



New Hanover County Schools
Engaging Students, Achieving Excellence

Personnel Handbook

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Welcome

For those beginning employment with us, let us personally extend to you a warm and sincere welcome. You are a very important member of our team and we hope you will enjoy your time working here. We also want to congratulate you on joining one of the top school systems in the country. Please do not hesitate to ask questions concerning your employment or to share in ways we can better serve you and our students.

For those of you already employed with us, thank you for helping make New Hanover County Schools a great place to work and learn. Each school day, by working together in support, teaching or administration, we make a positive difference in a student's life.

This handbook addresses the need for our employees to have pertinent information on issues affecting their employment with our school system. While the handbook references numerous New Hanover County Board of Education policies, it is not intended to cover all operating policies and procedures in detail. The complete policy manual is available on our website.

Keeping in mind the best interest of our fellow employees and the students we serve, it is expected that you understand and comply with the applicable laws, policies and procedures outlined in this handbook. Also, note that each school or program may assist its employees through site-based guidelines not contained in this handbook.

We extend to you our personal best wishes for your success and happiness with New Hanover County Schools.

CODE OF ETHICS FOR N.C. EDUCATORS

The purpose of this Code of Ethics is to define standards of professional conduct.

The responsibility to teach, the freedom to learn, and the guarantee of equal opportunity for all are essential to the achievement of these principles. The professional educator acknowledges the worth and dignity of every person and demonstrates the pursuit of truth and devotion to excellence, acquires knowledge, and nurtures democratic citizenship. The educator strives to maintain the respect and confidence of colleagues, students, parents and legal guardians, and the community, and to serve as an appropriate role model. The educator exemplifies a commitment to the teaching and learning processes with accountability to the students, maintains professional growth, exercises professional judgment, and personifies integrity.

To uphold these commitments, the educator demonstrates a:

I. COMMITMENT TO THE STUDENT

- A. Protects students from conditions within the educator's control that circumvent learning or are detrimental to the health and safety of students.
- B. Maintains an appropriate relationship with students in all settings; does not encourage, solicit, or engage in a sexual or romantic relationship with students, nor touch a student in an inappropriate way for personal gratification, with intent to harm, or out of anger.
- C. Evaluates students and assigns grades based upon the students' demonstrated competencies and performance.
- D. Disciplines students justly and fairly and does not deliberately embarrass or humiliate them.
- E. Holds in confidence information learned in professional practice except for professional reasons or in compliance with pertinent regulations or statutes.
- F. Refuses to accept significant gifts, favors, or additional compensation that might influence or appear to influence professional decisions or actions.

II. COMMITMENT TO THE SCHOOL AND SCHOOL SYSTEM

- A. Utilizes available resources to provide a classroom climate conducive to learning and to promote learning to the maximum possible extent.
- B. Acknowledges the diverse views of students, parents and legal guardians, and colleagues as they work collaboratively to shape educational goals, policies, and decisions; does not proselytize for personal viewpoints that are outside the scope of professional practice.
- C. Signs a contract in good faith and does not abandon contracted professional duties without a substantive reason.

- D. Participates actively in professional decision-making processes and supports the expression of professional opinions and judgments by colleagues in decision-making processes or due process proceedings.

III. COMMITMENT TO THE PROFESSION

- A. Provides accurate credentials and information regarding licensure or employment and does not knowingly assist others in providing untruthful information.
- B. Takes action to remedy an observed violation of the Code of Ethics for North Carolina Educators and promotes understanding of the principles of professional ethics.
- C. Pursues growth and development in the practice of the profession and uses that knowledge in improving the educational opportunities, experiences, and performance of students and colleagues.

Prepared by the NC Professional Practices Commission
Adopted by the State Board of Education 1997

NHCS Policy 6082

DISCLAIMER

This handbook is intended to be a guide for employees regarding the policies and procedures used by the New Hanover County Schools. It is not a contract of employment. The New Hanover County Board of Education reserves the right to unilaterally change, terminate and/or make exceptions to the policies in this handbook at any time at its sole discretion to the extent permitted by law. Nothing in this handbook grants employment rights beyond that which is granted by state law.

This handbook should not be considered an agreement, a contract of employment, either express or implied, or a promise of treatment in any particular manner in any given situation. Nothing in this handbook is intended to create an employment contract.

New Hanover County Schools' employees, other than employees covered by North Carolina General Statute 115C-325, or employees who have specific employment contracts, are all recognized as employees at will. This means the employee or New Hanover County Schools has the right to terminate the employment relationship at any time, with or without reason. This school system recognizes the employment at will doctrine thereby enabling the school system to demote, suspend with or without pay, transfer, establish the terms of work, and reduce or increase the pay of all employees deemed to be at will.

This handbook supersedes all prior handbooks.

This handbook applies to all employees regardless of dates of hire. Each employee is required to sign the New Hanover County Schools Personnel Handbook Notification which will be presented at your school or work site. Your signature on this form only acknowledges that you have received information concerning access to the handbook and that you have a duty to familiarize yourself with the information contained in the handbook.

NONDISCRIMINATION STATEMENT

New Hanover County Schools does not discriminate nor make any decision concerning employment, promotion, discharge, pay, providing of fringe benefits, or any other aspect of employment based on an individual's race, religion, color, national origin, gender, age, or disability. A conscientious effort will be made by all supervisory personnel to prohibit discrimination against any individual in employment practices/procedures, including sexual harassment, and to reasonably accommodate employees and applicants with disabilities. The school system's administration will take appropriate action to ensure that all personnel transactions are implemented in a fair and impartial manner.

EQUAL EMPLOYMENT OPPORTUNITY

New Hanover County Schools is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, creed, color, religion, national origin, ancestry, citizenship status, age, disability or handicap, gender, marital status, veteran status, sexual orientation, or any other characteristic protected by applicable federal, state or local laws. Our administration is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment.

New Hanover County Schools hires only United States Citizens and lawfully authorized aliens who are in compliance with the Immigration Reform and Control Act of 1986.

New Hanover County Schools will endeavor to make a reasonable accommodation to the known physical or mental limitations of qualified employees with disabilities unless the accommodation would impose an undue hardship on the operation of our mission. If you need assistance to perform your job duties because of a physical or mental condition, please contact your principal/supervisor or the Director of Human Resources.

New Hanover County Schools will endeavor to accommodate the sincere religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on the New Hanover County Schools' mission. If you wish to request such

an accommodation, please speak to your principal/supervisor or the Director of Human Resources.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of your principal/supervisor or the Director of Human Resources. New Hanover County Schools will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. To ensure our workplace is free of artificial barriers, violation of this policy will lead to discipline, up to and including discharge.

NHCS Policy 6020

HANDBOOK GOAL AND CONFIRMATION OF RECEIPT

Our goal is for this handbook to answer your questions concerning employment-related matters, benefits and procedures. Please read it carefully. It is important to note that the handbook is general in its coverage of New Hanover County Public Schools' policies and procedures. Employees are expected to review the published policies of the Board of Education and to comply with regulations developed by the school system to support these policies. All Board Policies are accessible to employees at <http://www.nhcs.net/policies/policymanual.htm> and in school media centers or may be obtained from principals or supervisors. Additional materials, including individual school plans, school improvement plans, safe school plans, and school-based procedures are available at your work site.

Although this handbook summarizes many detailed provisions about employment, benefits, and other related matters, Board Policies, and regulations will always be the governing reference. Pertinent Board Policy numbers are listed for ease of reference. Most of the forms referred to in this handbook can be secured from either our web site or the school principal or treasurer. The contents of this handbook are not intended to create or imply any contract rights. This handbook offers information about state pay schedules, leave regulations and other benefits but is not meant to confer benefits in addition to those provided by state law and regulation.

New Hanover County Schools confirms employee receipt through the acknowledgment that each employee has access to the Personnel Handbook on the New Hanover County Schools Website and the prescribed duty of each employee to become familiar with school system policies, procedures and this handbook.

MISSION, VISION AND BELIEFS

MISSION

The mission of New Hanover County Schools, in collaboration with our parents and the community, is to strive to provide children with an opportunity for a superior education in a safe and positive learning environment where they are prepared with the skills to succeed. "Engaging Students, Achieving Excellence"

VISION

The vision of the New Hanover County Schools is to:

Continue to deliver high-quality education to all students in New Hanover County Schools. These expectations shall be supported by improved test scores;

Provide and maintain a safe, respectful, and secure learning environment where citizenship is valued.

Strengthen family, community and business partnerships through mutual collaboration and communication.

Recruit and retain highly qualified employees that implement and support district goals to ensure academic excellence for all students.

Improve access to high quality and relevant Career -Technical courses, which prepare students for lifelong learning and employment through the development of adaptable skills and knowledge.

BELIEF STATEMENTS

1. *All students have individual worth and can learn.*
2. *All students are entitled to an education that provides them an opportunity to contribute to a global society.*
3. *A combination of high expectations for all members of the educational system and support for reaching those expectations will result in high achievement for all.*
4. *Teaching and learning are life-long processes.*
5. *Learning occurs when schools provide opportunities for students to learn in ways that meet their diverse needs.*
6. *Learning occurs best in a safe, nurturing environment based upon mutual respect, discipline, responsibility, and cooperation among all members of the school community.*
7. *Relevant education develops self-esteem in all students.*
8. *All graduates should be fully prepared to enter college, technical training, or the workforce.*
9. *Schools, parents, and the community should provide the appropriate resources for all students and teachers.*
10. *The schools, parents, and community should have a strong partnership to provide a quality education for all students.*

THE STANDARDS OF PROFESSIONAL CONDUCT FOR NORTH CAROLINA EDUCATORS

The standards listed here represent the professional conduct that shall be the basis for New Hanover County Schools and the North Carolina State Board of Education review for the performance of educators. These standards shall establish mandatory prohibitions and requirements for all educators and employees of New Hanover County Schools (hereby referred to as educators).

