skill;
- Nature of the occupation;
- Demonstrated competence; and
- Possession of, or ability to obtain, state license if required for the position.

Announcement of the position is in a manner which the superintendent believes will inform potential applicants about the position. Applications for employment may be obtained from and completed applications are returned to the school district administrative office. Whenever possible, the preliminary screening of applicants will be conducted by the administrator who will be directly supervising and overseeing the person being hired.

The board will employ licensed employees after receiving a recommendation from the superintendent (except the superintendent may hire teachers without approval of the board). However, the superintendent will have the authority to employ a licensed employee on a temporary basis until a recommendation can be made and action can be taken by the board on the position.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding qualifications, recruitment and selections of such employees is followed.

**CONTRACTS:**

**CLASSIFIED EMPLOYEE**

The board may enter into written contracts with classified employees employed on a regular basis. The contract will state the terms of employment.

Each contract will include a thirty-day cancellation clause. Either the employee or the board must give notice of the intent to cancel the contract at the end of thirty days.

This notice will not be required when the employee is terminated during a probationary period or for cause.

Classified employees will receive a job description stating the specific performance responsibilities of their position.

It is the responsibility of the superintendent to draw up and process the classified employee contracts and present them to the board for approval.

**LICENSED EMPLOYEE INDIVIDUAL CONTRACTS**

The board will enter into a written contract with licensed employees, other than administrators, employed on a regular basis. Each contract will be for a period of one year.

It is the responsibility of the superintendent to complete the contracts for licensed employees and present them to the board for approval. The contracts, after being signed by the board president, are returned to the superintendent. The superintendent will obtain the employee's signature. After being signed, the contract is filed with the board secretary.

**LICENSED EMPLOYEE CONTINUING CONTRACTS**

Contracts entered into with licensed employees, other than an administrator, will continue from year to year unless the contract states otherwise, is modified by mutual agreement between the board and the employee, or the contract is terminated by the board.

The first three years of a new licensed employee's contract is a probationary period unless the employee has already successfully completed the three year probationary period. New employees who have successfully completed a probationary period in a previous Iowa school district will serve a one year probationary period. In the event of termination of the employee's contract during this period, the board will afford the licensed employee appropriate due process. The action of the board will be final.

Licensed employees whose contracts will be recommended for termination by the board will receive notice prior to April 30. The superintendent will make a recommendation to the board for the termination of the licensed employee's contract.

Licensed employees who wish to resign, to be released from a contract, or to retire must comply with board policies in those areas.

**WORK DAY LICENSED EMPLOYEE**

The work day for licensed employees will begin each day of the school year at a time established by the superintendent. Licensed employees who are employed only during the academic year will have the same work day as other licensed employees. "Day" is defined as one work day regardless of full-time or part-time status of an employee.

Licensed employees are to be in their assigned school building during the work day. Advance approval to be absent from the school building must be obtained from the principal whenever the licensed employees must leave the school building during the work day.

The building principal is authorized to make changes in the work day in order to facilitate the education program. These changes are reported to the superintendent.

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The work day outlined in this policy is a minimum work day. Nothing in this policy prohibits licensed employees from working additional hours outside the work day.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding workday of such employees will be followed.

### **LEAVING THE BUILDING**

Any staff member wishing to leave the building during their regular work day hours are required to get pre-approval through their supervisor and sign out or check out in the office.

### **EMPLOYEE ASSIGNMENT**

Determining the assignment of each employee is the responsibility of the superintendent and within the sole discretion of the board. In making such assignments each year the superintendent will consider the qualifications of each employee and the needs of the school district.

It is the responsibility of the superintendent to assign employees and report such assignments to the board.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding assignment of such employees will be followed.

### **LICENSED EMPLOYEE TRANSFERS**

Determining the location where an employee's assignment will be carried out is the responsibility and within the sole discretion of the board. In making such assignments the board will consider the qualifications of each licensed employee and the needs of the school district.

A transfer may be initiated by the employee, the principal, or the superintendent. It is the responsibility of the superintendent to make recommendations to the board regarding the transfer of licensed employees.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding transfers of employees will be followed.

### **LICENSED EMPLOYEE EVALUATION**

Evaluation of licensed employees on their skills, abilities, and competence is an ongoing process supervised by the building principals and conducted by approved evaluators. The goal of the formal evaluation of employees, including extracurricular employees, is to improve the education program, to maintain employees who meet or exceed the board's standards of performance, to clarify the employee's role, to ascertain the areas in need of improvement, to clarify the immediate priorities of the board, and to develop a working relationship between the administrators and other employees.

The formal evaluation criteria is in writing and approved by the board. The formal evaluation will provide an opportunity for the evaluator and the employee to discuss the past year's performance and the future areas of growth. The formal evaluation is completed by the evaluator, signed by the employee and filed in the employee's personnel file. This policy supports, and does not preclude, the ongoing informal evaluation of the employee's skills, abilities and competence.

It is the responsibility of the superintendent to ensure employees are evaluated. New and probationary employees are evaluated at least twice each year.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding evaluation of such employees will be followed.

**Comprehensive Evaluation (Tier I and Tier II Probationary Career Teacher)**

**Summative Evaluation Form**

Teacher: \_\_\_\_\_ Folder #: \_\_\_\_\_  
 Evaluator: \_\_\_\_\_ Folder #: \_\_\_\_\_  
 School Name: \_\_\_\_\_  
 Grade Level: \_\_\_\_\_ Subjects: \_\_\_\_\_ Year: 1 2 3

**Directions:**

In the narrative under each standard, the evaluator should incorporate and address each criterion.

**1. DEMONSTRATES ABILITY TO ENHANCE ACADEMIC PERFORMANCE AND SUPPORT FOR AND IMPLEMENTATION OF THE SCHOOL DISTRICT'S STUDENT ACHIEVEMENT GOALS.**

The teacher:

- a. Provides evidence of student learning to students, families and staff.
- b. Implements strategies supporting student, building and district goals.
- c. Uses student performance data as a guide for decision making.
- d. Accepts and demonstrates responsibility for creating a classroom culture that supports learning of every student.
- e. Creates an environment of mutual respect, rapport and fairness.
- f. Participates in and contributes to a school culture that focuses on improved student learning.
- g. Communicates with students, families, colleagues, and communities effectively and accurately.

<b>Evidence to support attainment of or failure to meet standard:</b>	<b>Circle One:</b>  Meets Standards  Does Not Meet Standard

Additional documentation/artifacts applicable to this standard are attached as Appendix A-1.

**2. DEMONSTRATES COMPETENCE IN CONTENT KNOWLEDGE APPROPRIATE TO THE TEACHING POSITION.**

The teacher:

- a. Understands and uses key concepts, underlying themes, relationships, and different perspectives related to the content area.
- b. Uses knowledge of student development to make learning experiences in the content area meaningful and accessible for every student.
- c. Relates ideas and information within and across content areas.
- d. Understands and uses instructional strategies that are appropriate to the content area.

<b>Evidence to support attainment of or failure to meet standard:</b>	<b>Circle One:</b>  Meets Standards  Does Not Meet Standard

Additional documentation/artifacts applicable to this standard are attached as Appendix A-2.

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**DEMONSTRATES COMPETENCE IN PLANNING AND PREPARING FOR INSTRUCTION.**

The teacher:

- a. Uses student achievement data, local standards and the district curriculum in planning for instruction.
- b. Sets and communicates high expectations for social, behavioral, and academic success of all students.
- c. Uses student developmental needs, background, and interests in planning for instruction.
- d. Selects strategies to engage all students in learning.
- e. Uses available resources, including technologies, in the development and sequencing of instruction.

<b>Evidence to support attainment of or failure to meet standard:</b>	<b>Circle One:</b>  Meets Standards  Does Not Meet Standard

Additional documentation/artifacts applicable to this standard are attached as Appendix A-3.

**4. USES STRATEGIES TO DELIEVER INSTRUCTION THAT MEETS THE MULTIPLE LEARNING NEEDS OF STUDENTS.**

The teacher:

- a. Aligns classroom instruction with local standards and district curriculum.
- b. Uses research-based instructional strategies that address the full range of cognitive levels.
- c. Demonstrates flexibility and responsiveness in adjusting instruction to meet student needs.
- d. Engages students in varied experiences that meet diverse needs and promote social, emotional, and academic growth.
- e. Connects students’ prior knowledge, life experiences, and interests in the instructional process.
- f. Uses available resources, including technologies, in the delivery of instruction.

<b>Evidence to support attainment of or failure to meet standard:</b>	<b>Circle One:</b>  Meets Standards  Does Not Meet Standard

Additional documentation/artifacts applicable to this standard are attached as Appendix A-4.



**5. USES A VARIETY OF METHODS TO MONITOR STUDENT LEARNING.**

The teacher:

- a. Aligns classroom assessment with instruction.
- b. Communicates assessment criteria and standards to all students and parents.
- c. Understands and uses the results of multiple assessments to guide planning and instruction.
- d. Guides students in goal setting and assessing their own learning.
- e. Provides substantive, timely, and constructive feedback to students and parents.
- f. Works with other staff and building and district leadership in analysis of student progress.

