

# CLASSIFIED PERSONNEL POLICY HANDBOOK

## DEFINITION OF PERSONNEL

Classified personnel of Garnett Unified School District No. 365 (hereafter U.S.D. 365) shall include all personnel working without benefit of contract. Generally, classified employees work in the areas of food service, maintenance/custodial, office management/clerical, paraeducator (i.e. aide) including special education, and transportation. Classified personnel may be paid either an hourly wage or salary depending upon the requirements of the *Fair Labor Standards Act*.

## DEFINITIONS

**Contracted position:** A contracted employee is one who has been issued a written contract for term of employment, whether it is for full-time or part-time.

**Duty hours, days and year:** Each classified employee earning an hourly wage shall work a specified number of hours per day, a specified number of hours per week, and a specified number of days per year. Duty hours and days are determined by the employee's supervisor or building principal and approved by the superintendent. The employee's supervisor or building principal may designate a flexible work schedule as needed.

**Employee-at-will:** Any employee not required to be certificated or working without a contract is an employee-at-will. An employee-at-will may be terminated by the Board of Education at any time, with or without cause, provided that the termination is not for a reason, which infringes upon a constitutional right nor is considered discriminatory. The Board of Education is not required to provide reasons for the termination of an employee-at-will.

**Full time position:** Classified employees working thirty (30) or more hours per week are full-time. A 12-month full-time classified employee works eight (8) hours per day, forty (40) hours per week, or two-thousand eighty (2,080) hours per year. In U.S.D. 365, a full-time classified employee may work thirty (30) or more hours per week but less than two-thousand eighty (2,080) hours per year due to the length of the school year.

**Overtime:** Overtime hours are those hours worked in excess of forty (40) hours per week.

**Part time:** Classified employees working less than thirty (30) hours per week are part-time. Part-time classified employees may not be eligible for all district benefits.

**Pro rata:** A classified employee working less than full-time may have salary, benefits, vacation, sick leave, etc. allotted as a percentage or decimal equivalent of full-time.

**Seasonal position:** A seasonal position is a position of less than six (6) months' continuous duration, which may recur on a regular cycle.

**Temporary position:** A temporary position may be full-time or part-time and is a non-recurring position of not more than ninety (90) days' duration. This position is a substitute or temporary replacement position for another employee or is created for a specific task and terminates upon task completion.

## COMPENSATION

U.S.D. 365 maintains the following beginning wage scales for classified personnel:

### Office Staff Wage Scale

Starting Hourly Wage	\$10.00 per hour for employees who perform general clerical duties or general support for office managers.
	\$10.50 per hour for employees who perform general office management duties.
Education	Add \$0.25 per hour for 60+ semester hours of college credit.
Experience	Add \$0.10 for each year of experience in general office work (maximum of 5 years).

### Custodian & Maintenance Wage Scale

Starting Hourly Wage	\$10.00 per hour
	\$10.50 per hour for employees who supervise three or more maintenance/custodial employees.
Experience	Add \$0.10 for each year of experience in institutional maintenance and cleaning (maximum of 5 years).

### Paraeducator Wage Scale

Starting Hourly Wage	\$10.00 per hour for all categories of paraeducator (e.g. at-risk, library, lunchroom, playground, Title I, general teacher aide, health, computer lab, etc.)
Education	Add \$0.25 per hour for 60+ semester hours of college credit.
teaching certificate.	Add \$0.75 per hour for a current valid Kansas teaching certificate.
Experience	Add \$0.10 per hour for each year of full time service as a paraeducator or certified teacher (maximum of 5 years)

### **Food Service Wage Scale**

Starting Hourly Wage	\$10.00 per hour for employees who perform general food preparation or meal service duties. \$10.50 per hour for employees who perform kitchen manager duties and supervise other food service personnel.
Education	Add \$0.25 per hour for 60+ semester hours of college work in food science or equivalent training.
Experience	Add \$0.10 for each year of experience in institutional food service (maximum of 5 years)

### **Student Employment Wage Scale**

Starting Hourly Wage	Minimum wage (currently \$5.15) for high school students.  \$10.00 per hour for college students.
Experience	10¢ for each year of satisfactory employment of at least eight continuous weeks with USD 365 (maximum of 5 years)

### **Substitute, Temporary or Seasonal Workers**

Hourly Wage	\$10.00 per hour for each employment category.
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### **Coach/Sponsor Wage Scale (For Coaches/sponsors Not Specified in the Negotiated Agreement)**

Hourly Wage	\$10.00 per hour
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A one-time longevity bonus of 25¢ per hour will be added to each employee's hourly wage beginning on July 1 following their tenth (10th) full year of employment in USD 365.