Violation of these standards shall subject an educator to investigation and disciplinary action by New Hanover County Schools or the State Board of Education.

Educators shall adhere to the standards of professional conduct contained and represented by these standards. Any intentional act or omission that violates these standards is prohibited.

GENERALLY RECOGNIZED PROFESSIONAL STANDARDS

Educators shall practice the professional standards of federal, state, and local governing bodies.

PERSONAL CONDUCT

Educators shall serve as a positive role model for students, parents, and the community. Because the educator is entrusted with the care and education of small children and adolescents, the educator shall demonstrate a high standard of personal character and conduct.

HONESTY

Educators shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties including the following:

1. statement of professional qualifications
2. application or recommendation for professional employment, promotion, or licensure
3. application or recommendation for college or university admission, scholarship, grant, academic award, or similar benefit
4. representation of completion of college or staff development credit
5. evaluation or grading of students or personnel
6. submission of financial or program compliance reports submitted to state, federal, or other governmental agencies
7. submission of information in the course of an official inquiry by New Hanover County Schools or the State Board related to facts of unprofessional conduct, provided, however, that an educator shall be given adequate notice of the allegations and may be represented by legal counsel; and
8. submission of information in the course of an investigation by a law enforcement agency, child protective services, or any other agency with the right to investigate, regarding school-related criminal activity; provided, however, that an educator shall be entitled to decline to give evidence to law

enforcement if such evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment to the U.S. Constitution.

PROPER REMUNERATIVE CONDUCT

Educators shall not solicit current students or parents of students to purchase equipment, supplies, or services from the educator in a private remunerative capacity. An educator shall not tutor for remuneration students currently assigned to the educator's classes, unless approved by the local superintendent.

An educator shall not accept any compensation, benefit, or thing of value other than the educator's regular compensation for the performance of any service that the educator is required to render in the course and scope of the educator's employment. This standard shall not restrict performance of any overtime or supplemental services at the request of New Hanover County Schools; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents, or other persons in recognition or appreciation of service.

CONDUCT WITH STUDENTS

Educators shall treat all students with respect. Educators shall not commit any abusive act or sexual exploitation with, to, or in the presence of a student, whether or not that student is or has been under the care or supervision of that educator, as defined below:

1. any use of language that is considered profane, vulgar, or demeaning
 2. any sexual act
 3. any solicitation of a sexual act, whether written, verbal, or physical
 4. any act of child abuse, as defined by law
 5. any act of sexual harassment, as defined by law and
 6. any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with a student, or any sexual contact with a student.
- The term "romantic relationship" shall include dating any student.

CONFIDENTIAL INFORMATION

Educators shall keep in confidence personally identifiable information regarding students or their family members that has been obtained in the course of professional service, unless disclosure is required or permitted by law or professional standards, or is necessary for the personal safety of the student or others.

RIGHTS OF OTHERS

Educators shall not willfully or maliciously violate the constitutional or civil rights of a student, parent/legal guardian, or colleague.

REQUIRED REPORTS

Educators shall make all reports required by Chapter 115C of the North Carolina General Statutes.

ALCOHOL OR CONTROLLED SUBSTANCE ABUSE

Educators shall not:

1. be under the influence of, possess, use, or consume on school premises or at a school sponsored activity a controlled substance as defined by North Carolina General Statute 90-95, the Controlled Substances Act, without a prescription authorizing such use
2. be under the influence of, possess, use, or consume an alcoholic beverage or a controlled substance on school premises or at a school-sponsored activity involving students or
3. furnish alcohol or a controlled substance to any student except as indicated in the professional duties of administering legally prescribed medications.

COMPLIANCE WITH CRIMINAL LAWS

Educators shall not commit any act referred to in North Carolina General Statute 115C-332 and any felony under the laws of the United States or of any state.

PUBLIC FUNDS AND PROPERTY

Educators shall not misuse public funds or property, funds of a school-related organization, or colleague's funds. Educators shall account for funds collected from students, colleagues, or parents/legal guardians. Educators shall not submit fraudulent requests for reimbursement, expenses, or pay.

SCOPE OF PROFESSIONAL PRACTICE

Educators shall not perform any act as an employee in a position for which licensure is required by the rules of the SBE or by Chapter 115C or the North Carolina General Statutes during any period in which the educator's license has been suspended or revoked.

CONDUCT RELATED TO ETHICAL VIOLATIONS

Educators shall not directly or indirectly use or threaten to use any official authority or influence in any manner that tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any licensee who in good faith reports, discloses, divulges, or otherwise brings to the attention of New Hanover County Schools, the State Board, or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these standards.

BEGINNING TEACHER SUPPORT PROGRAM

Teachers, who did not receive a continuing license prior to January 1, 1998, and have fewer than three years of appropriate service (normally considered to be public school service) in their area of initial licensure are required to participate in the BTSP with a Standard Professional I License (SPI).

Out-of-state applicants are not subject to BTSP requirements if their North Carolina Licensure is based on reciprocity or completion of a National Council for Accreditation of Teacher Education (NCATE) approved education program (not all out-of-state colleges/universities are NCATE-approved) and they have three or more years of appropriate experience. Out-of-state applicants, with less than three years' experience, will participate in BTSP.

BENEFITS

In addition to good working conditions and competitive pay, it is New Hanover County Schools' policy to provide a combination of supplemental benefits to all eligible employees. These benefits include time-off benefits, such as vacations and holidays, and insurance and other plan benefits. We are constantly studying and evaluating our benefits programs and policies to meet your present and future requirements.

The next few pages contain a brief outline of the benefits New Hanover County Schools provides for you and your family. Of course, the information presented here is intended to serve only as guidelines.

New Hanover County Schools intends to maintain these employee benefits, and it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

It is the policy of the New Hanover County Board of Education to comply with the benefits and employment policies promulgated by the State Board of Education in the most current edition of the *Public Schools of North Carolina Benefits and Employment Policy Handbook*.

To access both the Department of Public Instruction's *Benefits and Employment Handbook* and the local supplement online, the reader will need to access each section separately. A direct link is provided to each section online in the Table of Contents for Board Policies. To access the DPI Benefits and Employment Handbook directly, the web address is <http://www.ncpublicschools.org/benehandbook/>.

Recognizing that the State Board updates and revises its policies from time to time, it is the intent of the New Hanover County Board of Education to include as a part of its policy all such future modifications by the State Board and the Department of Public Instruction. Accordingly, when the reader is referring to a printed handbook, the reader is advised to confirm that the copy in the handbook tracks the current online version.

In the event that changes to State or Federal law or regulation conflict with current State Board or local board policies, the New Hanover County Board of Education intends that its benefits and employment policies shall be modified to the extent necessary to comply with current law until such time as conforming changes to State Board and/or local board policies are made.

If you have any questions regarding your benefits, please contact the Benefits Department.

EMPLOYEE ASSISTANCE PROGRAM

All full-time employees and part-time employees, working four (4) or more hours per day, are eligible to receive a cumulative total of three (3) free visits per fiscal year for confidential short-term counseling services for help in resolving personal and family problems. Immediate family members can be included in the three free visits per fiscal year. A child of an employee is eligible for services only until the child's nineteenth birthday or up to age 26 if the child is a full-time student. Employees who retire or are terminated are eligible for the Employee Assistance Program Services for a period of six (6) months or to the end of the contract year during which they are separated, whichever is longer. All visits are confidential. Employees need only to call the provider, Ann G. Foltrauer, CSAC at (910) 515-6214. Please identify yourself as a New Hanover County Schools' employee.

EPISODE OF VIOLENCE

Any permanent full-time employee who suffers an injury and is disabled while engaged in the course of his or her employment shall receive full salary if the injury or disability arose from an episode of violence and the employee did not participate in or provoke the violence. If the employee is requesting to use coverage under the episode of violence, the school system requires the request to be put in writing and provide supporting medical documentation.

The salary shall continue for one year, the continuation of the disability, or the time during which the employee is unable to engage in his or her employment because of the injury, whichever period is shortest. While receiving regular salary under this provision, the employee is not eligible to receive weekly salary benefits under workers' compensation.

However, the employee may receive medical, hospital, drug and related expense payments from workers' compensation if applicable. The employee is not required to use any paid leave (sick, annual, personal, etc.) if the approved absence is due to an episode of violence.

HEALTH INSURANCE

All permanent full-time employees of New Hanover County Schools are eligible for group health insurance. Employees may elect to have their spouse and/or children covered by the same plan by paying a set monthly premium. Unmarried children up to age 19, or up to age 26 if enrolled as a full-time student (12 or more hours per semester) at a state

accredited school or college, are eligible for coverage. The additional premium is collected by payroll deduction one month in advance and is handled as a "pretax" salary reduction. For employees who are paid in ten (10) installments, a monthly escrow is also deducted to cover the cost of health insurance premiums during the summer months. Permanent part-time employees working a minimum of twenty (20) hours per week may purchase health insurance if they pay the total premium (employee and employer costs).

Health Insurance is provided free to all permanent, full-time employees by the state of North Carolina and is currently administered by Blue Cross and Blue Shield of North Carolina. The insurance provides coverage for hospital and medical expenses. Plans available are Comprehensive Major Medical and Preferred Provider Organization (PPO). For comprehensive information visit the State Health Plan Website (see below).