<b>Evidence to support attainment of or failure to meet standard:</b>	<b>Circle One:</b>  Meets Standards  Does Not Meet Standard

Additional documentation/artifacts applicable to this standard are attached as Appendix A-5.

**6. DEMONSTRATES COMPETENCE IN CLASSROOM MANAGEMENT.**

The teacher:

- a. Creates a learning community that encourages positive social interaction, active engagement, and self-regulation for every student.
- b. Establishes, communicates, models and maintains standards of responsible student behavior.
- c. Develops and implements classroom procedures and routines and support high expectations for learning.
- d. Uses instructional time effectively to maximize student achievement.
- e. Creates a safe and purposeful learning environment.

<b>Evidence to support attainment of or failure to meet standard:</b>	<b>Circle One:</b>  Meets Standards  Does Not Meet Standard

Additional documentation/artifacts applicable to this standard are attached as Appendix A-6.

**7. ENGAGES IN PROFESSIONAL GROWTH.**

The teacher:

- a. Demonstrates habits and skills of continuous inquiry and learning.
- b. Works collaboratively to improve professional practice and student learning.
- c. Applies research, knowledge, and skills from professional development opportunities to improve practice.

<b>Evidence to support attainment of or failure to meet standard:</b>	<b>Circle One:</b>  Meets Standards  Does Not Meet Standard

Additional documentation/artifacts applicable to this standard are attached as Appendix A-7.

**8. FULFILLS PROFESSIONAL RESPONSIBILITIES ESTABLISHED BY THE SCHOOL DISTRICT.**

The teacher:

- a. Adheres to board policies, district procedures, and contractual obligations.
- b. Demonstrates professional and ethical conduct as defined by state law and individual district policy.
- c. Contributes to efforts to achieve district and building goals.
- d. Demonstrates an understanding of and respect for all learners and staff.
- e. Collaborates with students, families, colleagues, and communities to enhance student learning.

<b>Evidence to support attainment of or failure to meet standard:</b>	<b>Circle One:</b>  Meets Standards  Does Not Meet Standard

Additional documentation/artifacts applicable to this standard are attached as Appendix A-8.

**The teacher is the first year Beginning Teacher.**

**The teacher meets or exceeds all eight Iowa Teaching Standards and is recommended for a standard license.**

**The teacher fails to meet the Iowa Teaching Standards.**

**The teacher is being recommended for a third year before a license decision is made.\***

Evaluator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Evaluation Period: \_\_\_\_\_, 20 \_\_\_\_ to \_\_\_\_\_, 20 \_\_\_\_

Teacher's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*The district must contact the Board of Educational Examiners to extend the provisional license for a third year.

**PROBATIONARY STATUS:  
CLASSIFIED EMPLOYEE**

**Code No. 411.8**

The first year of a newly employed classified employee's contract is a probationary period. "Day" is defined as one work day regardless of full-time or part-time status of the employee. New employees, regardless of experience, are subject to this probationary period.

"New" employees includes individuals who are being hired for the first time by the school district and those who may have been employed by the school district in the past, but have not been employed by the board during the school year prior to the one for which contracts are being issued.

Only the board, in its discretion, may waive the probationary period.

**LICENSED EMPLOYEE**

**Code No. 405.9**

The first three years of a new licensed employee's contract is a probationary period unless the employee has already successfully completed the probationary period in an Iowa school district. New employees who have successfully completed a probationary period in a previous Iowa school district will serve a one year probationary period. For purposes of this policy, an employee will have met the requirements for successfully completing a probationary period in another Iowa school district if, at the teacher's most recent performance evaluation, the teacher received at least a satisfactory or better evaluation and the individual has not engaged in conduct which would disqualify the teacher for a continuing contract.

Only the board, in its discretion, may waive the probationary period. The board may extend the probationary period for one additional year with the consent of the licensed employee. The board will make the decision to extend or waive a licensed employee's probationary status based upon the superintendent's recommendation. During this probationary period the board may terminate the licensed employee's contract at year-end or discharge the employee in concert with corresponding board policies.

Licensed employees may also serve a probationary period based upon their performance. Such probationary period is determined on a case-by-case basis in light of the circumstances surrounding the employee's performance as documented in the employee's evaluations and personnel file.

**COMPENSATION**

The board will determine the compensation to be paid for the classified employees' positions, keeping in mind the education and experience of the classified employee, the educational philosophy of the school district, the financial condition of the school district and any other considerations as deemed relevant by the board.

It is the responsibility of the superintendent to make a recommendation to the board annually regarding the compensation of classified employees.

**LICENSED EMPLOYEE SALARY SCHEDULE**

**Code No. 406.1-3**

The board will establish salary schedules for licensed employees' positions keeping in mind the financial condition of the school district, the education and experience of the licensed employee, the educational philosophy of the school district, and other factors deemed relevant by the board.

It is the responsibility of the superintendent to make a recommendation to the board annually regarding the salary schedule. The salary schedule is subject to review and modification through the collective bargaining process.

The board will determine which licensed employees will advance on the salary schedule for the licensed employees' positions, keeping in mind the financial condition of the school district, the education and experience of the licensed employee, the educational philosophy of the school district, and other considerations as determined by the board.

Continued education on the part of licensed employees may entitle them to advancement on the salary schedule. Licensed employees who have completed additional hours will be considered for advancement on the salary schedule.

It is the responsibility of the superintendent to make a recommendation to the board for the advancement of licensed employees on the salary schedule.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding wages and salaries of such employees will be followed.

**CLASSIFIED EMPLOYEE WAGE & OVERTIME**

**Code No. 412.2**

Each non-exempt employee compensated on an hour-by-hour basis, whether full-or part-time, permanent or temporary, will be paid no less than the prevailing minimum wage. Whenever a non-exempt employee must work more than forty hours in a given work week, the employee is compensated at one and one-half times their regular hourly wage rate. This compensation is in the form of overtime pay or compensatory time. Overtime will not be permitted without prior authorization of the superintendent, principal or director.

Each non-exempt employee paid on an hour-by-hour basis must complete, sign, and turn in a daily time record showing the actual number of hours worked. Failure of the employee to maintain, or falsification of, a daily time record will be grounds for disciplinary action.

It is the responsibility of the board secretary to maintain wage records.

**RESIGNATION:**

**LICENSED EMPLOYEE**

**Code No. 407.1**

A licensed employee who wishes to resign must notify the superintendent in writing within the time period set by the board for return of the contract. This applies to regular contracts for the licensed employee's regular duties and for an extracurricular contract for extra duty. Resignations of this nature will be accepted by the board.

The board may require an individual who has resigned from an extracurricular contract to accept the resigned position for only the subsequent school year when the board has made a good faith effort to find a replacement and the licensed employee is continuing to be employed by the school district.

**CLASSIFIED EMPLOYEE**

**Code No. 413.1**

Classified employees who wish to resign during the school year will give the board notice of their intent to resign and final date of employment and cancel their contract 30 days prior to their last working day.

Notice of the intent to resign will be in writing to the superintendent.

**LICENSED EMPLOYEE CONTRACT RELEASE**

**Code No. 407.2**

Licensed employees who wish to be released from an executed contract must give at least twenty-one days notice to the superintendent. Licensed employees may be released at the discretion of the board. Only in unusual and extreme circumstances will the board release a licensed employee from a contract. The board will have sole discretion to determine what constitutes unusual and extreme circumstances. The Board will grant an unconditional release if received by June 1 of the preceding school year.

Release from a contract will be contingent upon finding a suitable replacement. Licensed employees requesting release from a contract after it has been signed and before it expires may be required to pay the board up to \$1500 for expenses incurred to locate and hire a suitable replacement. Upon written mutual agreement between the employee and the superintendent, the costs may be deducted from the employee's salary. Payment

of these costs is a condition for release from the contract at the discretion of the board. Failure of the licensed employee to pay these expenses may result in a cause of action being filed in small claims court.

The superintendent is authorized to file a complaint with the Board of Educational Examiners against a licensed employee who leaves without proper release from the board.

### **EMPLOYEE RETIREMENT**

Employees who will complete their current contract with the board may apply for retirement. No employee will be required to retire at a specific age.

Application for retirement will be considered made when the employee states in writing to the superintendent, no later than the date set by the board for the return of the employee's contract to the board, the intent of the employee to retire. The letter must state the employee's desire to retire and be witnessed by another party other than the principal or the superintendent. Applications made after the date set by the board for the return of the employee's contract to the board may be considered by the board if special circumstances exist. It is within the discretion of the board to determine whether special circumstances exist.

Board action to approve a employee's application for retirement is final and such action constitutes nonrenewal of the employee's contract for the next school year.

Employees who retire under this policy may qualify for retirement benefits through the Iowa Public Employees Retirement System.