Salary increases, when granted, will begin on July 1 of each year or the first duty day following July 1. Salary increases will be based upon a favorable evaluation, the employee's overall performance and improvement in job skills. Salary increases shall not be granted solely on the basis of longevity.

Classified employees are paid on or before the 15th day of each month.

## **DUTY HOURS AND RECORD KEEPING**

### **Time Cards**

Each employee shall maintain a time card, which provides a record of the employee's duty hours. The time card shall accurately reflect the actual hours worked as well as all compensated hours for holidays, vacations, leaves and compensatory time. Such time shall be recorded in a manner as prescribed by the superintendent. Each employee shall maintain his/her own time card only. All time cards shall be approved by the employee's immediate supervisor and/or building principal prior to submitting the time card for payment. Falsifying information on any time card may result in termination for the employee(s) involved.

### **Overtime and Compensatory Time**

No employee shall be authorized to work in excess of 40 hours per week or in excess of the employee's normal work hours without prior approval from the superintendent or his designee. Normal work hours are those hours an employee is expected to work each day, week or year. Employees may be requested or required to work in excess of 40 hours per week. Overtime may be compensated in one of two ways: (1) payment at 1.5 times the employee's normal hourly rate for each hour or partial hour (1/4-hour increments) worked in excess of 40 hours per week, or (2) provision of compensatory time ("comp time") at the rate of 1.5 hours for each hour worked in excess of 40 hours per week with such compensatory time off prearranged in cooperation with the building administrator or department director and subject to all requirements of the *Fair Labor Standards Act*. The provision of compensatory time in lieu of payment for overtime worked shall be at the sole discretion of the district. (*Compensatory time shall be used and not accumulate beyond the school year it was received.*)

### **Holiday Overtime**

Each employee required to work on holidays specified in this handbook due to emergency situations shall be compensated at a rate 2.0 times the employee's normal hourly rate with such overtime pre-approved by the superintendent or his designee.

## **PAYROLL DEDUCTIONS**

The board of education will provide that, whenever duly authorized by any non-certified employee on appropriate forms, the Central Office shall make the necessary deductions over a twelve (12) month period for the following purposes:

- A. Retirement\*
- B. Withholding Taxes - Federal and State
- C. Social Security
- D. Tax-sheltered annuities
- E. Authorized employee deductions
- F. Approved Plan 125 deductions

\*In order to qualify for participation in the Kansas Public Employees' Retirement System (KPERs), the employee must work at least six hundred thirty (630) hours annually and must have a permanent, rather than temporary, job.

## **EMPLOYEE BENEFITS**

### **1. Plan 125, An Employee Salary Reduction Plan**

USD 365 has approved participation by employees in Plan 125, a salary reduction plan.

Optional benefits are:

Medical Insurance

Dental Insurance

Vision Insurance

Cancer Insurance

Day Care Reimbursement

Medical Reimbursement

The open enrollment date in USD 365 in this plan year is from August 1, 2011 to September 1, 2011.

### **2. Medical and Hospitalization Insurance**

A non-certified employee is eligible for employee benefits if employed to work 20 hours or more per week.

All employees desiring to participate in employee benefits or payroll deductions must notify the Central Office on or before September 1 on forms provided by the Central Office. After such date, no further participation will be accepted until the following school year unless a qualifying event occurs.

A non-certified employee working 30 hours or more per week is eligible for the board paid fringe to be used for medical insurance only. For employees choosing the Health Savings Account Option, if the cost of the premium is less than the board paid fringe, the difference will be paid into the health savings account but may not be taken in cash.