The annual enrollment period for health insurance is determined by the State Benefits Office. Claims under the State Health Plan should be filed as soon as possible after services are received. It is the employee's responsibility to file claims. Claims may be filed by the medical professionals. Claim forms are available on the State Health Plan website listed below or you can access it through the New Hanover County Schools website by clicking on Human Resources/Benefits. Changing from one health plan to another can be done only during the annual enrollment period. Changes in coverage options may be made during the annual enrollment period or other times, with a documented "qualifying event" if done within thirty (30) days of the event. "Qualifying events" include but are not limited to: birth of a child, change in marital status, etc. Contact the Benefits Office with questions concerning insurance and speak with any insurance representative or contact the State Health Plan's customer service section at 1-800-422-4658 or Blue Cross Blue Shield of NC at 1-888-234-2416. Reference: The State of North Carolina Comprehensive Health Benefit Plan; Website: <http://statehealthplan.state.nc.us>

HIPAA – Health Insurance Portability and Accountability Act

The HIPAA Act is a Federal Law that was passed in 1996. Additional guidelines were issued December 4, 2002. A portion of this federal law is called the Privacy Rule. Through the Privacy Rule, the federal government is seeking to protect, and keep private, individual's personal health information (PHI). All of our insurance and plans that are required to be HIPAA compliant have done so.

LIABILITY INSURANCE

All employees of New Hanover County Schools are covered by the Board of Education's School Professional Legal Liability Insurance Policy. Each claim has a limit of liability of \$1,000,000 and an aggregate limit of \$1,000,000. The program covers legal liability for an act, error, or omission in services rendered in the discharge of school district duties. The school system also carries general liability insurance coverage.

LONGEVITY

All qualified permanent full-time and part-time employees (20 hours or more a week) are eligible for yearly longevity payments after completing ten years of State of North Carolina service. Longevity payment is calculated according to a scale based upon annual state salary and years of qualifying service:

10 but less than 15	1.50%
15 but less than 20	2.25%
20 but less than 25	3.25%
25 or more years	4.50%

Longevity payment is made the last working day of the employee's anniversary month. Teachers paid on the state salary schedule have longevity payments built in to their salary.

RETIREMENT SYSTEM

PENSION

All permanent full-time employees are required to join the Teachers' and State Employees' Retirement System. Eligible employees contribute 6% of their gross salary (pre-taxed) to the Retirement System. New Hanover County Schools makes a contribution as established by the North Carolina General Assembly for each permanent full-time employee. Monthly benefits at retirement are based upon the employee's four (4) highest consecutive years of salary, years of state service, and/or age at retirement. After five (5) years of creditable service an employee is considered "vested" and may be eligible for benefits from the retirement system. Full, unreduced retirement benefits may be received at age 65 with 5 years of service; age 60 with 25 years of service, or at any age with 30 years of service. Early, reduced benefits may be received at age 50 with 20 years of service or age 60 with 5 years of service. If an employee was first hired on or after October 1, 2006, the employee can receive health coverage at no cost (currently 70/30 or Medicare Advantage Base) with at least 20 or more years of retirement service credit. If the employee has 10 but fewer than 20 years of retirement service credit, he will have to pay 50% of the cost of health coverage. If the employee has 5 but fewer than 10 years, he will have to pay the full cost for their health coverage. All retirements are effective the first day of the month. Licensed employees are asked to sign a resignation form and give a 30 calendar day notice, so as to provide a smooth transition. Principals and administrators are asked to sign a resignation form and give a 60 calendar day notice.

Change of retirement beneficiaries is possible at any time prior to retirement and under certain option provisions after retirement. If an employee terminates employment with the State, the employee may request a refund of contributions (penalty assessed) or a rollover of contributions into an IRA (no penalty assessed) as an alternative to a monthly pension if vested in the State Retirement System.

The refund normally takes a minimum of sixty to ninety (60 to 90) days. Interim employees may not withdraw their funds during the months of June, July, August, or September. Interim employees may apply for withdrawal of funds after October 1.

For more detailed information; refer to the Teachers' and State Employees' Retirement System's website: www.treasurer.state.nc.us.

DEATH BENEFIT

A death benefit between \$25,000 and \$50,000 is payable to a designated beneficiary after an employee has completed one year (365 days) as a contributing member of the Teachers' and State Employees' Retirement System. The amount paid is determined by employee's annual salary. Employee retirement contributions are also paid to the designated beneficiary. The death benefit remains in place for 180 days following an employee's resignation.

EMPLOYEE DISABILITY

A comprehensive short-term and long-term disability income plan is provided at the employer's expense for permanent full-time employees who are members of the Teachers' and State Employees' Retirement System and meet certain state service requirements. Please note: donated leave may not be used beyond 60 days of disability. The short-term disability plan is available to disabled employees with at least one year (365 days) of contributory retirement service within the last 36 months. It begins on the 61st day of disability and provides monthly income equal to 50% of one-twelfth of the annual base salary, local supplement and longevity (if applicable), for up to 365 calendar days, with a maximum of \$3,000 per month. The State Disability Income Plan does not allow outside earnings during the sixty (60) days waiting period. Short-term disability benefits may be extended for as many as 365 days beyond the original short-term period if approved by the State Medical Board. The long-term disability income plan begins after the short-term plan ends for the totally and permanently disabled permanent full-time employee with five years of contributory retirement service. The five years of service must be within the previous eight years. The long-term disability plan provides monthly income equal to 65% of one twelfth of the annual base salary, local supplement and longevity, (if applicable) up to \$3,900 per month until the employee qualifies for unreduced retirement benefits. Long-term benefits, however, are coordinated with Social Security disability payments and Workers' Compensation benefits. A permanently disabled employee may choose to apply for Faulkenbury Disability if eligibility requirements are met. Contact the Benefits Department for details.

For more detailed information refer; to the Teachers' and State Employees' Retirement System's website: www.treasurer.state.nc.us. Select Retirement System, Benefits Handbook and finally Teachers' and State Employees' Retirement System Booklet. (Reference: Disability Income Plan of the State of North Carolina, www.treasurer.state.nc.us)

SOCIAL SECURITY

All employees participate in the social security system. Contributions are made by both the employee and employer. Benefits may include retirement, pensions, disability payments, and survivor's insurance. The tax rate for contributions is determined annually.

STATE EMPLOYEE CREDIT UNION

All employees, except individuals employed through contracted services, may join the North Carolina State Employees' Credit Union. Upon obtaining membership, the employee's spouse, children, and parents may become members. In addition, substitutes paid by New Hanover County Schools are eligible to obtain membership in the credit union.

WORKERS' COMPENSATION INSURANCE

Provisions of the Workers' Compensation Act are applicable to all paid school employees. Workers' Compensation provides medical benefits and a weekly compensation benefit equal to 66 2/3% of the employee's average weekly earnings for the year prior to the injury, up to a maximum established by the Industrial Commission each year.

When an employee is injured on the job, he/she must ensure that the principal or supervisor has knowledge of the injury immediately following the accident. The employer's Report of Injury to Employee (Form 19) must be completed and signed by the employee's supervisor and forwarded to the Benefits Office within five (5) days.

The completed Employee's Statement (A) must accompany Form 19. Forms are available at the schools and departments. A copy of these must be given to the employee. Another copy must remain on file at the site for five years. All originals must be sent to the Benefits Office.

If an injury requires medical attention, an employee must be seen first or initially by a Medco Corporate Health Services' doctor. Failure to use this facility may result in delayed payment to the doctor and may result in the employee being responsible in full payment of any and/or all medical bills. Any treatment needed after the first or initial visit can be authorized only by our Workers' Compensation Carrier.

Eligible employees receive the Workers' Compensation weekly benefit after the required regular waiting period of seven (7) calendar days, (including Saturday and Sunday), effective on the 8th day of the disability. During the seven-day waiting period, the employee may choose to use applicable leave. The employee can also take leave without pay for the seven day waiting period.

If the injury results in disability of more than 21 calendar days, the Workers' Compensation weekly benefit is allowed from the date of disability. While on Workers' Compensation leave, an eligible employee continues to accumulate vacation and sick

leave if the employee earned such leave while working. Leave days earned while on Workers' Compensation leave will be added to the employee's leave account upon return to work. Absences for Workers' Compensation shall count as part of the employee's Family and Medical Leave Act (FMLA) entitlement for that year. The employee is responsible for facilitating correct and timely processing of medical/prescription services by informing all concerned parties of the status of the claim and notifying same to contact/bill the appropriate carrier adjuster. Transportation costs may be eligible for reimbursement.

All treatment, tests, equipment, or prescriptions must have prior authorization before the appropriate carrier can pay them. Failure to follow Industrial Commission guidelines could jeopardize eligibility for workers' compensation benefits. (Reference: The Provisions of the Workers' Compensation Act (North Carolina General Statute 115c-337))

401(k) PROGRAM

All full-time employees participating in the State Retirement System are eligible to participate in the 401(k) program administered by the State of North Carolina through Prudential Retirement. Contact the Benefits Office for information and enrollment forms. Information may also be obtained from the Prudential Retirement website at www.prudential.com/ncplans or call 1-866-627-5267.

403(b) PROGRAM

A 403(b) plan is a tax-deferred retirement program. All part-time and full-time employees are eligible to participate in the 403(b) plans. We have six 403(b) providers. For more information, please contact the Benefits Department.

BUSINESS EXPENSE REIMBURSEMENT

Employees may be reimbursed for reasonable approved expenses incurred in the course of business. These expenses must be approved by your principal/supervisor, and may include conference fees, air travel, hotels, motels, meals, cab fare, rental vehicles, or gas and car mileage for personal vehicles. All expenses incurred should be submitted to your principal/supervisor along with the required receipts in a timely manner.