Employees and their spouse and dependents are allowed to continue coverage in the school district's group health insurance program at their own expense by meeting the requirements of the insurer.

### **EMPLOYEE SUSPENSION**

Employees will perform their assigned job, respect and follow board policy and obey the law. The superintendent is authorized to suspend an employee pending board action on a discharge, for investigation of charges against the employee, and for disciplinary purposes. It is within the discretion of the superintendent to suspend a employee with or without pay. In the event of a suspension, appropriate due process will be followed.

### **REDUCTION IN FORCE**

#### **CLASSIFIED EMPLOYEE**

**Code No. 413.5**

It is the exclusive power of the board to determine when a reduction in classified employees is necessary. Employees who are terminated due to a reduction in force will be given thirty days notice. Due process will be followed for terminations due to a reduction in force.

It is the responsibility of the superintendent to make a recommendation for termination to the board. The superintendent will consider the relative qualifications, skills, ability and demonstrated performance through evaluation procedures in making the recommendations.

### **LICENSED EMPLOYEE**

**Code No. 407.5**

The board has the exclusive authority to determine the appropriate number of licensed employees. A reduction of licensed employees may occur as a result of, but not be limited to, changes in the education program, staff realignment, changes in the size or nature of the student population, financial situation considerations, and other reasons deemed relevant by the board.

The reduction in licensed employees will be done through normal attrition if possible. If normal attrition does not meet the necessary reduction in force required, the board may terminate licensed employees.

It is the responsibility of the superintendent to make a recommendation for termination to the board. Due process for terminations due to a reduction in force will be followed.

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The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding the reduction in force of such employees will be followed.

## **EMPLOYEE CONDUCT AND APPEARANCE**

**Code No. 404**

Employees are role models for the students who come in contact with them during and after school hours. The board recognizes the positive effect employees can have on students in this capacity. To this end, the board strongly suggests and encourages employees to dress themselves, groom themselves and conduct themselves in a manner appropriate to the educational environment.

Employees will conduct themselves in a professional manner. Employees will dress in attire appropriate for their position. Clothing should be neat, clean, and in good taste. Discretion and common sense call for an avoidance of extremes which would interfere with or have an effect on the educational process.

Licensed employees of the school district will follow the code of ethics for their profession as established by the Iowa Board of Educational Examiners.

## **CODE OF PROFESSIONAL CONDUCT & ETHICS**

**Code No. 404.R1**

### **CHAPTER 25**

#### **282—25.1(272) SCOPE OF STANDARDS.**

This code of professional conduct and ethics constitutes mandatory minimum standards of practice for all licensed practitioners as defined in *Iowa Code* chapter 272. The adherence to certain professional and ethical standards is essential to maintaining the integrity of the education profession.

#### **282—25.2(272) Definitions.**

Except where otherwise specifically defined by law:

“*Administrative and supervisory personnel*” means any licensed employee such as superintendent, associate superintendent, assistant superintendent, principal, associate principal, assistant principal, or other person who does not have as a primary duty the instruction of pupils in the schools.

“*Board*” means the Iowa board of educational examiners.

“*Discipline*” means the process of sanctioning a license, certificate or authorization issued by the board.

“*Ethics*” means a set of principles governing the conduct of all persons governed by these rules.

“*Fraud*” means knowingly providing false information or representations on an application for licensure or employment, or knowingly providing false information or representations made in connection with the discharge of duties.

“*License*” means any license, certificate, or authorization granted by the board.

“*Licensee*” means any person holding a license, certificate, or authorization granted by the board.

“*Practitioner*” means an administrator, teacher, or other school personnel, who provides educational assistance to students and who holds a license, certificate, or other authorization issued by the board.

“*Responsibility*” means a duty for which a person is accountable by virtue of licensure.

“*Right*” means a power, privilege, or immunity secured to a person by law.

“*Student*” means a person, regardless of age, enrolled in a prekindergarten through grade 12 school, who is receiving direct or indirect assistance from a person licensed by the board.

“*Teacher*” means any person engaged in the instructional program for prekindergarten through grade 12 children, including a person engaged in teaching, administration, and supervision, and who is required by law to be licensed for the position held.

#### **282—25.3(272) Standards of professional conduct and ethics.**

Licensees are required to abide by all federal, state, and local laws applicable to the fulfillment of professional obligations. Violation of federal, state, or local laws in the fulfillment of professional obligations constitutes unprofessional and unethical conduct which can result in disciplinary action by the board. In addition, it is hereby

deemed unprofessional and unethical for any licensee to violate any of the following standards of professional conduct and ethics:

**25.3(1) Standard I—conviction of crimes, sexual or other immoral conduct with or toward a student, and child and dependent adult abuse.** Violation of this standard includes:

- a. *Fraud.* Fraud in the procurement or renewal of a practitioner’s license.
- b. *Criminal convictions.* The commission of or conviction for a criminal offense as defined by Iowa law or the laws of any other state or of the United States, provided that the offense is relevant to or affects teaching or administrative performance.

(1) Disqualifying criminal convictions. The board shall deny an application for licensure and shall revoke a previously issued license if the applicant or licensee has, on or after July 1, 2002, been convicted of, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:

1. Any of the following forcible felonies included in *Iowa Code* § 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;
2. Any of the following criminal sexual offenses, as provided in *Iowa Code* Ch. 709, involving a child:
  - First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;
  - Lascivious acts with a child;
  - Detention in a brothel;
  - Assault with intent to commit sexual abuse;
  - Indecent contact with a child;
  - Sexual exploitation by a counselor;
  - Lascivious conduct with a minor; or
  - Sexual exploitation by a school employee;
3. Incest involving a child as prohibited by *Iowa Code* § 726.2;
4. Dissemination and exhibition of obscene material to minors as prohibited by *Iowa Code* § 728.2; or
5. Telephone dissemination of obscene material to minors as prohibited by *Iowa Code* § 728.15.

(2) Other criminal convictions and founded child abuse. In determining whether a person should be denied a license or whether a licensee should be disciplined based upon any other criminal conviction, including a conviction for an offense listed in 25.3(1)“b”(1) which occurred before July 1, 2002, or a founded report of abuse of a child, the board shall consider:

1. The nature and seriousness of the crime or founded abuse in relation to the position sought;
2. The time elapsed since the crime or founded abuse was committed;
3. The degree of rehabilitation which has taken place since the crime or founded abuse was committed;
4. The likelihood that the person will commit the same crime or abuse again;
5. The number of criminal convictions or founded abuses committed; and
6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.

c. *Sexual involvement or indecent contact with a student.* Sexual involvement includes, but is not limited to, the following acts, whether consensual or nonconsensual: fondling or touching the inner thigh, groin, buttocks, anus or breasts of a student; permitting or causing to fondle or touch the practitioner’s inner thigh, groin, buttocks, anus, or breasts; or the commission of any sex act as defined in *Iowa Code* § 702.17.

d. *Sexual exploitation of a minor.* The commission of or any conviction for an offense prohibited by *Iowa Code* § 728.12, *Iowa Code* Ch. 709 or 18 U.S.C. § 2252A(a)(5)(B).

e. *Student abuse.* Licensees shall maintain professional relationships with all students, both inside and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:

- (1) Committing any act of physical abuse of a student;
- (2) Committing any act of dependent adult abuse on a dependent adult student;
- (3) Committing or soliciting any sexual or otherwise indecent act with a student or any minor;
- (4) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;
- (5) Furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee; or
- (6) Failing to report any suspected act of child or dependent adult abuse as required by state law.

**25.3(2) Standard II—alcohol or drug abuse.** Violation of this standard includes:

- a. Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal or unauthorized drugs or abusing legal drugs.
- b. Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming alcohol.

**25.3(3) Standard III—misrepresentation, falsification of information.** Violation of this standard includes:

- a. Falsifying or deliberately misrepresenting or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure.
- b. Falsifying or deliberately misrepresenting or omitting material information regarding compliance reports submitted to federal, state, and other governmental agencies.
- c. Falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation.
- d. Falsifying any records or information submitted to the board in compliance with the license renewal requirements imposed under 282—Chapter 17.
- e. Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.

**25.3(4) Standard IV—misuse of public funds and property.** Violation of this standard includes:

- a. Failing to account properly for funds collected that were entrusted to the practitioner in an educational context.
- b. Converting public property or funds to the personal use of the practitioner.
- c. Submitting fraudulent requests for reimbursement of expenses or for pay.
- d. Combining public or school-related funds with personal funds.
- e. Failing to use time or funds granted for the purpose for which they were intended.

**25.3(5) Standard V—violations of contractual obligations.**

- a. Violation of this standard includes:
  - (1) Signing a written professional employment contract while under contract with another school, school district, or area education agency.
  - (2) Asking a practitioner to sign a written professional employment contract before the practitioner has been unconditionally released from a current contract. An administrator shall make a good faith effort to determine whether the practitioner has been released from the current contract.
  - (3) Abandoning a written professional employment contract without prior unconditional release by the employer.