### **3. Insurance coverage for Retirees**

USD 365 Garnett allows retirees and their spouses to continue participation in the group health insurance plan. Retirees desiring to remain in the plan must notify the Board of Education Clerk in writing of their intent before August 1 of each year. Retirees remaining in the group are responsible for their premium payment, which must be made by the 15th day of each month. Under state law a retirant remains eligible for coverage:

- (1) until the retirant reaches age 65;
- (2) until the retirant fails to make required premium payments on a timely basis; or
- (3) until the retirant becomes eligible for coverage under the plan of another employer.

The spouse of the retiree may continue to participate in the group health insurance plan until such time as he/she reaches age 65.

## **WORKMEN'S COMPENSATION**

All school employees shall be under the workmen's compensation program governed by regulations of the State of Kansas.

All injuries must be reported within 10 days to the immediate supervisor or the building principal, who is responsible for notifying the Central Office, or the claim is barred. If the employee can show just cause, the reporting period can be extended to 75 days. Determination by the business office of the proper insurance coverage is essential before medical attention is administered by a physician, other than emergency care. The board shall have the right to choose a designated health care provider to provide medical assistance to any employee who suffers an injury while performing their job.

For any day that a non-certified employee received compensation for disability under the workmen's compensation law for compensable illness or accident arising out of or in the course of his/her employment, the employee's salary shall be reduced by 100 percent of the amount of the workmen's compensation disability payment received.

## **DISTRICT ACTIVITY PASSES**

District activity passes (non-transferable) will be issued to regular district employees (and spouse) annually.

## PAID HOLIDAYS

1. Board of Education approved holidays (hereafter, approved holidays) will be observed by USD 365 employees unless the nature of their work requires their regular attendance or unless an emergency situation requires their attendance.

2. When an approved holiday falls on a Saturday, the preceding Friday shall be the observed holiday. When an approved holiday falls on a Sunday, the following Monday shall be the observed holiday. The preceding Friday or following Monday shall be the observed holiday only if school is not in session on that day.

3. Employees are eligible for holiday pay if they are in pay status\* the day before and the day following paid holidays. Employees absent the day before or the day following holidays must have an approved request for absence in order to receive holiday pay.

4. Employees working less than 12 months shall receive pay for holidays only if the holidays fall within the beginning and ending dates of their duty year and if they meet the criteria as set forth in Paragraph 3 of this policy.

\*Pay status is defined as physically on the job or on "paid leave" or on "paid vacation".

### PAID HOLIDAYS FOR NON-CERTIFIED EMPLOYEES 2011-2012

#### School Secretaries

September 5, 2011	Labor Day
November 24, 2011	Thanksgiving Day
November 25, 2011	Thanksgiving Friday
December 25, 2011	Christmas
January 1, 2012	New Years
April 6, 2012	Good Friday
May 28, 2012	Memorial Day

#### Full Time Custodial Maintenance

September 5, 2011	Labor Day
November 24, 2011	Thanksgiving Day
November 25, 2011	Thanksgiving Friday
December 24, 2011	Christmas Eve
December 25, 2011	Christmas
December 31, 2011	New Years Eve
January 1, 2012	New Years
April 6, 2012	Good Friday
May 28, 2012	Memorial Day
July 4, 2012	Independence Day

#### Food Service personnel

(Applies only if work day is for four (4) hours or more)

September 5, 2011	Labor Day
November 24, 2011	Thanksgiving Day
November 25, 2011	Thanksgiving Friday
December 25, 2011	Christmas
January 1, 2012	New Years
April 6, 2012	Good Friday

## **Teacher Aides, Part Time Secretaries, Part Time Custodial**

(Applies only if work day is for four (4) hours or more)

September 5, 2011	Labor Day
November 24, 2011	Thanksgiving Day
November 25, 2011	Thanksgiving Friday
December 25, 2011	Christmas
January 1, 2012	New Years
April 6, 2012	Good Friday

## **BREAKS**

Classified employees working more than three (3) hours in any half-day period are entitled to breaks. Such breaks shall be scheduled and approved by the employee's immediate supervisor and/or the building principal. The time of such breaks may change daily at the supervisor's/principal's discretion depending upon the work load. Breaks should be scheduled generally in the mid-morning and mid-afternoon so that no employee would work three (3) or more continuous hours without a break.