Employees are expected to exercise restraint and good judgment when incurring expenses. You should contact your principal/supervisor in advance if you have any question about whether an expense will be reimbursed.

CLASSIFICATION AND PAY PLAN - CLASSIFIED EMPLOYEES

The purpose of this plan is to establish rules for salary administration that shall promote a fair, equitable and effective means of attracting and maintaining an effective and responsible work force. All appointments and promotions shall be

made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same classification and salary range. No applicant for employment or employee of New Hanover County School, shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individual's race, creed, color, religion, gender, national origin, non-disqualifying disability, marital status, or age.

The Director of Human Resources shall be responsible for the administration and maintenance of the position classification plan so that it shall accurately reflect the duties performed by employees in the classes to which their positions are allocated. Principals and directors will be responsible for bringing to the attention of the Director of Human Resources (1) requests for new positions and (2) proposed material changes in the nature of duties, responsibilities, or working conditions that significantly affect a position's job description and/or classification.

Classification of Positions

Proposed new or reclassified positions require the submission of a "Request for New Position/Change in Position" form to be completed by an Administrator and sent to the Director of Human Resources. The position is assigned a classification and an appropriate salary grade for the Superintendent's approval. Positions will be added to and deleted from the position classification plan based on administrative actions to create, delete, or reallocate positions under the authority of the Superintendent.

Generally, new employees will be initially placed at the minimum (Step 0) of the pay grade that is appropriate for the position. New employees that sufficiently verify previous permanent full-time (30+ hour week) work experience may receive credit for experience in accordance with the provisions set forth for Experience Criteria and Rules Used to Determine Step Placement (page 3).

Reinstatement from Leave of Absence

Employees returning to the same position or another position at the same pay grade shall return to the same relative salary as that when previously separated. Employees returning to a position of a higher or lower level shall receive a salary based on the promotion or transfer policy.

Progression through the Salary Range

Generally, if approved as part of the annual local budget, employees on a 30-step salary schedule will advance one step on the assigned salary grade for completion of each year of satisfactory service until he/she reaches the maximum of the salary range. Employees meeting the following criteria on July 1 will advance one step on the assigned salary grade. Assuming that legislative action provides for, experience step increments, new steps, will be effective on the employee's first working day following July 1.

Employees who complete the equivalent of fifty percent of the normal term of employment for the position to which assigned will advance to the next step of the assigned salary grade. (Example: An employee assigned to a 10-month position must complete at least 5 months of employment; an employee assigned to a 12-month position must complete at least 6 months of employment.)

Pay Rates in Promotion, Demotion, Transfer, and Reclassification

When an employee is promoted, demoted, or transferred, or a position is reclassified, the rate of pay for the employee in the new position will be established as follows:

A promotion is defined as the reassignment of an employee to a position or classification having a higher salary range than the position or the classification from which the reassignment is made.

In no case shall an employee meeting the minimum requirements of the new position be paid lower than the minimum for the new pay grade. If an employee is promoted within a classification series (e.g., Mechanic I to Mechanic II), or within a classification code, that employee will be placed on the new grade at the same step as he/she was on the previous grade.

A demotion is defined as the reassignment of an employee to a position or a classification having a lower salary range than the position or the classification from which the reassignment is made. This includes disciplinary demotion, voluntary reassignment, and involuntary reassignment (administrative transfer). When a demotion occurs, the employee's salary will be decreased appropriately.

In no case shall an employee meeting the minimum requirements of the new position be paid lower than the minimum for the new pay grade.

A transfer is defined as the reassignment of an employee from a position in one class to a position in another class assigned to the same salary range. When a self-initiated transfer occurs, the employee will continue to receive the same salary.

A reclassification is defined as the reassignment of an existing position from one class to another based on changes in job content. Reclassifications occur only after prior approval via the Human Resources Division of significant job description changes. Promotion, demotion, and transfer procedures set forth in this section will be used in the administration of upward, downward, and lateral reclassifications.

Pay Rates in Salary Range Revisions

If the Board of Education approves a change in salary range for a class of positions, the salaries of employees whose positions are allocated to that class will be affected as follows:

- When a class of positions is assigned to a higher salary range, employees in that class will retain their current step level in the revised salary range.

- When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum established for the new class, the salary of the employee will be maintained at his or her current level until such time as the salary range of the class is increased above the employee's current salary.

Pay Adjustments

Employees are responsible for notifying Payroll staff of any payroll errors as soon as possible. Under or over payments shall be corrected in the next payroll run, with written notification to the employee. If overpayment is substantial, an employee may request in writing that repayments be made with periodic payroll deductions of not less than 10% of the employee's net disposable earnings.

Experience Criteria and Rules Used to Determine Step Placement **Employees on hourly scales not tied to a 30 step classified pay scale are not eligible for these programs.**

Three (3) types of experience are considered in determining step placement for permanent employees on a NHCS 30 step classified pay scale:

- (1) **In-District Experience** – Previous work experience in the New Hanover County School system is calculated one pay step for every year of experience (or one for one).
- (2) **NC State Work Experience** – Previous full-time (30+ hour week) work experience in another NC school system or State paid position is calculated one pay step for every two years of experience (or one for two).
- (3) **Outside Work Related Experience** – Previous full-time (30+ hour week) work experience from outside the school system and state that directly relates to the currently assigned position is calculated one pay step for every two years of experience (or one for two). Only full-time (30+ hour week) permanent employees are eligible.

The following rules and definitions are used in calculating years of experience credit after review of the verification forms:

- (a) **Experience Calculation Date** – Previous full-time (30+ work week) work experience is cumulative to the end of the previous fiscal year. The fiscal year currently begins July 1 and ends June 30. Any work experience accumulated in the current fiscal year will be considered in determining if an employee is eligible to receive an experience step at the beginning of the next fiscal year.

(b)**Effective Date of Salary Adjustment** – Previous (30+ work week) experience that is sufficiently verified within sixty (60) days of employment is considered in the salary placement and effective retroactively to the employee's hire date. Previous experience that is sufficiently verified after sixty (60) days of employment is considered in the salary placement but is effective from the first of the month following the day the experience verification is processed by Human Resources, not retroactive to the employee's hire date.

(c)**Full-time Service** – Full-time previous work experience is defined as experience in a permanent position regularly scheduled to work at least thirty (30) hours per week. Any previous work experience in a position scheduled to work less than thirty (30) hours per week does not count in any of the experience categories.

(d)**Volunteer Service** – Work experience as a volunteer does not count in any of the experience categories.

(e)**Rounding** – All out of district experience is calculated in years, summed, divided by two and not rounded. (Example: seven (7) years $7/2$ (one for two) = 3 years 6 months = 3 years credit.) For ten month positions, adjustments will be made to recognize the experience proportionately. (Which means each 10 months of employment equals a year.)

(f)**Double Credit** – An employee cannot earn more than one (1) year of experience credit in a twelve (12) month period. (Example: An employee who has worked two full-time jobs at the same time for 12 months will not be credited with 2 years of experience.)

COMMUNICATIONS AND COMPUTER SYSTEMS

New Hanover County Schools' communication and computer systems are intended for business purposes and may be used only during working time; however, limited personal usage is permitted if it does not hinder performance of job duties or violate any other New Hanover County Schools' policy. This includes the use of voicemail, e-mail and Internet systems. Users have no legitimate expectation of privacy in regard to their use of the systems.

New Hanover County Schools may access the voicemail and e-mail systems and obtain all communications within the systems, including past voicemail and e-mail messages, without notice to users of the system. The reasons for which New Hanover County Schools may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for

information; and ensuring that New Hanover County Schools' operations continue appropriately during an employee's absence.

Further, New Hanover County Schools may review Internet usage to ensure that such use is appropriate. The reasons for which New Hanover County Schools may review employees' use of the Internet include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that New Hanover County Schools' operations continue appropriately during an employee's absence. The school system may access any school system computer and all resident data contained within that computer at any time without notice to the user.

New Hanover County Schools may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

New Hanover County Schools' policies prohibiting harassment, in their entirety, also apply to the use of New Hanover County Schools' communication and computer systems. No one may use any communication or computer system in a manner that may be construed by others as harassing or offensive based on race, national origin, gender, sexual orientation, age, disability, religious beliefs or any other characteristic protected by federal, state or local law. Since New Hanover County Schools' communication and computer systems are intended for business use, these systems may not be used to solicit for religious or political causes or outside organizations.

Further, since New Hanover County Schools' communication and computer systems are intended for business use, all employees, upon request, must inform their principal/supervisor of any private access codes or passwords.

Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited. No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization. Violators of this policy may be subject to disciplinary action, up to and including discharge.

NHCS Policy 6086

CONDITIONS OF EMPLOYMENT – BACKGROUND CHECKS

New Hanover County Schools requires a criminal records check on all newly hired employees including substitutes and rehires with more than one year break in service. Applicants for employment will be rejected if the criminal records check reveals a violation of the law that is more severe than a minor traffic violation or indicates a pattern of behavior that is determined unacceptable by the Director of

Human Resources. An employee will not be offered employment or will be dismissed if it is determined that he/she did not report a criminal infraction greater than a minor traffic violation or misrepresented their background information on an employment application.

All employees must report to the Human Resources Division any criminal arrests, misdemeanor or felony charges, convictions, guilty pleas, pleas of no contest, prayers for judgment continued, or deferred prosecutions, except for traffic offenses other than felony traffic offenses and DWI charges. The employee must make the report within five business days after the employee receives notice of the charge or disposition. Failure to make a timely disclosure of a criminal arrest, charge, or disposition that is later disclosed by the employee will result in discipline up to and including suspension without pay. If a verified criminal history check or another source shows that an employee has failed to disclose a criminal charge or disposition, then the employee's employment may be terminated.