- (4) As an employer, executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform.
- (5) As a practitioner, executing a written professional employment contract, which requires the performance of duties that the practitioner is not legally qualified to perform.
- b. In addressing complaints based upon contractual obligations, the board shall consider factors beyond the practitioner's control. For purposes of enforcement of this standard, a practitioner will not be found to have abandoned an existing contract if:
  - (1) The practitioner obtained a release from the employing board before discontinuing services under the contract; or
  - (2) The practitioner provided notice to the employing board no later than the latest of the following dates:
    - 1. The practitioner's last work day of the school year;
    - 2. The date set for return of the contract as specified in statute; or
    - 3. June 30.

**25.3(6) Standard VI—unethical practice toward other members of the profession, parents, students, and the community.** Violation of this standard includes:

- a. Denying the student, without just cause, access to varying points of view.
- b. Deliberately suppressing or distorting subject matter for which the educator bears responsibility.
- c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.
- d. Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement.
- e. Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, color, religion, age, sex, disability, marital status, national origin, or membership in a definable minority.
- f. Soliciting students or parents of students to purchase equipment, supplies, or services from the practitioner for the practitioner's personal advantage.
- g. Accepting gifts from vendors or potential vendors where there may be the appearance of or an actual conflict of interest.
- h. Intentionally disclosing confidential information including, but not limited to, unauthorized sharing of information concerning student academic or disciplinary records, health and medical information, assessment or testing results, or family income. Licensees shall comply with state and federal laws and local school board policies relating to the confidentiality of student records, unless disclosure is required or permitted by law.
- i. Refusing to participate in a professional inquiry when requested by the board.
- j. Aiding, assisting, or abetting an unlicensed person in the completion of acts for which licensure is required.
- k. Failing to self-report to the board within 60 days any founded child abuse report, or any conviction for a criminal offense listed in 25.3(1)“b”(1) which requires revocation of the practitioner's license.
- l. Delegating tasks to unqualified personnel.
- m. Failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations.
- n. Allowing another person to use one's practitioner license for any purpose.
- o. Performing services beyond the authorized scope of practice for which the individual is licensed or prepared.

**25.3(7) Standard VII—compliance with state law governing student loan obligations and child support obligations.** Violation of this standard includes:

- a. Failing to comply with 282—Chapter 9 concerning repayment of student loans.
- b. Failing to comply with 282—Chapter 10 concerning child support obligations.

**25.3(8) Standard VIII—*incompetence*.** Violation of this standard includes, but is not limited to:

- a. Willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational practice in the state of Iowa.
- b. Willfully or repeatedly failing to practice with reasonable skill and safety.

These rules are intended to implement *Iowa Code* § 272.2(1)“a.”

**LEAVES - VACATION - HOLIDAYS - PERSONAL LEAVE**

The board will determine the amount of vacation, holidays, and personal leave that will be allowed on an annual basis for employees.

Classified employees with 12-month contracts who have worked one year, unless the classified employee's contract indicates otherwise, will receive 10 days of vacation each year. Classified employees with 12-month contracts who have worked 8 continuous years will receive 15 days of vacation each year. Classified employees with 12-month contracts who have worked 15 or more continuous years will receive 20 days of vacation each year. Classified employees who leave prior to the end of their contract will receive their pro rata share of vacation for the year.

The vacation may be taken during the school year when the vacation will not disrupt the school district operations. The employee must submit a vacation request to the superintendent, who shall be responsible for determining whether the request will disrupt the school district operation.

Full-time regular classified employees will be allowed a maximum of 2 day of personal leave to accomplish personal business that cannot be conducted outside the workday. The employee must, whenever possible, submit a personal leave request, stating the reason for the leave, 3 days prior to the leave day. This leave may be denied if it falls on the day before or the day after a holiday or vacation, it falls on a special day when services would be necessary, it would cause undue interruption to the education program or to a program demanding the employee's services to the department, or other reasons deemed relevant by the superintendent. It shall be within the discretion of the superintendent to grant personal leave.

Classified employees who work twelve months a year will be allowed ten paid holidays. The ten holidays shall be New Year's Eve, New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day, Thanksgiving Friday, Christmas Eve, Christmas Day and Good Friday.

Classified employees will be paid only for the hours they would have been scheduled for the day. Vacation may be accrued from year to year, but no employee may carry over more than 50% of one year's vacation.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding the vacations, holidays and personal leave of such employees will be followed.

**PERSONAL ILLNESS LEAVE**

Employees are granted ten days of sick leave in their first year of employment. Each year thereafter, one additional day of sick leave will be granted to the employees up to a maximum of fifteen days. "Day" is defined as one work day regardless of full-time or part-time status of the employee. A new employee will report for work at least one full work day prior to receiving sick leave benefits. A returning employee will be granted the appropriate number of days at the beginning of each fiscal year. Sick leave may be accumulated up to a maximum of 115 days for classified employees.

Evidence may be required regarding the mental or physical health of the employee including, but not limited to, confirmation of the following: the employee's illness, the need for the illness leave, the employee's ability to return to work, and the employee's capability to perform the duties of the employee's position. It is within the discretion of the board and the superintendent to determine the type and amount of evidence necessary. When an illness leave will be greater than three consecutive days, the employee will comply with board policy regarding family and medical leave.

If an employee is eligible to receive workers' compensation benefits, the employee will contact the board secretary to implement these benefits.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding the vacations, holidays and personal leave of such employees will be followed.

**EMPLOYEE FAMILY AND MEDICAL LEAVE**

Unpaid family and medical leave will be granted up to 12 weeks per year to assist employees in balancing family and work life. For purposes of this policy, year is defined September 1 – August 31st. Requests for family and medical leave will be made to the superintendent.

Employees may be allowed to substitute paid leave for unpaid family and medical leave by meeting the requirements set out in the family and medical leave administrative rules. Employees eligible for family and medical leave must comply with the family and medical leave administrative rules prior to starting family and medical leave. It is the responsibility of the superintendent to develop administrative rules to implement this policy.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding family and medical leave of such employees will be followed.

**EMPLOYEE UNPAID LEAVE**

Unpaid leave may be used to excuse an involuntary absence not provided for in this or other leave policies of the board. Unpaid leave for employees must be authorized by the superintendent.

The superintendent will have complete discretion to grant or deny the requested unpaid leave. In making this determination, the superintendent will consider the effect of the employee's absence on the education program and school district operations, length of service, previous record of absence, the financial condition of the school district, the reason for the requested absence and other factors the superintendent believes are relevant to making this determination.

If unpaid leave is granted, the duration of the leave period will be coordinated with the scheduling of the education program whenever possible to minimize the disruption of the education program and school district operations.

Whenever possible, licensed employees will make a written request for unpaid leave 3 days prior to the beginning date of the requested leave. Whenever possible, classified employees will make a written request for unpaid leave ten days prior to the beginning date of the requested leave. If the leave is granted, the deductions in salary are made unless they are waived specifically by the superintendent.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding the unpaid leave of such employees will be followed.

**EMPLOYEE BEREAVEMENT LEAVE**

In the event of a death of a member of a classified employee's immediate family, bereavement leave may be granted. Bereavement leave granted may be for a maximum of 5 days, with "day" being defined as one work day regardless of full-time or part-time status of the employee, per occurrence, for the death of a member of the immediate family. The immediate family includes child, spouse, parent,

A maximum of 2 day of bereavement leave per year will be granted for the death of a any employee’s and employee’s spouse’s daughter-in-law, son-in-law, brother, sister, brother-in-law, sister-in-law, grandparent or grand children

A maximum of 1 day of bereavement leave will be granted for the death of a close friend or other relative not listed above.

It shall be within the discretion of the superintendent to determine the number of bereavement leave days to be granted.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding the bereavement leave of such employees is followed.

**EMPLOYEE POLITICAL LEAVE**

The board will provide a leave of absence to employees to run for elective public office. The superintendent will grant a employee a leave of absence to campaign as a candidate for an elective public office as unpaid leave.

The employee will be entitled to one period of leave to run for the elective public office, and the leave may commence any time within thirty days of a contested primary, special, or general election and continue until the day following the election.

The request for leave must be in writing to the superintendent at least thirty days prior to the starting date of the requested leave.

**EMPLOYEE JURY DUTY LEAVE**

The board will allow employees to be excused for jury duty unless extraordinary circumstances exist. The superintendent has the discretion to determine when extraordinary circumstances exist.

Employees who are called for jury service will notify the direct supervisor within twenty-four hours after notice of call to jury duty and suitable proof of jury service pay must be presented to the school district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Employees will receive their regular salary. Any payment for jury duty is turned over to the school district.

**EMPLOYEE MILITARY SERVICE LEAVE**

The board recognizes employees may be called to participate in the armed forces, including the national guard. If a employee is called to serve in the armed forces, the employee will have a leave of absence for military service until the military service is completed.