## **LEAVES**

### **Vacation**

All 12-month classified employees are entitled to ten (10) days of paid vacation after one year of continuous employment. All 12-month employees with five (5) or more years of experience in USD 365 will receive one (1) additional day per year of employment up to a maximum of fifteen (15) days of paid vacation. Vacation days will be pro-rated for personnel employed less than one year. The immediate supervisor and/or building principal shall coordinate all vacations. Classified employees shall notify their immediate supervisor and/or building principal one (1) month prior to commencing their vacation.

Earned vacation days shall not be accumulated from year to year. Employees may take no more than ten (10) days of vacation consecutively. Vacation days will be received on July 1 each year. Whenever employment with USD 365 is terminated, classified employees shall be compensated for unused vacation.

### **Sick Leave**

Beginning July 1 or the employee's first duty day of each year, 12 month classified employees will receive twelve (12) days of sick leave. Employees working fewer than 12 months per year will receive ten (10) days of sick leave per year. Unused leave may accumulate to one hundred twenty (120) days. Accumulated leave days may be used for the following reasons:

1. Classified employees may use all or any portion of his/her accumulated leave to recover from personal illness or injury, or to attend to the illness or injury of a spouse or child(ren).

A licensed medical doctor shall certify that the employee is able to perform his/her duties prior to the employee returning to work after an extended illness of more than ten (10) days.

Disability caused by pregnancy shall be covered by this leave provision.

2. Classified employees may use the following amount of his/her accumulated leave in the event of the illness, injury, or death of a member of his/her or his/her spouse's immediate family. Immediate family shall include the employee's spouse, in-laws, children, parents, step-parents, brothers, sisters, grandparents, grandchildren, stepchildren and foster children:

a. For such death occurring - five (5) days per such death.

b. For such illness or injury, the classified employee shall annually be entitled to use seven (7) days plus one (1) day for each whole multiple of ten (10) days of accumulated leave.

3. Funeral Leave: An employee may use up to one (1) day of leave per occurrence for attendance at funerals for persons other than members of the employee's immediate family.

4. Each employee shall be granted up to two (2) days of personal leave per school year, accumulative to three (3) days.

Personal leave shall be requested at least three (3) working days prior to use. The principal may request sufficient reason for the request prior to approval.

Personal leave is subject to availability of suitable substitute workers and may be revoked on short notice when a suitable substitute worker is not available.

5. Emergency Leave: One (1) day of leave may be granted for a classified employee to address a personal emergency which was not foreseen and which requires immediate action on the part of the employee. A written justification for the reason(s) for the leave may be required by the superintendent prior to the leave being charged as emergency leave.

### **Leave Without Pay**

Leave without pay may be granted by the superintendent.

### **Misuse of Leave**

Misuse of leave day(s) by an employee shall result in the forfeiture of ten (10) days per occurrence of temporary chargeable leave held, whether accrued or to be earned, by an employee. Subsequent misuse may result in additional penalties up to and including termination. Misuse shall be interpreted as use of leave for reasons other than requested.

### **Civic Duty Leave**

An employee may be released from duty by the superintendent to perform civic activities such as jury duty, witnessing in court, giving depositions, and military service. No charge to accumulated leave will be made for such duties. An employee shall not be paid while receiving compensation for military duty. A classified employee will be granted temporary leave upon being ordered to report for a draft physical.

### **Maternity Leave**

Employees shall notify the Board of Education, in writing, to request a maternity leave. Disability caused by pregnancy shall be covered under the Sick Leave provisions.