The Human Resources Division may conduct criminal history checks using private contractors on current employees if it is determined by the Assistant Superintendent or his/her designee that cause exists to complete such a review.

NHCS Policy 6133

CONFIDENTIALITY

During the course of work, an employee may become aware of confidential information about New Hanover County Schools' business, including but not limited to: information regarding New Hanover County Schools' finances, software and computer programs, suppliers, and knowledge, skills and abilities of personnel. An employee may also become aware of similar confidential information concerning New Hanover County Schools' students. It is extremely important that all such information remain confidential. Any employee who improperly copies, removes (whether physically or electronically), uses or discloses confidential information to anyone outside of New Hanover County Schools may be subject to disciplinary action up to and including termination.

CONFLICT OF INTEREST

It is New Hanover County Schools' policy that all employees avoid any conflict between their personal interests and those of New Hanover County Schools. The purpose of this policy is to ensure that New Hanover County Schools' honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of New Hanover County Schools.

It is not possible to give an exhaustive list of situations that might involve violations of this policy. However, the situations that would constitute a conflict in most cases include but are not limited to:

1. Holding an interest in or accepting free or discounted goods from any organization that does, or is seeking to do, business with New Hanover County Schools, by any employee who is in a position to directly or indirectly influence either New Hanover County Schools' decision to do business, or the terms upon which business would be done with such organization.
2. Holding any interest in an organization that competes in bidding for New Hanover County Schools' business.
3. Profiting personally, e.g., through commissions, loans, expense reimbursements or other payments, from any organization seeking to do business with New Hanover County Schools.

A conflict of interest would also exist when a member of an employee's immediate family is involved in situations such as those above.

This policy is not intended to prohibit the acceptance of modest courtesies, openly given and accepted as part of the usual business amenities, for example, occasional business-related meals or promotional items of nominal or minor value.

It is your responsibility to report any actual or potential conflict that may exist between you (and your immediate family) and New Hanover County Schools.

NHCS Policy 6084

DISCRIMINATION

Discrimination, Harassment, Bullying and Complaints

Students, school system employees, volunteers and visitors are expected to behave in a civil and respectful manner. It is the policy of New Hanover County Schools to prohibit the intentional or unintentional discrimination, harassment or bullying of any student or employee. Employees who violate this policy will be subject to disciplinary action, up to and including dismissal. Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement if such action is warranted or required by law.

Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category such as race, ethnicity, gender, pregnancy, religion, age or disability. Discrimination may be intentional or unintentional.

Harassment and Bullying

Harassment or bullying behavior is any pattern of gestures or written, electronic, or verbal communications, or any physical act or threatening communication that either places a student or school employee in fear of personal harm or creates a pervasively hostile work or educational environment. A hostile work or educational environment means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe and pervasive enough that a reasonable person would agree that the conduct creates an abusive, intimidating, hostile or offensive work or educational environment. A hostile work or educational environment must be created by pervasive or persistent harassment or bullying but can also be created by a single incident if that incident is determined to be sufficiently severe.

Harassment and bullying include, but are not limited to negative or antagonistic behavior that appears motivated by an individual's differentiating characteristic such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, physical appearance, or mental, physical, developmental or sensory disability.

Examples of behavior that may constitute bullying or harassment include, but are not limited to:

1. Verbal taunts
2. Name-calling and put-downs
3. Epithets, derogatory comments or slurs
4. Lewd propositions
5. Exclusion from peer groups
6. Rumor spreading
7. Extortion of money or possessions
8. Implied or stated threats
9. Assault
10. Impeding or blocking physical movement
11. Offensive touching
12. Physical interference with normal work or school behavior
13. Visual insults such as the creation or display of derogatory posters or cartoons

While it is not easy to define precisely what types of conduct constitute sexual harassment, examples of prohibited behavior include but are not limited to:

1. Deliberate unwelcome touching that has sexual connotations or is of a sexual nature
2. Suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats
3. Sexual grooming
4. Continued or repeated offensive sexual flirtations
5. Repeated verbal remarks about an individual's body
6. Sexually degrading words used toward or to describe an individual

7. Sexual assault
8. Sexual violence
9. The display of sexually suggestive drawings, objects, pictures or written materials

Acts of verbal, nonverbal or physical aggression, sexual grooming, intimidation or hostility based on sex, which do not involve actual physical sexual activity, may be determined serious enough to create a hostile work or educational environment if determined to be sufficiently severe or pervasive. Should this behavior cause the victim to view the conduct as bullying or harassment and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassment, then a complaint should be filed.

Reporting

Employees are required to report any actual or suspected violations of this policy concerning students and encouraged to report any situation concerning their own or other employee's suspected discrimination, harassment or bullying. All reports should be made in accordance with [Policy 6441](#) and reported to one of the school officials identified in that Policy.

Reports should be completed on the [Discrimination Harassment or Bullying Reporting Form](#) and must be signed. The information submitted on the form or gathered through the District's investigation will be kept confidential to the extent possible but confidentiality cannot be guaranteed.

Complaints

The Board believes that complaints should be handled as close to their origin as possible and resolved by the individuals closest to the complaint. If the situation cannot be resolved at this level, the claimant shall continue through channels to the Superintendent or designee. It is the Board's intent to provide the means for resolving each complaint in a fair and impartial manner and to seek remedies where appropriate. Persons submitting complaints are advised that complaints and supporting documentation may be considered public records in certain circumstances and may be subject to disclosure to the public.

Also, complaints are typically shared with the person or persons against whom the complaint is being filed.

Employees who wish to file a complaint against another employee shall make an effort to discuss and attempt to resolve the problem directly with the employee or their supervisor. If discussion with the supervisor does not resolve the problem or if the complaint is against the complainant's direct supervisor, then the complainant shall discuss and attempt to resolve the problem with that individual's immediate supervisor as designated by [Policy 6445](#). The complaint should be submitted using the [Parent/Public Concern](#) form found in [Policy 9510](#). The Board prohibits reprisal or retaliation against any person who reports an act of discrimination, harassment or bullying, or files a complaint.

NHCS Policy 6441, 6445, 9510

DRUG AND ALCOHOL FREE WORKPLACE

It is the policy of the New Hanover County Board of Education that a drug-free workplace shall be maintained at all times. The Board prohibits the manufacture, distribution, dispensing, possession, or use of alcohol, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substances, as defined by the North Carolina General Statutes, while on New Hanover County public school property, including buses and any other county-owned vehicle and/or while attending any school activity, function or event either on or off school grounds.

This policy shall govern each employee (1) during school hours, (2) while on any property owned or leased by the Board of Education, (3) at any time during which the employee is acting in the course and scope of his/her employment with the Board of Education, and/or (4) at any other time that the employee's violation of these requirements has a direct and adverse effect upon the performance of his/her job.

It is a condition of continued employment that each employee shall comply with this policy and shall notify his/her supervisor of any charge, conviction (or plea of guilty, no contest, or "nolo contendere") of any criminal drug or alcohol statute no later than the next business day of any such charge, conviction or plea.

Violation of this policy shall subject an individual to personnel action including, but not limited to, termination of employment or the requirement that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes, or suspension, with or without pay, or conditional continuation of employment, or any combination of these enumerated actions. This does not include the lawful and proper use of drugs prescribed by a doctor or over-the-counter medications. However, no employee shall report to work or engage in normal duties, if he/she is visibly and/or knowingly impaired by drugs prescribed by a doctor or over-the-counter medications. Such conduct is considered improper and may result in disciplinary action up to and including dismissal.

New Hanover County Schools reserves the right to test employees whose duty is to drive a vehicle, repair vehicles or equipment, provide armed security and other persons in similar safety positions any time prior to or during employment. Also, the system reserves the right to test any employee upon reasonable suspicion of drug or alcohol use. Any employee who refuses to submit to any diagnostic test to detect alcohol and/or drug use or refuses to release diagnostic results of testing to the school system may be suspended immediately pending consideration of a decision to terminate employment.

NHCS Policy 6430, 6431

EMPLOYEE CLASSIFICATIONS

PERMANENT EMPLOYEE

A permanent employee is defined as an individual employed with the expectation of permanent employment if present needs and funds continue, or employed for at least six full consecutive monthly pay periods to replace one or more employees who are on leave of absence without pay; and may be full-time or part-time.

FULL-TIME EMPLOYEES

Full-time employees are employed to work at least 30 hours per week and are eligible for full benefits.

Full benefits include:

1. all insurance plans offered by the school system
2. all financial plans offered by the school system
3. leave days (sick, annual, etc.) earned at the full rate for years worked
4. State Teachers' and Employees' Retirement System
5. longevity payments
6. Employee Assistance Program
7. leave of absence
8. NC State Employees' Credit Union
9. general liability insurance

PART-TIME EMPLOYEES

Part-time employees are employed to work at least 20 hours per week, but less than 30 and are eligible for pro-rated (partial) benefits.

Pro-Rated (partial) benefits include:

1. health insurance may be purchased by paying the employee and employers' cost
2. leave days (sick, annual, etc.) earned on a pro-rated (partial) basis for years worked
3. longevity payments
4. Employee Assistance Program
5. leave of absence
6. NC State Employees' Credit Union
7. tax deferred annuities 403 (b) programs
8. general liability insurance

CLASSIFIED EMPLOYEES

Classified employees are at will employees employed in positions within New Hanover County Schools typically referred to as "support" positions. Classified employees may be designated exempt or non-exempt consistent with the Fair Labor Standards Act and may be paid on either an hourly or yearly wage. Classified support positions include but are not limited to: office support, maintenance support, bus drivers and transportation support, child nutrition support, and paraprofessionals.