The leave is without loss of status or efficiency rating, and without loss of pay during the first thirty calendar days of the leave.

## **EMPLOYEE PROFESSIONAL DEVELOPMENT**

The board encourages employees to attend and participate in professional development activities to maintain, develop, and extend their skills. The board will maintain and support an in-service program for employees.

Professional purposes leave may be granted to classified employees for the purpose of attending meetings and conferences directly related to their assignments. Application for the leave must be presented to the superintendent at least 3 days prior to the meeting or conference.

It is within the discretion of the superintendent to grant professional purposes leave. The leave may be denied on the day before or after a vacation or holiday, on special days when services are needed, when it would cause undue interruption of the education program and school district operations, or for other reasons deemed relevant by the superintendent.

Requests for attendance or participation in a development program, other than those development programs sponsored by the school district, are made to the superintendent. Approval of the superintendent must be obtained prior to attendance by an employee in a professional development program when the attendance would result in the licensed employee being excused from their duties or when the school district pays the expenses for the program.

The superintendent will have sole discretion to allow or disallow employees to attend or participate in the requested event. When making this determination, the superintendent will consider the value of the program for the employee and the school district, the effect of the employee's absence on the education program and school district operations and the school district's financial situation as well as other factors deemed relevant in the judgment of the superintendent.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding professional development of such employees will be followed.

## **DRUG & ALCOHOL TESTING PROGRAM NOTICE      Code No. 403.6**

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE HEREBY NOTIFIED they are subject to the school district's drug and alcohol testing program for pre-employment drug testing and in addition are subject to random, reasonable suspicion and post-accident drug and alcohol testing as outlined in the Drug and Alcohol Testing Program policy, its supporting documents and the law.

Employees who operate school vehicles classified as "commercial motor vehicles" by the U.S. Department of Transportation are subject to drug and alcohol testing. A "commercial motor vehicle" is a vehicle that transports sixteen or more persons including the driver or has a gross vehicle weight rating (GVWR) of 26,001 pounds or more. For purposes of the drug and alcohol testing program, "employees" also includes applicants who have been offered a position to operate a commercial motor vehicle owned by the school. Employees that will operate a school-owned commercial motor vehicle are subject to the drug and alcohol testing program regulations beginning the first day they are offered a position to operate a school vehicle and continue to be subject to the drug and alcohol testing program until such time employment is terminated or the employee will no longer operate, at any time, a commercial motor vehicle for the school.

It is the responsibility of the superintendent to inform employees of the drug and alcohol testing program requirements. Employees with questions regarding the drug and alcohol testing requirements will contact the school district's contact person.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents or regulations will be subject to discipline up to and including termination.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED it is a condition of their continued employment to comply with the Drug and Alcohol Testing Program policy, its supporting documents, regulations and the law. It is a condition of continued employment for employees operating a school vehicle to notify their supervisor of any prescription medication they are using.

Approved 4/13/2011

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Drug and alcohol testing records about a driver are confidential and are released in accordance with this policy, its supporting documents, regulations or the law.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE HEREBY NOTIFIED they are subject to the school district's drug and alcohol testing program for pre-employment drug testing and in addition are subject to random, reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing as outlined in the Drug and Alcohol Testing Program policy, its supporting documents, regulations and the law.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents, regulations or the law will be subject to discipline up to and including termination at the discretion of the school district. As a condition of continued employment, employees violating this policy, its supporting documents, regulations or the law will be required to successfully participate in a substance abuse evaluation and a substance abuse treatment program recommended by a substance abuse professional. Employees are required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program will be subject to discipline up to and including termination.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents, regulations or the law will be subject to discipline up to and including termination. As a condition of continued employment, employees violating this policy, its supporting documents, regulations or the law bear the personal and financial responsibility, as a condition of continued employment, to successfully participate in a substance abuse evaluation and, a substance abuse treatment program recommended by the substance abuse professional. Employees are required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program will be subject to discipline up to and including termination

#### **SUBSTANCE-FREE WORKPLACE**

**Code No. 403.5**

The board expects the school district and its employees to remain substance free. No employee will unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbituate, marijuana or any other controlled substance or alcoholic beverage as defined by federal or state law. "Workplace" includes school district facilities, school district premises or school district vehicles. "Workplace" also includes nonschool property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

If an employee is convicted of a violation of any criminal drug offense committed in the workplace, the employee will notify the employee's supervisor of the conviction within five days of the conviction.

The superintendent will make the determination whether to require the employee to undergo substance abuse treatment or to discipline the employee. An employee who violates the terms of this policy may be subject to discipline up to and including termination. An employee who violates this policy may be required to successfully participate in a substance abuse treatment program approved by the board. If the employee fails to successfully participate in a program, the employee may be subject to discipline up to and including termination.

Approved 4/13/2011

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

**EQUAL EMPLOYMENT OPPORTUNITIES/AFFIRMATIVE ACTION/HARASSMENT PROHIBITED**

**Purpose.** The District is committed to promoting positive intercultural, intergroup relationships. The District, therefore, prohibits acts of discrimination, intolerance or harassment toward others on factors that are not rationally related to the individual's employment. Such acts may be treated as just cause for purposes of discipline, including discharge.

**Selection for Employment and Assignments.** The Westwood Community School District will select for employment qualified applicants for each position without regard to race, color, creed, sex, religion, marital status, national origin, age, sexual orientation, or gender identity. Persons with disabilities will not be disqualified if they can perform the essential functions of the position with or without reasonable accommodations. The District shall take affirmative action, consistent with its adopted affirmative action plan, in the recruitment, appointment, assignment, and advancement of personnel to accomplish the goal of equal employment opportunity. In keeping with the law, the District shall consider the veteran status of applicants.

**Employment Conditions.** The Westwood Community School District will not discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, creed, sex, religion, marital status, national origin, age, sexual orientation, gender identity, or disability.

**Sexual Harassment.**

*General.* It is the policy of the Westwood Community School District to maintain a working environment that is free from sexual harassment. Because of the District's strong disapproval of offensive or inappropriate sexual behavior at work, all employees, vendors and visitors must avoid any action or conduct which could be perceived as sexual harassment. It shall be a violation of this policy for any employee, vendor or visitor of the Westwood Community School District to sexually harass others in the District.

*Definition.* Sexual harassment shall consist of unwelcome sexual advances, requests for sexual acts or favors, and other verbal or physical conduct of a harassing nature where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's employment or creates an intimidating, hostile, or offensive employment environment.

The following are examples of behaviors which may constitute sexual harassment; the list is illustrative only: propositions for sexual favors, verbal abuse of a sexual nature done to annoy members of a particular sex, display of sexually graphic pictures or objects, inappropriate patting, pinching and hugging, repeated brushings against an employee's body, the telling or showing of offensive jokes and stories, and other actions which tend to alarm, annoy or demean individuals because of their sex.

**Complaints of Discrimination.** Any applicant or employee alleging discrimination or harassment on the basis of race, color, creed, sex, religion, marital status, national origin, age, sexual orientation, gender identity, or disability may follow the complaint procedures set forth in Code 428. The complainant may bypass any step of the complaint procedure where the person to whom the complaint is to be lodged is the alleged perpetrator. The complainant may file the initial complaint with the compliance officer, whose decision may be appealed to the Board of Directors.

The complainant may be required to complete a complaint form and to turn over copies of evidence of discrimination including, but not limited to, tapes, memoranda, letters and pictures. The investigator shall

promptly commence an investigation and proceed to completion. Both the complainant and the alleged perpetrator will be given an opportunity to give a statement. A written investigation report shall be completed, and a summary of the report, including a finding that the complaint was founded, unfounded, or inconclusive will be forwarded to the complainant and to the alleged perpetrator.

These procedures do not, in any way, deny the right of the complainant to file formal complaints or charges under the legal procedures provided by federal or state law. Inquiries or complaints may also be directed to federal and state agencies, including the Iowa Civil Rights Commission, the Equal Employment Opportunity Commission, and the Office of Civil Rights of the United States Department of Education.

**Compliance Officer.** The superintendent and principals shall be designated as the District's compliance officer to insure that applicants and employees are treated in accordance with this policy. For claims of discrimination or harassment involving disability, the 504/ADA Coordinator shall serve as compliance officer. In the event the superintendent or principal is the alleged perpetrator, the 504/ADA Equity Coordinator, Connie Smits (428-3200), shall be the alternate compliance officer. The superintendent shall also be responsible for coordinating the preparation, implementation, evaluation, and updating of written equal employment opportunity and affirmative action plans, with systematic input from diverse racial/ethnic groups, women, men and persons with disabilities.

**Confidentiality.** Any matters involving complaints of discrimination or harassment shall remain confidential to the extent reasonably possible. Confidential documentation of allegations or investigations will not be filed in the complainant's personnel file.

**No Retaliation.** No person shall retaliate against an employee because the employee has filed a discrimination or harassment complaint, assisted or participated in an investigation, or has opposed language or conduct that violates this policy, as long as the participation or action was done in good faith.