### **Unused Leave Days**

A classified employee shall be compensated annually on the June pay date at the rate of ten dollars (\$10.00) per day for accumulated leave in excess of one-hundred ten (110) days. Upon retirement under the Kansas Public Employees Retirement System, a classified employee shall be compensated on the June pay date following retirement at the rate of twenty dollars (\$20.00) per day for each day of accumulated leave to a maximum of one-hundred twenty (120) days. Except for retirement and compensation for days in excess of one-hundred ten (110), classified employees shall not be entitled to compensation for accumulated leave.

## **PROFESSIONAL DEVELOPMENT**

Professional development activities are activities in which employees are given the opportunity to acquire new knowledge and skills, which improve the employee's job performance. Professional development activities are not activities, which are included in an employee's job description or the normal routine of carrying out one's duties.

Each classified employee in USD 365 will be required to satisfactorily participate in professional development activities. Such activities will be determined by the Board of Education, the administration or the employee's immediate supervisor and approved by the superintendent. Employees may also self-select professional development activities, which must be approved by the superintendent.

Each classified employee is required to satisfactorily participate in a minimum of twenty (20) clock hours of professional development each year (July 1 through July 30) to qualify for an increase in their salary or hourly wage.

Hourly wage employees will be paid according to district policy for all hours spent in professional development.

Professional development for each classified employee will be recorded on a transcript maintained at the district office. The transcript will list: (1) employee's name, (2) date(s) of each activity, (3) clock hours (to nearest 1/4 hour increment) spent in each activity, (4) title or general content of activity, (5) location of the activity, (6) the employee's numeric (0-5 scale) evaluation of the activity, and (7) the employee's supervisor's initials to indicate that the activity was satisfactorily completed.

### **STAFF TRAVEL**

Attendance by staff at out-of-district meetings and conferences shall be approved in advance by the superintendent. Expenses reimbursed for attendance at approved professional meetings will be for registration and incidental fees, travel, lodging, and for meals consumed when overnight travel is required or when the meal is included in the registration fee.

### **TRAVEL ALLOWANCE**

District owned transportation is to be used for authorized travel. If an employee uses a privately owned vehicle when not authorized to do so, reimbursement for such travel will be denied. If an employee is authorized to use a privately owned vehicle, the employee will be reimbursed for actual miles traveled at a rate established by the Board of Education. All travel must receive prior approval from the immediate supervisor or building principal.

### **PERSONNEL DECISIONS**

Recommendations for hiring classified personnel shall be made by the superintendent. Final decisions concerning hiring will be made by the Board of Education.

The salaries for classified personnel shall be established by the Board of Education upon recommendation by the superintendent.

Work schedules and overtime shall be established and approved by the immediate supervisor and/or building principal. Each classified employee shall be evaluated by the immediate supervisor or building principal before March 1 of each year.

Duty assignments for classified employees shall be made by the immediate supervisor and/or building principal and approved by the administration.

The Board of Education reserves the right to transfer any classified employee to another building or job assignment.

### **FOOD SERVICE PERSONNEL**

Non-certified employees working with the school lunch program must meet health requirements established by the State of Kansas.

### **UNIFORMS**

The Board of Education may require employees to wear approved uniforms. When required, the cost of uniforms will be paid by the board. If required to wear a uniform, the employee is expected to maintain the uniform in a clean and attractive manner.

### **SMOKING**

Smoking and/or use of tobacco products are prohibited in district buildings and vehicles. Employees shall dispose of smoking debris in an appropriate manner. Smoking areas are designated by each building principal.

## **SUBSTANCE ABUSE**

As a condition of continued employment in the district, all employees shall abide by the terms of this policy.

Employees shall not unlawfully manufacture, distribute, dispense, possess or use illegal drugs, controlled substances, or alcoholic beverages in school buildings, on school grounds, at any school activity, on school buses or in school vehicles. Compliance with the terms of this policy is mandatory. Employees who are found violating the terms of this policy will be reported to the appropriate law enforcement officers. In addition, any employee who violates the terms of this policy shall be subject to termination or dismissal from employment.

Prior to applying sanctions under this policy, employees will be afforded all due process rights to which they are entitled under the applicable provisions of Kansas law. Nothing in this policy is intended to diminish the right of the district to take any other disciplinary action, which is provided for, in district policies or, in the case of certified personnel, the negotiated agreement.