Classified employees generally work an eight-hour day and a forty hour week.

Child Nutrition employees generally work less than eight hours per day. Hours are specified by the Director of Child Nutrition at the time of employment with the daily schedule set by the school-based manager.

School Bus Drivers are generally employed for less than eight hours per day. They are employed for the length of time that is required to run the bus route they are assigned and work only on student attendance days.

LICENSED EMPLOYEES

PROBATIONARY CONTRACTS

A probationary year consists of a minimum of one hundred and twenty (120) working days during a fiscal year (actual days at work excluding sick leave, annual leave and holidays) for teachers. If a probationary teacher does not work 120 workdays as a full-time, permanent teacher during the fiscal year because the teacher is on sick leave, disability leave or both, that year shall not be deemed to constitute a consecutive year of service for the teacher.

All teachers eligible to hold clear North Carolina licenses SP1 and SP2 are given one year contracts.

CAREER CONTRACTS

Career contracts and career status (tenure) will remain in effect if the teacher obtained the status prior to the 2013/2014 school year.

INTERIM CONTRACTS:

1. must be in temporarily vacant positions;
2. are short-term for a specific period of time, not to exceed one school year;
3. are less than full-time and do not exceed one school year.

Interim employees are not eligible to be placed in the tenure track until they hold a valid and clear license in at least one subject area.

ADMINISTRATIVE CONTRACTS

Principals and assistant principals, and certain directors and supervisors who have not attained career status under the provisions of North Carolina General Statute 115C-325 will be issued initial two-year contracts and are eligible for extensions of four (4) years according to the provisions of North Carolina General Statute 115C-287.1.

If any licensed employee believes that he/she has not been issued the correct contract or the correct number of years of probationary status, it is the employee's responsibility

to advise the Director of Human Resources, so that any discrepancy can be reviewed and appropriately resolved.

SUBSTITUTE TEACHERS

Substitute teachers are not considered to be full-time permanent employees and are only employed on an as needed basis. Substitute teachers are considered at will employees.

This means that either the substitute teacher or New Hanover County Schools has the right to terminate the employment relationship at any time, with or without reason.

Pursuant to North Carolina General Statute 96-8(10) e, substitute teachers shall not be considered unemployed for days or weeks, including summer months or when school is not in session, when not called to work unless the substitute teacher is notified they are no longer employed as a substitute teacher.

Employee Volunteers

Employees may volunteer to work at school events, provided the work is clearly at the employee's option, is in a different capacity from the employee's regularly-assigned duties and is performed on an occasional or sporadic basis. Employees may not volunteer to provide the same type of service they are employed to perform for the school system. If approved by the Deputy Superintendent, classified employees may volunteer to provide coaching services and be paid a stipend based on the coaching supplement schedule if they are coaching in a designated paid position.

EMPLOYEE DRESS AND PERSONAL APPEARANCE

All employees of New Hanover County Schools serve as role models for the students and as representatives of New Hanover County Schools. Consistent with these roles, all employees are expected to dress professionally and appropriately relative to their specific job duties and responsibilities.

Teachers and teacher support personnel are expected to project a professional image that sets positive dress and grooming examples for students and will adhere to standards of dress and appearance that are compatible with an effective learning environment. Presenting a bodily appearance or wearing clothing which is disruptive, provocative, revealing, profane, vulgar, offensive, obscene, or which endangers the health or safety of the students or others is prohibited.

School based personnel shall follow this policy on all days students are in attendance; however, the principal may designate one day per month when reasonable modifications to this policy may be made. The principal may also determine the appropriate dress to be worn on work days when students are not in attendance. All

other personnel shall follow the policy on all work days unless directed differently by their supervisor.

Physical education teachers and coaches should wear the appropriate athletic attire necessary to meet the requirements of their job responsibilities. Acceptable teacher attire should be worn when not actively teaching physical education classes or coaching.

Appropriate dress is also expected of cafeteria, maintenance, and transportation personnel and may include the wearing of uniforms or other apparel approved by their principal or supervisor. Vocational teachers must wear OSHA approved clothing when teaching Career and Technical Education classes.

An employee's dress may not be so unusual, inappropriate or lacking in cleanliness that it disrupts classroom or learning activities. Examples of attire considered inappropriate for school employees include but are not limited to:

1. Jewelry affixed to an employee's nose, tongue, cheek, lip or eyebrow
2. Clothing or lack of clothing that is provocative, revealing, indecent, vulgar, or obscene
3. Low necklines, bare midriffs and excessively tight clothing
4. Clothing which promotes alcoholic beverages, tobacco, or the use of controlled substances by words or symbols
5. Clothing which contains profanity, nudity, depicts violence, or is sexual in nature by words or symbols
6. Sandals with flip flop style strap (Flip Flops®/ Jellies®/ Rainbows®) or bedroom shoes/slippers
7. Tank tops or spaghetti strap tops
8. Undergarments worn as an outer garment or any see-through clothing that reveals an undergarment
9. Hats, visors, sunglasses, sweatbands, and bandanas (may be worn outside but must be removed when inside the workplace)
10. T-shirts or athletic wear
11. Denim jeans
12. Shorts
13. Any item of clothing or jewelry that creates a disruption of the school environment/learning activities, or that poses a threat to the safety and well-being of students or staff

Supervisors and school level administrators are authorized to interpret and enforce this policy. Reasonable accommodations shall be made as approved in writing by the appropriate supervisor for those employees who, because of a sincerely held religious belief, cultural heritage, or medical reason, request a waiver of a particular part of this policy for dress or appearance.

NHCS Policy 6435

EMPLOYEE GRIEVANCE

A grievance procedure has been outlined by the School Board in order to resolve problems affecting employees, when there has been a violation, misapplication, or misinterpretation of state or federal law or regulation, school board policy or administrative regulation; an employee has been subject to discrimination on the basis of race, religion, sex, national origin, age, sexual orientation, or disability; or there exists a physical condition which jeopardizes an employee's health or safety, or which interferes with an employee's ability to discharge his or her responsibilities properly and effectively.

Any personnel action resulting from an employee filing a grievance is prohibited. Thus, employees are free to state the facts and express their opinions without fear of punishment. During all grievance proceedings an effort will be made to focus on finding a solution rather than on the problem. In addition, grievances should be resolved at the lowest level of administration possible.

NHCS Policy 6450

EMPLOYEE RELATIONSHIPS

A familial relationship among employees can create an actual or at least a potential conflict of interest in the employment setting, especially where one relative supervises another relative. To avoid this problem, New Hanover County Schools may refuse to hire or place a relative in a position where the potential for favoritism or conflict exists. In other cases such as personal relationships where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment at the discretion of New Hanover County Schools.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a supervisory/subordinate relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual. New Hanover County Schools generally will attempt to identify other available positions which relieve the affect of the relationship. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

NHCS Policy 6081

EMPLOYMENT RECORDS

In order to obtain a position, an employee provides personal information such as home address and telephone number. This information is contained in your personnel file.

Employees shall keep the personnel file up to date by downloading and completing a Change in Address/Name Form indicating any personal information revisions from the Human Resources website <http://www.nhcs.net/humanresources/forms.htm>. Unreported changes of address, marital status, or name change can affect withholding tax and benefit coverage. Further, an out of date emergency contact or an inability to reach an employee in a crisis could cause a severe health or safety risk.

Personnel files for each employee are maintained in the Division of Human Resources at the Carolina Beach Road Administration Office. Any employee wishing to review his/her personnel file should call the Division of Human Resources to schedule an appointment.

The Superintendent or his/her designee shall maintain in each personnel file any complaint, commendation, or suggestion for correction or improvement about the employee's professional conduct. Pursuant to North Carolina General Statute 115C-325, the Superintendent may elect not to place in a teacher's file (i) a letter of complaint that contains invalid, irrelevant, outdated, or false information or (ii) a letter of complaint when there is no documentation of an attempt to resolve the issue. The complaint, commendation, or suggestion shall be signed by the person who makes it and shall be placed in the employee's file only after five days' notice to the employee. Any denial or explanation relating to such complaint, commendation, or suggestion that the employee desires to make shall be placed in the file. A teacher may petition the Board to remove any information from his/her personnel file that he/she deems invalid, irrelevant, or outdated. The Board may order the Superintendent to remove this information if it finds the information is invalid, irrelevant, or outdated.

NHCS Policy 6340

FACILITIES, EQUIPMENT AND PROPERTY, INCLUDING INTELLECTUAL PROPERTY

Equipment essential in accomplishing job duties is often expensive and difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Employees shall notify the principal/supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of loss, damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Principals/supervisors can answer any questions regarding an employee's responsibility for maintenance and care of equipment used on the job.

Employees also are prohibited from any unauthorized use of New Hanover County Schools' intellectual property, such as audio and video tapes, print materials and software. Employees must be in compliance with copyright laws.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in discipline, up to and including dismissal.

Further, New Hanover County Schools is not responsible for any damage to employees' personal belongings unless the employee's principal/supervisor provided advance approval for the employee to bring the personal property to work.

HEALTH CERTIFICATE

All public school employees upon initial employment, and those who have been separated from public school employment for more than 40 successive work days, shall file a completed New Hanover County Schools/North Carolina Public Schools "Health Examination Certificate" certifying freedom from any communicable disease, including tuberculosis or any disease, physical or mental, which would impair the person's ability to perform his/her job duties prior to reporting to work. The "Health Examination Certificate" can be signed by a physician, physician's assistant, or nurse practitioner licensed to practice in North Carolina. Additionally, individuals in these same categories with unrestricted licenses in other states can complete the Health Examination Certificate.