**Corrective Action.** The District will take action to halt any improper discrimination or harassment and will take other appropriate corrective actions, including disciplinary measures which may include discharge of a perpetrator, to remedy all violations of this policy.

**Notification.** Notice of this policy will be circulated to all school buildings of the Westwood Community Schools on an annual basis and incorporated into staff handbooks. In addition, in order to effectively communicate and interpret the District's policies to all levels of the administration and to all other employees, applicants, educational agencies and to the public, a statement of the District's policy shall be disseminated to employees, students, parents and recruitment sources.

**Staff Development.** Periodic training shall be provided all staff who hire or supervise personnel on the principles of equal employment opportunity and the implementation of the District's affirmative action plan.

## **UNIVERSAL PRECAUTIONS REGULATION**

**Code No. 403.3R1**

Universal precautions (UP) are intended to prevent transmission of infection, as well as decrease the risk of exposure for employees and students. It is not currently possible to identify all infected individuals, thus precautions must be used with every individual. UP pertain to blood and other potentially infectious materials (OPIM) containing blood. These precautions do not apply to other body fluids and wastes (OBFW) such as saliva, sputum, feces, tears, nasal secretions, vomitus and urine unless blood is visible in the material. However, these OBFW can be sources of other infections and should be handled as if they are infectious. The single most important step in preventing exposure to and transmission of any infection is anticipating potential contact with infectious materials in routine as well as emergency situations. Based on the type of possible contact, employees and students should be prepared to use the appropriate precautions prior to the contact. Diligent and proper hand washing, the use of barriers, appropriate disposal of waste products and needles, and proper decontamination of spills are essential techniques of infection control. All individuals should respond to

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situations practicing UP followed by the activation of the school response team plan. Using common sense in the application of these measures will enhance protection of employees and students.

### **Hand Washing**

Proper hand washing is crucial to preventing the spread of infection. Textured jewelry on the hands or wrists should be removed prior to washing and kept off until completion of the procedure and the hands are rewashed. Use of running water, lathering with soap and using friction to clean all hand surfaces is key. Rinse well with running water and dry hands with paper towels.

- Hands should be washed before physical contact with individuals and after contact is completed.
- Hands should be washed after contact with any used equipment.
- If hands (or other skin) come into contact with blood or body fluids, hands should be washed immediately before touching anything else.
- Hands should be washed whether gloves are worn or not and, if gloves are worn, after the gloves are removed.

### **Barriers**

Barriers anticipated to be used at school include disposable gloves, absorbent materials and resuscitation devices. Their use is intended to reduce the risk of contact with blood and body fluids as well as to control the spread of infectious agents from individual to individual. Gloves should be worn when in contact with blood, OPIM or OBFW. Gloves should be removed without touching the outside and disposed of after each use.

### **Disposal of Waste**

Blood, OPIM, OBFW, used gloves, barriers and absorbent materials should be placed in a plastic bag and disposed of in the usual procedure. When the blood or OPIM is liquid, semi-liquid or caked with dried blood, it is not absorbed in materials, and is capable of releasing the substance if compressed, special disposal as regulated waste is required. A band-aid, towel, sanitary napkin or other absorbed waste that does not have the potential of releasing the waste if compressed would not be considered regulated waste. It is anticipated schools would only have regulated waste in the case of a severe incident. Needles, syringes and other sharp disposable objects should be placed in special puncture-proof containers and disposed of as regulated waste. Bodily wastes such as urine, vomitus or feces should be disposed of in the sanitary sewer system.

### **Clean up**

Spills of blood and OPIM should be cleaned up immediately. The employee should:

- Wear gloves.
- Clean up the spill with paper towels or other absorbent material.
- Use a solution of one part household bleach to one hundred parts of water (1:100) or other EPA-approved disinfectant and use it to wash the area well.
- Dispose of gloves, soiled towels and other waste in a plastic bag.
- Clean and disinfect reusable supplies and equipment.

### **Laundry**

Laundry with blood or OPIM should be handled as little as possible with a minimum of agitation. It should be bagged at the location. If it has the potential of releasing the substance when compacted, regulated waste guidelines should be followed. Employees who have contact with this laundry should wear protective barriers.

**Exposure**

An exposure to blood or OPIM through contact with broken skin, mucous membrane or by needle or sharp stick requires immediate washing, reporting and follow-up.

- Always wash the exposed area immediately with soap and water.
- If a mucous membrane splash (eye or mouth) or exposure of broken skin occurs, irrigate or wash the area thoroughly.
- If a cut or needle stick injury occurs, wash the area thoroughly with soap and water.

The exposure should be reported immediately, the parent or guardian is notified, and the person exposed contacts a physician for further health care.

**HAZARDOUS CHEMICAL DISCLOSURE**

**Code No. 403.4**

The board authorizes the development of a comprehensive hazardous chemical communication program for the school district to disseminate information about hazardous chemicals in the workplace.

Each employee will annually review information about hazardous substances in the workplace. When a new employee is hired or transferred to a new position or work site, the information and training, if necessary, is included in the employee's orientation. When an additional hazardous substance enters the workplace, information about it is distributed to all employees, and training is conducted for the appropriate employees. The superintendent will maintain a file indicating which hazardous substances are present in the workplace and when training and information sessions take place.

Employees who will be instructing or otherwise working with students will disseminate information about the hazardous chemicals with which they will be working as part of the instructional program.

It is the responsibility of the superintendent to develop administrative regulations regarding this program.

**EMPLOYEE CONFLICT OF INTEREST**

**Code No. 401.2**

Employees' use of their position with the school district for financial gain is considered a conflict of interest with their position as employees and may subject employees to disciplinary action.

Employees have access to information and a captive audience that could award the employee personal or financial gain. No employee may solicit other employees or students for personal or financial gain to the employee without the approval of the superintendent. If the approval of the superintendent is given, the employee must conduct the solicitations within the conditions set by the superintendent. Further, the superintendent may, upon five days notice, require the employee to cease such solicitations as a condition of continued employment.

Employees will not act as an agent or dealer for the sale of textbooks or other school supplies. Employees will not participate for personal financial remuneration in outside activities wherein their position on the staff is used to sell goods or services to students or to parents. Employees will not engage in outside work or activities where the source of information concerning the customer, client or employer originates from information obtained because of the employee's position in the school district.

It will also be a conflict of interest for an employee to engage in any outside employment or activity which is in conflict with the employee's official duties and responsibilities. In determining whether outside employment or activity of an employee creates a conflict of interest, situations in which an unacceptable conflict of interest is deemed to exist will include, but not be limited to, any of the following:

- (1) The outside employment or activity involves the use of the school district's time, facilities, equipment and supplies or the use of the school district's badge, uniform, business card or other evidences of office to give the employee or the employee's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. For purposes of this section, a person is not "similarly situated" merely by being related to an employee who

is employed by the school district.

(2) The outside employment or activity involves the receipt of, promise of, or acceptance of more or other consideration by the employee or a member of the employee's immediate family from anyone other than the school district for the performance of any act that the employee would be required or expected to perform as part of the employee's regular duties or during the hours during which the employee performs service or work for the school district.

(3) The outside employment or activity is subject to the official control, inspection, review, audit or enforcement authority of the employee during the performance of the employee's duties.

If the outside employment or activity is employment or activity in (1) or (2) above, the employee must cease the employment or activity. If the activity or employment falls under (3), then the employee must:

Cease the outside employment or activity; or

Publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity.

Official action or official duty includes, but is not limited to, participating in any vote, taking affirmative action to influence any vote, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.

It is the responsibility of each employee to be aware of and take the necessary action to eliminate a potential conflict of interest should it arise.

#### **EMPLOYEE COMPLAINTS**

**Code No. 401.4**

Complaints of employees against fellow employees should be discussed directly between employees. If necessary, complaints will be brought directly to the immediate supervisor, principal or superintendent and will be made in a constructive and professional manner. Complaints will never be made in the presence of other employees, students or outside persons.

A formal grievance procedure is contained in the master contract between the employee's licensed bargaining unit and the board. This policy will not apply to a complaint that has been or could be filed at the employee's discretion under that formal grievance procedure.

#### **PUBLIC COMPLAINTS ABOUT EMPLOYEES**

**Code No. 402.5**

The board recognizes situations may arise in the operation of the school district which are of concern to parents and other members of the school district community. While constructive criticism is welcomed, the board desires to support its employees and their actions to free them from unnecessary, spiteful, or negative criticism and complaints that do not offer advice for improvement or change.

The board firmly believes concerns should be resolved at the lowest organizational level by those individuals closest to the concern. Whenever a complaint or concern is brought to the attention of the board it will be referred to the administration to be resolved. Prior to board action however, the following should be completed:

- (a) Matters concerning an individual student, teacher, or other employee should first be addressed to the teacher or employee.
- (b) Unsettled matters from (a) above or problems and questions about individual attendance centers should be addressed to the employee's building principal for licensed employees and the superintendent for classified employees.
- (c) Unsettled matters regarding licensed employees from (b) above or problems and questions concerning the school district should be directed to the superintendent.