Depending upon the nature and severity of the offense involved, if an employee is found to have violated the terms of this policy, that employee may be offered the right to enter into a drug and alcohol education, treatment, counseling, or rehabilitation program in lieu of termination or dismissal from employment. If it is agreed that an employee should enter into and complete a drug and alcohol education or rehabilitation program, the cost of such program will be the responsibility of the employee. The drug and alcohol education and rehabilitation programs offered by the local mental health center are deemed to be acceptable programs. If an employee should desire to participate in a program other than this, the employee must provide sufficient information to district officials to enable them to determine whether or not such program is acceptable and appropriate under the circumstances. The employee is responsible for contacting the directors of the program to determine the cost and length of the program and for enrolling in the program.

## **PATRONS GRIEVANCE**

Patron complaints concerning any district personnel should be resolved in the following manner. The patron should be directed to resolve the matter with the affected employee. If the complaint remains unresolved, the patron should contact the immediate supervisor or building principal of the affected employee. If the complaint is not resolved at the building or departmental level, the complaint may be heard by the Superintendent. If the complaint is not resolved by the Superintendent, the complaint may be heard by the Board of Education, with the decision of the Board final.

## **OCR NON-DISCRIMINATION STATEMENT**

USD 365, Garnett, Kansas, does not discriminate on the basis of race, color, national origin, sex, age or handicap in admission or access to, or treatment or employment in its programs and activities. If you have questions regarding the above, please contact: Don Blome, 1404 S. Main Garnett, Kansas.

## **SEXUAL HARASSMENT**

No district employee shall be sexually harassed by an employee or non-employee or permit sexual harassment of an employee or a student by an employee or non-employee. Violation of this policy shall result in disciplinary action, including termination, against any employee. Violation of this policy also includes any supervisor's failure to follow the policy or to investigate complaints.

If an employee's immediate supervisor is the object of a harassment complaint, the employee may bypass the supervisor and report directly to the Superintendent. Complaints against the Superintendent shall be heard by the Board.

Definition - It shall be a violation of district policy to harass another employee sexually, or to permit the sexual harassment of an employee by an employee or non-employee. Sexual harassment may include, but not be limited to:

Sexually oriented communication, including sexually oriented verbal "kidding" or

harassment or abuse;  
Subtle pressure or requests for sexual activity;  
Persistent unwelcome attempts to change a professional relationship into a personal, social-sexual relationship;  
Creating a hostile work environment, including the use of innuendoes or overt or implied threats;  
Unnecessary touching of an individual, e.g., patting, pinching, hugging, repeated brushing against another person's body;  
Requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment;  
Requesting or demanding sexual favors accompanied by an implied or overt promise or preferential treatment with regard to an individual's employment; or  
Sexual assault or battery as defined by current law.

Any person who believes he or she has been subjected to sexual harassment should discuss the problem with his/her immediate supervisor. Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not cause any reflection on the complainant nor will it affect his or her employment, compensation or work assignment. The initiation of a complaint shall not adversely affect the job security or status of an employee. If a finding of fact determines that the employee acted improperly, appropriate action shall be taken. Strict confidentiality shall be maintained throughout the complaint procedure.

## **FAMILY AND MEDICAL LEAVE**

District employees shall be provided family and medical leave as provided by a plan approved by the Board and required by current federal law and regulation. The plan for providing leave under this policy shall be filed with the clerk of the Board and made available to all staff at the beginning of each school year.

### **FAMILY AND MEDICAL LEAVE PLAN**

Family and medical leave as required by federal law shall be granted for a period of not more than 12 weeks during a 12-month period. For purposes of this policy, a 12-month period shall be defined as a fiscal year beginning on July 1 and ending the following June 30. Spouses employed by the district may only take an aggregate of 12 weeks of leave for a birth or adoption of a child or to care for a child with a serious health condition.