The Superintendent or his/her designee may require any employee to take a physical examination whenever deemed necessary.

All efforts will be made to protect students' and employees' rights and to control communicable diseases. All decisions regarding the employment status of employees with communicable diseases shall be made on a case-by-case basis.

Reference: North Carolina General Statute 115C-323.

NHCS Policy 6132

IDENTIFICATION BADGES

All permanent or interim employees, contractors, and consultants are expected to visibly display, attached to their person, the approved New Hanover County Schools' photo identification badge while on any property owned or leased by the Board of Education, during school hours or at any time the employee is acting in the course and scope of his/her employment with the Board of Education. Identification badges will be provided by the school district upon employment and remain the property of the New Hanover County Schools. Individuals ending employment with the New Hanover County Schools are required to turn in their ID badge to their principal or immediate supervisor. Replacement badges can be obtained at the employee's expense (\$55.00) by calling the Technology Department Help Desk at 254-4288.

Admission to Athletic Events

New Hanover County Schools extends the courtesy of free admission to all employees for most athletic events upon presentation of their identification badge. Free admission is for the employee only.

LEAVE BENEFITS

New Hanover County Schools' (hereinafter "NHCS") employees are encouraged to utilize available leave benefits options when necessary. However, employees should carefully consider the impact that their absence(s) will have on the overall instructional program and upon the achievement of students. Even the best substitute employee cannot provide the high level of service provided by the regular employee. Every employee absence diminishes the overall quality of the instructional program. In addition, unused accumulated sick leave and/or annual leave can significantly enhance an employee's financial entitlements at retirement or upon separation from employment with the school system.

This employee handbook does not grant any rights beyond those granted by state law and local board policy. Nothing contained herein creates an employment contract or term of employment, nor limits the reasons for the dissolution of the employment relationship.

In addition to leave granted with pay, an employee may be granted a leave of absence without pay for extenuating circumstances by the Assistant Superintendent of Human Resources or their designee in accordance with the rules and regulations of the State and the County School Board. Administrators may approve up to three (3) days of leave without pay during the school year (July 1-June 30).

Requests beyond three days shall be forwarded to the Assistant Superintendent Human Resources Division for approval.

An extended leave of absence may be granted in accordance with local rules and regulations. Whenever possible, employees must request an extended leave of absence 30 days in advance of the foreseeable event. If the event is unforeseeable, the request must be made as soon as possible to ensure continued employment. The Human Resources Division may determine when the leave will begin or end based on the consideration of the welfare of the students and the need for continuity of instruction.

An employee requesting more than ten (10) workdays of leave (with or without pay) must submit an **Extended Leave of Absence Request** form found at www.nhcs.net along with supporting documentation to the Human Resources Benefits Department. Allowable reasons for which an extended leave of absence may be requested are listed below. Please refer to the appropriate section in this handbook for policy and procedures regarding the type of leave being requested.

Allowable reasons for which an extended leave of absence may be requested are:

- Educational Leave
- Extenuating Circumstances
- Family Leave
- Family Medical Leave
- Medical Leave
- Military Leave

ANNUAL LEAVE

Purposes for Which Annual Leave May Be Used

The purpose of paid annual leave is to allow and encourage employees to renew their physical and mental capabilities and to remain fully productive. State and local regulations determine when annual leave may be taken. Instructional personnel who require a substitute and bus drivers may not normally take annual leave at any time that students are scheduled to be in attendance.

Other than vacation, annual leave may be taken for:

a. **Catastrophic Illness:** Instructional personnel who require substitutes and bus drivers may take annual leave at a time when students are scheduled to be in attendance if the leave is due to a catastrophic illness of the employee and if all of the employee's available sick leave has been exhausted. The Human Resources Division shall determine whether an illness is catastrophic by considering such factors as:

- the debilitating nature of the condition;

- the life-threatening potential of the condition;
- the duration of the condition;
- the monetary hardship incurred because of the condition;
- the expected length of the leave; and
- other options available to the employee, such as state disability.

b. **New Parents:** A school employee may use annual leave to care for a newborn child or for a child placed with the school employee for adoption or foster care. Use of annual leave for this purpose is not limited to days when students are not scheduled to be in attendance. The leave must be for consecutive workdays during the first twelve (12) months after the date of birth or placement of the child, unless the employee and Human Resources Division agree otherwise.

c. **In Lieu of Sick Leave:** Annual leave may be used in lieu of sick leave. Instructional personnel who require substitutes and bus drivers are subject to the restrictions set forth in paragraph (a) of **Annual Leave Use**.

d. **Adverse Weather:** Twelve (12) month employees may elect to use annual leave for absences due to adverse weather conditions only on days when students are not required to attend school due to the adverse weather conditions.

e. **Disability Income:** Employees may elect to exhaust annual leave during the sixty (60) day waiting period or in lieu of short-term disability benefits. Instructional personnel who require substitutes and bus drivers may use this leave only on days that students are not scheduled to be in regular attendance or in accordance with the provisions set forth in paragraph (a) of **Annual Leave Use** described below. This election will not extend the 365-day duration of short-term disability.

f. **Military caregiver:** an employee may choose to exhaust available annual leave to care for an injured family member.

g. **Qualifying Exigency:** when necessitated by one of the qualifying exigency reasons, employees may use annual leave. (See FMLA - Qualifying Exigency Explanation)

Requesting Leave: Teachers and Teacher Assistants

Only Teachers and Teacher Assistants must record absences in the Frontline Management System (AESOP). Each time you enter an absence into AESOP, your principal will automatically receive notification that you have submitted an absence. The principal will then approve or deny the absence. You will, in turn, receive an email stating the status of your absence. Once the principal has approved the absence, AESOP will then begin to call substitutes. The only leave that does not require the prior approval of your principal is sick leave. Principals will still approve sick leave at some point in time, but the system will automatically call substitutes. You will also still be able to assign substitutes to your absence request. Please ensure that you have confirmation from the

substitute before entering the information into the system. In addition, employees must have accrued the leave to cover requested day(s).

Employees are still required to submit professional development forms prior to entering the absence in AESOP. Employees should submit PD forms at least five days or more before entering the absence in AESOP. Follow your Principal's timeline for submission.

If you are a teacher assistant, you are required to work 40 hours per week. If you do not work your 40 hours, you will need to enter your leave in AESOP using the custom hours for the amount of time needed and the leave type. This entry should be completed before the week ends so that your principal can approve your leave. Again, please ensure you have the leave days accrued before entering it into the system.

Annual Leave Eligibility and Rate of Earning

All active full-time and part-time permanent employees who work or are on paid leave (including paid holidays and Workers' Compensation) for one-half or more of the work days in a monthly pay period, earn annual leave based on the length of total North Carolina service. Annual leave for a part-time permanent employee shall be computed on a pro rata basis. Employees are eligible to request an advancement of annual leave not to exceed what they would have earned for the year.

Annual leave shall be earned as follows:

Years of State Service

Employment per Month of:	Days of Leave Earned:
Less than 5 years	1.17
5 but less than 10 years	1.42
10 but less than 15 years	1.67
15 but less than 20 years	1.92
20 years or more	2.17

Bus drivers who work less than 20 hours per week and who are not otherwise entitled to annual leave as described above are entitled to earn one day per year (equal in length to one regular workday for each driver) if:

- a. they are employed to drive a regular daily route (i.e., they are not substitute drivers), and
- b. they were employed as regular drivers the entire previous school year.

A bus driver who is terminated or resigns before taking the leave day is not entitled to compensation for the annual leave day.

Accumulation: Annual leave may be accumulated without any applicable maximum until June 30 of each calendar year. On June 30, accumulated annual leave in excess of 30 days will be converted to sick leave so that only 30 workdays of annual leave are carried forward to July 1 of each year. **Accumulation and use during summer employment:** Any employee who earned annual leave in the regular school term will continue to earn annual leave during the summer if employed at least twenty (20) hours per week. The rate will be pro rata if the summer employment is less than full-time. Annual leave may be used under the same conditions that existed during the regular term.

Advancement: An employee may be advanced the amount of annual leave that may be earned in the remainder of the fiscal year at the discretion of the employee's immediate supervisor. NHCS does not advance leave during a long term leave of absence.

Annual Leave Use

NHCS require annual leave to be used in hourly units. For 10-month employees, the first 10 days of annual leave must be scheduled within the school calendar adopted by the local Board of Education and must be taken as scheduled.

a. **Restrictions on use by instructional personnel:** Classroom teachers who require a substitute, school media specialists who require a substitute, teacher assistants who require a substitute may not take annual leave at any time that students are scheduled to be in attendance except as provided for catastrophic illness and/or new parents as described above. Instructional personnel who do not require a substitute may, with their supervisor's approval, take annual leave on any day school is in session.

b. **Use of annual leave by interim or temporary employees:** An employee who had previously earned annual leave may not use this leave while employed in an interim position of less than six months, a temporary position or working in a position of less than twenty (20) hours per week.

c. **Scheduling annual leave and work days in the calendar:** Local calendars must be designed to allow all employees an opportunity to take annual leave earned during the period of employment. However, teachers may be required to forfeit annual leave to attend required workdays. This applies to summer school calendars as well as calendars for the regular term. Days not scheduled in the calendar for student attendance, holidays, annual leave, or optional workdays may be designated by the Board of Education as mandatory workdays.

d. Leave deficit: An employee who has neither earned nor will earn sufficient annual leave to cover any scheduled annual leave day will be placed on leave without pay.

e. Annual Leave Approval: employees must have prior approval from their immediate supervisor to take annual leave. Employees must submit their request for leave 30 days in advance, or as early as possible, using the **Leave Request** form found on the NHCS website at www.nhcs.net. At a minimum, requests should be submitted before the end of the workday immediately preceding the day on which the employee wishes to take annual leave. A supervisor may waive even this minimum notice at his or her discretion.

f. Denial of Requests: A request to take annual leave may be denied by an employee's supervisor when the employee's attendance is deemed necessary to fulfill a justifiable need by his or her supervisor; provided that each employee shall be given the opportunity to take annual leave earned in a calendar year.