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- (d) If a matter cannot be settled satisfactorily by the superintendent, it may then be brought to the board. To bring a concern regarding an employee, the individual may notify the board president in writing, who may bring it to the attention of the entire board, or the item may be placed on the board agenda of a regularly scheduled board meeting in accordance with board policy 213.

It is within the discretion of the board to address complaints from the members of the school district community, and the board will only do so if they are in writing, signed, and the complainant has complied with this policy.

#### **TRANSPORTING OF STUDENTS BY EMPLOYEES      Code No. 401.6**

Generally, transportation of students is in a motor vehicle owned by the school district and driven by an employee. In some cases, it may be more economical or efficient for the school district to allow an employee of the school district to transport the students in the employee's motor vehicle.

Employees who transport students for school purposes must have the permission of the superintendent.

This policy statement applies to transportation of students for school purposes in addition to the regular bus route transporting students to and from their designated attendance center.

#### **ADMINISTRATIVE DIRECTIVE ON SEAT BELT**

It is the policy of the Westwood School that all students and staff use seat belts at all times in school vehicles other than school buses.

Staff is directed to report any problems with the safety equipment immediately to the transportation director or an administrator.

Staff members that fail to follow this policy may be subject to discipline up to and including termination.

Students that fail to follow this policy may be subject to discipline up to and including the loss of their ability to be transported in school vehicles.

#### **CREDIT CARDS & PURCHASE CARDS**

Employees may use school district credit cards for the actual and necessary expenses incurred in the performance of work-related duties. Actual and necessary expenses incurred in the performance of work-related duties include, but are not limited to, fuel for school district transportation vehicles used for transporting students to and from school and for school-sponsored events, payment of claims related to professional development of the board and employees, and other expenses required by employees and the board in the performance of their duties.

Employees and officers using a school district credit card must submit a detailed receipt in addition to a credit card receipt indicating the date, purpose and nature of the expense for each claim item. Failure to provide a proper receipt will make the employee responsible for expenses incurred. Those expenses are reimbursed to the school district no later than ten working days following use of the school district's credit card. In exceptional circumstances, the superintendent or board may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances is maintained as part of the school district's record of the claim.

The school district may maintain a school district credit card for actual and necessary expenses incurred by employees and officers in the performance of their duties. The superintendent may maintain a school district credit card for actual and necessary expenses incurred in the performance of the superintendent's duties. The transportation director may maintain a school district credit card for fueling school district transportation vehicles in accordance with board policy.

It is the responsibility of the superintendent to determine whether the school district credit card use is for appropriate school business. It is the responsibility of the board to determine through the audit and approval

process of the board whether the school district credit card use by the superintendent and the board is for appropriate school business.

**PURCHASE ORDERS**

Staff members are required to complete and submit a requisition form to their principal or supervisor for approval BEFORE a purchase order will be written. Failure to use a purchase order for purchases could result in the employee being responsible for payment of the items purchased. Payment for unauthorized purchases must be submitted within 10 days of the purchase. All invoices must be submitted immediately to the business office for payment.

**REIMBURSEMENTS**

Expenses that need to be reimbursed are turned in on the reimbursement/expense form with the receipts attached. If the receipt is for meals, it must be a detailed receipt of what was ordered. Sales Tax is not reimbursed. A principal or supervisor must approve the reimbursement form. Reimbursement requests must be submitted by the 1<sup>st</sup> Tuesday of the month and will be taken to the regular board meeting for approval.

**CHECK REQUESTS**

Staff members are required to complete and submit a requisition form to their principal or supervisor for approval. Check requests are only to be used for purchases at businesses that will not accept a school purchase order. Check requests must be submitted by the 1<sup>st</sup> Tuesday of the month and will be taken to the regular board meeting for approval.

**CASH MANAGEMENT**

Teachers and other school employees frequently collect money for various reasons from students and parents. To ensure the money is managed appropriately, specific cash management procedures have been established. The cash management procedures are applicable to all cash and checks received for all operations of the school district.

Pre-numbered receipts need to be completed for all money collected by the school district. All money collected must be turned into the office at the end of each day. The money turned into the office should include an activity receipt form that explains the reason the money was collected, the account is should be credited to, and how much was collected. The secretary will verify the amount turned in. The secretary will make up the deposit and forward to the business office.

Money that is collected at events for admissions and concessions must be counted, a deposit slip completed, and the reconciliation form in the cash box must be completed & signed by the person(s) handling the cash. At the end of the event, the cash box and deposit will be turned into the administrator on duty to be locked up in the vault unless other arrangements have been made with the central office.

**EMPLOYEE POLITICAL ACTIVITY**

**Code No. 401.9**

Employees will not engage in political activity upon property under the jurisdiction of the board. Activities including, but not limited to, posting of political circulars or petitions, the distribution of political circulars or petitions, the collection of or solicitation for campaign funds, solicitation for campaign workers, and the use of students for writing or addressing political materials, or the distribution of such materials to or by students are specifically prohibited. Violation of this policy may be grounds for disciplinary action.

**EMPLOYEE OUTSIDE EMPLOYMENT**

**Code No. 402.6**

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Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

The board believes the primary responsibility of employees is to the duties of their position within the school district as outlined in their job description. The board considers an employee's duties as part of a regular, full-time position as full-time employment. The board expects such employees to give the responsibilities of their positions in the school district precedence over any other employment.

It is the responsibility of the superintendent to counsel employees, whether full-time or part-time, if, in the judgment of the superintendent and the employee's immediate supervisor, the employee's outside employment interferes with the performance of the employee's duties required in the employee's position within the school district.

The board may request the employee to cease the outside employment as a condition of continued employment with the school district.

#### **EMPLOYEE PHYSICAL EXAMINATIONS**

**Code No. 403.1**

Good health is important to job performance. Employees will present evidence of good health, in the form of a physical examination report, prior to their employment with the school district.

School bus drivers will present evidence of good health every other year in the form of a physical examination report unless otherwise required by law or medical opinion. Employees whose physical or mental health, in the judgment of the administration, may be in doubt will submit to additional examinations, when requested to do so, at the expense of the school district.

The cost of the initial examination will be paid by the school district. The form indicating the employee is able to perform the duties for which the employee was hired must be returned prior to payment of salary. The cost of physicals will be paid by the school district up to a maximum of \$75.00. The school district will provide the standard examination form to be completed by the personal physician of the employee. Employees identified as having reasonably anticipated contact with blood or infectious materials will receive the Hepatitis B vaccine or sign a written waiver stating that they will not take the vaccine.

It is the responsibility of the superintendent to write an exposure control plan to eliminate or minimize district occupational exposure to blood borne pathogens. The plan for designated employees will include, but not be limited to, scope and application, definitions, exposure control, methods of compliance, Hepatitis B vaccination and post-exposure evaluation and follow-up, communication of hazards to employees, and record keeping.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding physical examinations of such employees are followed.

#### **EMPLOYEE INJURY ON THE JOB**

**Code No. 403.2**

When an employee becomes seriously injured on the job, the employee's supervisor will attempt to notify a member of the family, or an individual of close relationship, as soon as the employee's supervisor becomes aware of the injury.

If possible, an employee may administer emergency or minor first aid. An injured employee will be turned over to the care of the employee's family or qualified medical employees as quickly as possible. The school district is not responsible for medical treatment of an injured employee.

It is the responsibility of the employee injured on the job to inform the superintendent within twenty-four hours of the occurrence. It is the responsibility of the employee's immediate supervisor to file an accident report within twenty-four hours after the employee reported the injury.

It is the responsibility of the employee to file claims, such as workers' compensation, through the board secretary.

#### **CHILD ABUSE REPORTING**

**Code No. 402.2**

Approved 4/13/2011

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

In compliance with state law and to provide protection to victims of child abuse, the board believes incidents of alleged child abuse should be reported to the proper authorities. Employees are encouraged, and licensed employees are required as mandatory reporters, to report alleged incidents of child abuse they become aware of within the scope of their professional duties. The definition of child abuse is in the accompanying regulation.

When a mandatory reporter suspects a student is the victim of child abuse, the mandatory reporter will orally or in writing notify the Iowa Department of Human Services. If the mandatory reporter believes the child is in immediate danger, the local law enforcement agency will also be notified. Within forty-eight hours of the oral report, the mandatory reporter will file a written report with the Iowa Department of Human Services.

Within six months of their initial employment, mandatory reporters will take a two-hour training course involving the identification and reporting of child abuse. The course will re-taken at least every five years.

### **ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES**

**Code No. 402.3**

Physical or sexual abuse of students, including inappropriate and intentional sexual behavior, by employees will not be tolerated. The definition of employees for the purpose of this policy includes not only those who work for pay but also those who are volunteers of the school district under the direction and control of the school district. Employees found in violation of this policy will be subject to disciplinary action up to and including discharge.