Leave is available because of (1) the birth of a son or daughter of the employee and to care for the son or daughter; (2) the placement of a son or daughter with the employee for adoption or foster care; (3) the cause of a serious health condition; (4) a serious health condition of the employee that prevents the employee from performing the job functions; or (5) any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to achieve active duty) in support of a contingency operation; and (6) the need to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member. Eligible employees are, for reason (5) only, entitled to a combined total of 26 work weeks of leave during the 12-month period. (Leave for reason 1 or 2 must be taken within 12 months of birth or placement.

The leave shall normally be unpaid leave. However, if the employee has any paid vacation, personal, sick or disability leave that is available for use because of the reason for the leave, the paid leave shall be used first and counted toward the annual family and medical leave. The Superintendent will notify the employee prior to or during the leave period that the leave has been designated as paid family and medical leave.

The employee is eligible for family and medical leave upon completion of 12 months of service in the district and employment by the district at least 1250 hours during the preceding fiscal year.

During the period of any unpaid family and medical leave the Board shall continue to pay the employer's share of the cost of group health benefits in the same manner as paid immediately prior to the leave. Any employee portion of the cost shall be paid by the employee to the Clerk of the board on the payroll date or other time as the employee and Superintendent may agree. The board may terminate group health coverage if the employee payment is not received within 30 days of the due date.

When leave is foreseeable, the employee shall give written notice 30 days in advance. If leave is not foreseeable, notice will be given as soon as practicable.

Upon the employee providing notice of need for leave, the employer will notify the employee of:

- a. the reasons that leave will count as family and medical leave,
- b. any requirements for medical certification,
- c. employer requirements of substituting paid leave,
- d. requirements for premium payments for health benefits and employee responsibility for repayment if employer pays employee share,
- e. right to be restored to same or equivalent job,
- f. any employer required fitness-for-duty certifications.

Family leave (reasons 1 or 2) may not be used intermittently or on a part-time basis without the prior approval of the Superintendent.

The Superintendent may require an instructional employee to continue leave until the end of a semester if the leave begins more than five (5) weeks before the end of a semester, lasts more than three (3) weeks and the return would occur during the last three (3) weeks of the semester.

If the leave is for a reason other than the employee's serious health condition or for a qualifying exigency as described in section (5) above, the Superintendent may require an instructional employee to continue leave until the end of a semester, if:

1. the leave begins in the last five (5) weeks of a semester, will last more than two (2) weeks and the return to work would occur in the last two (2) weeks of a semester, or
2. the leave begins in the last three (3) weeks of a semester and lasts more than five (5) days.

## **GRIEVANCE PROCEDURE**

The Board of Education of USD 365 encourages that all complaints regarding the district be resolved at the lowest possible administrative level.

Complaints made to the Board of Education or to an individual Board member will be referred to members of the school district administration for study and possible solution.

Discrimination or harassment of any individual on the basis of race, color, religion, sex, national origin, ancestry, age or disability is prohibited. This policy covers all aspects of admission, access, treatment and employment in school district programs and activities. USD 365 has procedures regarding the referral, evaluation and placement of individuals with disabilities who are eligible for services under federal law.

The coordinator for school district compliance with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Title 6 of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972 is: Donald Blome, 1404 S. Main, Garnett, Kansas 66032 Telephone (785) 448-6155

Information concerning the provisions of these Acts and the rights provided thereunder is available from the compliance coordinator.

Complaints by an employee should be addressed to the employee's supervisor, the building principal or the compliance coordinator. Complaints by a student or any other person alleging discrimination should be addressed to the building administrator or the compliance coordinator. Complaints regarding discrimination will be resolved through the following complaint procedure:

1. A complaint should be filed in writing and contain the name and address of the person filing the complaint. The complaint should briefly describe the alleged violation. If a disability prevents the complainant from filing the complaint in writing, the alleged violation may be reported orally for transcription.

2. A complaint should be filed within 45 days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis of the complaint is ongoing.

3. If the complaint cannot be resolved informally, an investigation shall follow the filing of the complaint. If the complaint is against the Superintendent, the Board shall appoint an investigating officer. In other instances, the investigation shall be conducted by: Donald Blome. The investigation shall be informal but thorough. All interested persons, including the complainant and the person against whom the complaint is lodged, will be afforded an opportunity to submit relevant evidence, written or oral, to the investigator.