The school district will respond promptly to allegations of abuse of students by school district employees by investigating or arranging for the investigation of an allegation. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible. Employees are required to assist in the investigation when requested to provide information and to maintain the confidentiality of the reporting and investigation process.

The school district has appointed a Level I investigator and alternate Level I investigator. The school district has also arranged for a trained, experienced professional to serve as the Level II investigator. The Level I investigator and alternate will be provided training in the conducting of an investigation at the expense of the school district. The names of the investigators are listed in the student handbook, published annually in the local newspaper and posted in all school facilities.

The superintendent is responsible for drafting administrative regulations to implement this policy.

### **SCHOOL CALENDAR**

**Code No. 601.1**

The school calendar will accommodate the education program of the school district. The school calendar is for a minimum of two-hundred days and include, but not be limited to, the days for student instruction, staff development, in-service days and teacher conferences.

The academic school year for students is for a minimum of one-hundred and eighty days in the school calendar. The academic school year for students may not begin prior to September but may begin in the week in which September 1 falls unless a waiver is obtained from the Iowa Department of Education. Should September 1 fall on a Sunday, school may begin any day during the calendar week which immediately precedes September 1. Employees may be required to report to work at the school district prior to this date.

Special education students may attend school on a school calendar different from that of the regular education program consistent with their Individualized Education Program.

The board, in its discretion, may excuse graduating seniors from up to five days of instruction after the school district requirements for graduation have been met. The board may also excuse graduating seniors from making up days missed due to inclement weather if the student has met the school district's graduation requirements.

It is the responsibility of the superintendent to develop the school calendar for recommendation, approval, and adoption by the board annually.

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The board may amend the official school calendar when the board considers the change to be in the best interests of the school district's education program.

**EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Westwood Community School District acknowledges that personal problems, such as alcoholism, drug abuse, marital problems, emotional problems, etc., can have an effect on an individual's work performance and personal life. The Westwood Community School District further believes that these problems are treatable, and accordingly, have established an EAP to help employees find appropriate professional care. The EAP will help promote a healthy work force and the retention of valued employees.

The Westwood Community School District will not compromise the need for confidentiality with employees who utilize the EAP program, and participation in this program shall neither appear in the employee's personnel records, nor be released to anyone except the board in closed session without the written approval of the employee.

The Westwood Community School District encourages its employees who are experiencing personal problems to contact the EAP on a self-referral basis or to contact a peer support volunteer for additional help and identification of resources which may best address your needs. The program will initiate no contact with management concerning individuals who refer themselves consistent with confidentiality regulations.

The EAP does not in any way alter the Westwood Community School District policies and disciplinary procedures. Participation in the EAP will not affect future employment or career advancement, nor will participation protect the employee from disciplinary action.

Contact information: Mercy EAP, 712 274 4300 or 800 369 8800

**SMOKE-FREE ENVIRONMENT**

**Code No. 905.2**

School district facilities and grounds, including school vehicles, are off limits for smoking. This requirement extends to employees and visitors. This policy applies at all times, including school-sponsored and nonschool-sponsored events. Persons failing to abide by this request are required to extinguish their smoking material or leave the school district premises immediately.

**EMPLOYEE USE OF CELL PHONES**

**Code No. 401.12**

The use of cell phones and other communication devices may be appropriate to provide for the effective and efficient operation of the School district and to help ensure safety and security of people and property while on School district property or engaged in school-sponsored activities.

The Board authorizes the purchase and employee use of cell phones as deemed appropriate by the superintendent. School district-owned cell phones shall be used for authorized school district business purposes, consistent with the school district's mission and goals. In addition to your use of the school cell phone for school business, it is understood that calls not associated with work may be necessary. However, should any non-school related cell phone use generate an additional cost for the district, the employee incurring those charges is expected to reimburse the district for such costs.

Use of cell phones in violation of board policies, administrative regulations, and/or state/federal laws will result in discipline, up to and including dismissal, and referral to law enforcement officials, as appropriate.

The superintendent is directed to develop administrative regulations for the implementation of this policy. Provisions may also be included for staff use of privately owned cell phone for authorized school district business.

Employees may possess and use cell phones during the school day as outlined in this policy. Employees should not use cell phones for personal business while on-duty, including staff development times, parent-teacher conferences, while driving, etc., except in the case of an emergency.



## **GIFTS TO EMPLOYEES**

**Code No. 402.4**

Employees may receive a gift on behalf of the school district. Employees will not, either directly or indirectly, solicit, accept or receive any gift, series of gifts or an honorarium unless the donor does not meet the definition of "restricted donor" stated below or the gift or honorarium does not meet the definition of gift or honorarium stated below.

A "restricted donor" is defined as a person or other entity which:

- Is seeking to be, or is a party to, any one or any combination of sales, purchases, leases or contracts to, from or with the school district;
- Will be directly and substantially affected financially by the performance or nonperformance of the employee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry or region; or
- Is a lobbyist or a client of a lobbyist with respect to matters within the school district's jurisdiction.

A "gift" is the giving of anything of value in return for which something of equal or greater value is not given or received. However, "gift" does not include any of the following:

- Contributions to a candidate or a candidate's committee;
- Information material relevant to an employee's official function, such as books, pamphlets, reports, documents, periodicals or other information that is recorded in a written, audio or visual format;
- Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;
- An inheritance;
- Anything available or distributed to the general public free of charge without regard to the official status of the employee;
- Items received from a charitable, professional, educational or business organization to which the employee belongs as a dues paying member if the items are given to all members of the organization without regard to an individual member's status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received;
- Actual expenses of an employee for food, beverages, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- Plaques or items of negligible resale value given as recognition for public service;
- Items or services received by members or representatives of members as part of a regularly scheduled event that is part of a business or educational conference, seminar or other meeting that is sponsored and directed by any state, national or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa is a member or received at such an event by members or representatives of members of state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees;
- Funeral flowers or memorials to a church or nonprofit organization;
- Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary;
- Payment of salary or expenses by the school district for the cost of attending a meeting of a subunit of an agency when the employee whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the employee is not entitled to receive compensation or reimbursement of expenses from the school district for attending the meeting; or

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- Gifts other than food, beverages, travel and lodging received by an employee which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the employee.
- Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

An "honorarium" is anything of value that is accepted by, or on behalf of, an employee as consideration for an appearance, speech or article. An honorarium does not include any of the following:

- Actual expenses of an employee for registration, food, beverages, travel or lodging for a meeting, which is given in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- A nonmonetary gift or series of nonmonetary gifts donated within thirty days to a public body, an educational or charitable organization or the Iowa department of general services; or,
- A payment made to an employee for services rendered as part of a private business, trade or profession in which the employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as an employee of the district, but, rather, because of some special expertise or other qualification.

## **EMPLOYEE PROFESSIONAL DEVELOPMENT**

The board encourages employees to attend and participate in professional development activities to maintain, develop, and extend their skills. The board will maintain and support an in-service program for licensed employees.

Requests for attendance or participation in a development program, other than those development programs sponsored by the school district, is made to the superintendent. Approval of the superintendent must be obtained prior to attendance by a licensed employee in a professional development program, when the attendance would result in the employee being excused from their duties or when the school district pays the expenses for the program.

The superintendent will have sole discretion to allow or disallow licensed employees to attend or participate in the requested event. When making this determination, the superintendent will consider the value of the program for the licensed employee and the school district, the effect of the licensed employee's absence on the education program and school district operations and the school district's financial situation as well as other factors deemed relevant in the judgment of the superintendent. Requests that involve unusual expenses or overnight travel must also be approved by the board.

The requirements stated in the Master Contract between employees in the certified collective bargaining unit and the board regarding professional development of such employees will be followed.

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## **YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### **MILITARY FAMILY LEAVE ENTITLEMENTS**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### **BENEFITS AND PROTECTION**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **JOB ELIGIBILITY REQUIREMENTS**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

### **DEFINITION OF SERIOUS HEALTH CONDITION**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **USE OF LEAVE**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule

when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken.

#### **SUBSTITUTION OF PAID LEAVE FOR UNPAID LEAVE**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

#### **EMPLOYEE RESPONSIBILITIES**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

#### **EMPLOYER RESPONSIBILITIES**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

#### **UNLAWFUL ACTS BY EMPLOYERS**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

#### **ENFORCEMENT**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**NOTE: FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.**

If you have access to the Internet visit FLMA's website: <http://www.dol.gov/esa/whd/fmla>.

To locate your nearest Wage-Hour Office, phone our toll-free information at 1-866-487-9243 or to the Web site at: <http://www.wagehour.dol.gov>.

For a listing of records that must be kept by employers to comply with FMLA visit the U.S. Dept. of Labor's website: [http://www.dol.gov/dol/allcfr/ESA/Title\\_29/Part\\_825/29CFR825.500.htm](http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_825/29CFR825.500.htm)

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