4. A written determination of the complaint's validity and a description of the resolution shall be issued by the investigator, and a copy forwarded to the complainant no later than 60 days after the filing of the complaint.

5. Records relating to complaints filed and their resolution shall be maintained in a confidential manner by the compliance coordinator.

6. The complainant may appeal the resolution of the complaint to the Board of Education. The request to appeal the resolution shall be made within 30 days after the date of the written resolution of the complaint at the lower level. The Board of Education shall review the evidence gathered by the investigator and the investigator's report, and shall afford the complainant and the person against whom the complaint is filed an opportunity to submit further evidence, orally or in writing, within 60 days after the appeal is filed. The Board of Education will issue a written determination of the complaint's validity and a description of its resolution within 90 days after the appeal is filed.

7. Use of the complaint procedure is not a prerequisite to the pursuit of any other remedies.

### **ACCEPTABLE USE OF DISTRICT OWNED TECHNOLOGY BY DISTRICT EMPLOYEES**

All technology owned, licensed to, leased by or otherwise made available by USD 365 shall be used by district employees in carrying out the general mission, goals and functions of the district. For the purposes of this policy, technology is defined as computers; networks; network hubs, servers and storage equipment; telecommunications equipment; intercom systems; copiers; software; the Internet and other online services; and miscellaneous equipment including but not limited to scanners, digital cameras, projectors, video cameras and players/recorders, cellular phones, stereos, public address systems, radios, and televisions.

All computer files located, stored or maintained on district owned computers and networks are considered the property of USD 365 and subject to examination and possible deletion by district administrators, their designees or network administrators.

All work and products created by district employees during the employee's defined duty day or for the purpose of carrying out the general mission, goals and functions of the district shall be considered the property of USD 365, unless ownership of such work or products is assigned to the employee(s) by action of the Board of Education.

Employees and students may only access school and district private networks via district owned computers or equipment. District web sites or services intended to be accessed across the public internet (i.e. e-mail, SIS, library databases, Google accounts, etc) may be accessed remotely (home, hotel/motel, etc) by student or staff personal computers or equipment.

Installation of software not owned by or licensed to USD 365 on district technology is prohibited unless written approval is granted by district administrators, their designees or network administrators prior to installation. This is accomplished by the staff completing the Software Evaluation form and passing it through the administrative and IT channels. This would include software, which generally is provided without cost such as demos and pilot software and may be installed on school computers when such

software is used for purposes consistent with the general mission, goals or functions of the district. Such software may be installed from CD's, diskettes, or downloaded from the Internet or other online services.

Employees are cautioned that electronic mail (e-mail) and other electronic data transfers are not fully secured by passwords or access codes. Employee e-mail is subject to examination by district administrators, their designees or network administrators.

The following practices and uses of district owned technology are expressly prohibited:

- Sending, receiving or displaying messages, pictures or graphics which would reasonably be considered objectional, offensive or obscene in the school environment or the community at large.
- Harassing, insulting, libeling or attacking other persons.
- Purposely damaging technology
- Interfering with the operation of technology and networks
- Violating copyright laws
- Unauthorized use of access codes or passwords
- Accessing or trespassing in folders or files created or maintained by other employees or students, unless student folders or files are accessed as part of the teacher-student relationship.
- Using technology for commercial purposes or personal gain.
- Waste or misuse of district resources.

Personal use of district owned technology shall be allowed only in limited cases where such usage is pre-approved by a district administrator or his/her designee, and where such usage occurs outside the defined duty day of the employee, and whenever such usage is in accordance with all other provisions of this policy. When district owned technology is used for personal reasons, all costs associated with such usage shall be determined by a district administrator or his/her designee and reimbursed to USD 365 by the employee within a reasonable time limit.

The North Anderson County Teachers Association shall have access to district owned technology for the purpose of carrying out the legitimate business of the organization.

Violation of this policy may result in disciplinary action against an employee with resultant penalties up to and including termination of employment.