Procedure for Requesting Annual Leave - Does not apply to Teachers and Teacher Assistants.

To request annual leave, employees must:

1. Complete a **Leave Request** form located on the NHCS website at www.nhcs.net or the school/department where the leave is being requested. Whenever possible, employees should give (30) days advance notice of plans to take annual leave. For unforeseen annual leave, the employee must call in their absence and complete the Leave Request form immediately upon their return. All sections of the Leave Request form must be completed including the employee's and their immediate supervisor's signature.
2. Attach supporting documentation, if required by the employee's immediate supervisor, as proof that the employee is unable to work.
3. Submit completed form(s) to the employee's immediate supervisor for final approval.

Transfer of Leave

a. Transfer between LEAs: An employee who transfers between local administrative units must have all unused annual leave transferred to the new administrative unit. Leave to be accepted by a school system must not have been earned at a greater rate than the rate afforded to school employees as set forth above.

b. Transfer to and from other state agencies: If the agency is willing to accept it, leave may be transferred to and from a state agency or institution, community college,

technical institute, or a position covered by the State Personnel Act in county agencies of mental health, public health, social services, or emergency management.

All or any portion of the unused annual leave may be accepted. Leave to be accepted from a state agency must not have been earned at a greater rate than the rate afforded to school employees as set forth above.

If the receiving agency refuses to credit the employee with the unused annual leave, or any portion thereof, the employee must be paid in a lump sum for up to thirty (30) days of accumulated annual leave.

Separation

Upon separation in order to retire, annual leave over 30 days may be converted to sick leave for creditable service toward retirement.

a. Lump sum payment: An employee shall be paid in a lump sum for accumulated annual leave, not to exceed a maximum of thirty (30) days, upon separation from service. Separation from service includes resignation (unless the employee is transferring to another LEA or state agency), dismissal, reduction-in-force, death, service retirement, beginning long-term disability benefit, or change to temporary status.

b. Leave deficit: If an employee separating from service is overdrawn with respect to annual leave, a deduction in the appropriate amount will be made from his or her final paycheck.

c. Retirement: A deduction for retirement must be made from all lump sum payments of annual leave. Receipt of lump sum leave payment and retirement benefits is not considered to be dual compensation.

d. Claims on behalf of deceased employee: In the case of a deceased employee, unused annual leave up to a maximum of thirty (30) days must be paid to the deceased employee's administrator or executor upon the establishment of a valid claim. Such claim must be made to the Clerk of Superior Court in the county of the deceased employee's residence.

Bonus Vacation Leave

Bonus vacation leave can be used under the same circumstances and provisions as annual leave.

Eligibility and Rate of Earning

Only full-time permanent employees who were designated as eligible by the General Assembly in the 2002-2003, 2003-2004 and 2005-2006 fiscal year received bonus

vacation leave. School employees who received salary increases based on the salary schedules approved in the 2001 and 2002 modified budget (S.B. 1115) were not eligible for bonus vacation leave.

Designated employees in permanent full-time 12-month positions received 10 days in the 2002-2003 and 2003-2004 fiscal year and an additional 5 days in the 2005-2006 fiscal year. The leave was received pro rata if employed less than full-time and/or less than 12-months. The bonus vacation leave balance is tracked separately and carries forward each year until used or paid out at retirement or separation. (It is not included in the 30 day limit of the annual vacation leave which can be carried forward on June 30 each year and does not roll into sick leave.)

Separation and Transfers

- a. Upon separation from employment, any unused bonus vacation leave balance will be paid out at the daily rate at the time of separation. This payment is in addition to the annual leave balance (up to 30 days) that is paid at separation.
- b. An employee who transfers between local administrative units or to or from a state agency must have all unused bonus vacation leave transferred to the new school system or state agency.
- c. If an employee transfers to a position where the employee is unable to earn or use annual leave, the bonus vacation leave balance is paid in a lump sum. This bonus vacation leave payment is in addition to any payment for an annual leave balance.

EDUCATIONAL LEAVE

Educational leave is intended for graduate work, certification or professional study to enhance an individual's knowledge, ability, skills, and/or professional growth in a field of education or employment related to the employee's duties or responsibilities in the New Hanover County Schools. All permanent full-time or part-time employees, who have one year of service with New Hanover County Schools, are eligible for educational leave without pay for up to twelve (12) calendar months. Tenured employees approved for an educational leave of absence retain tenured status upon return from the authorized leave. Probationary teachers must begin a new probationary period (start over at year 1) if an educational leave prevents the probationary teacher from completing four (4) consecutive years of 120 workdays each (actually worked).

Procedure for requesting an Extended Leave of Absence for Educational Leave

1. Complete an **Extended Leave of Absence** (“ELOA”) form located on the NHCS website www.nhcs.net or the school/department where the leave is being requested. Employees must give at least thirty (30) days’ notice in advance of the beginning of the requested leave. Failure to do so could result in denial of leave. All sections of the form must be completed including the employee’s and their immediate supervisor’s signature.
2. Attach documentation verifying the employee's acceptance and/or full-time enrollment at an accredited community college, technical school, college or university. The supporting documentation must contain a description of the academic program, the specific academic work to be undertaken, and the start and end date of the leave.
3. Submit the completed forms to the Human Resources Benefits Department for final approval.
4. If the employee desires to cancel any insurance coverage or make any allowable change in his or her coverage, he or she must complete the appropriate forms. If insurance benefits are canceled or terminated while on a leave of absence, it is the employee’s responsibility to contact the Benefits Department to re-enroll as soon as he or she returns to work.

Reinstatement from Educational Leave

NHCS reserves the right to determine when the employee is to be reinstated based on a consideration of the welfare of the students and the need for continuity of instruction. Prior to the employee’s return to work from an extended leave, he or she will receive a **Letter of Intent** form to be completed and returned within one week of the approved return to work date. The employee has the following options:

- a. Request an extension: submit another **Extended Leave of Absence Request** form to the Human Resources Benefits Department on or before the employee’s return to work date.
- b. Return to work on the approved return to work date.
- c. Submit resignation: Employees may choose to give two week notice. If the Letter of Intent is not submitted on the approved return to work date, NHCS will construe this as the employee’s voluntary resignation and the employee will be terminated.

Employees required by the state to hold an educational license or teacher assistants may have their position released if the leave exceeds six consecutive months in order

to hire a qualified applicant in that position. The returning employee will be placed in a vacant, equivalent position for which they are qualified within the school system.

EXTENDED LEAVE OF ABSENCE

All permanent full-time and part-time employees are eligible to request an extended leave of absence for a period exceeding ten (10) workdays for the allowable reasons listed below. Paid leave (annual leave, bonus vacation leave, sick leave, personal leave, and extended sick leave) shall be used in accordance with state regulations.

EXTENDED SICK LEAVE

Eligibility and Rate of Earning

Extended sick leave is available only to permanent full-time or part-time classroom teachers and media specialists who require substitutes if they are absent due to their own personal illness or injury in excess of their accumulated sick leave and available annual leave. If the request is being made by a new hire, the employee must have reported to work. Those qualifying are allowed extended sick leave of up to 20 workdays throughout the regular term of employment. Extended sick leave days do not have to be used consecutively. Unused extended sick leave days do not carry forward to succeeding school years.

Substitute Deduction Use

Employees on extended sick leave receive full salary less the required substitute deduction. The deduction is mandatory whether or not a substitute is employed. The standard deduction is \$50 per day.

Approval

The Superintendent authorizes the employee's immediate supervisor to approve requests for the use of extended sick leave.

Procedure for Requesting Extended Sick Leave

To request extended sick leave, employees must:

1. Complete an **Extended Leave of Absence** form located on the NHCS website at www.nhcs.net or the school/department where the leave is being requested. Whenever possible, employees should give 30 days' advance notice of plans to take an extended sick leave. For unforeseen events, the employee must complete an Extended Leave of Absence form as soon as possible. All sections of the form must be completed including the employee's and their immediate supervisor's signature.

2. Attach a **Certification of Health Care Provider** form located on the NHCS website at www.nhcs.net.
3. Submit the completed forms to the Human Resources Benefits Department for final approval.

Reinstatement Following Extended Sick Leave

The same policy and procedure shall be applied for extended sick leave as described above in Section II, Sick Leave, and Reinstatement Following Sick Leave, found on page 60 of this Handbook.

EXTENUATING CIRCUMSTANCES

New Hanover County Schools recognizes that there are times in the lives of its employees when extenuating circumstances occur that require time away from work which are not covered under any of the above allowable reasons for extended leave. Such circumstances include illnesses and other events that happen to family members and/or others for whom the employee has responsibility.

Therefore, the Assistant Superintendent of Human Resources may authorize a leave of absence up to one calendar year for employees who have served a minimum of three consecutive years. Such leave does not include an extension of family leave to care for a newborn child, a newly adopted child, or a child placed in foster care.

Procedure for requesting an Extenuating Circumstances Leave

1. Complete an **Extended Leave of Absence** ("ELOA") form located on the NHCS website www.nhcs.net or the school/department where the leave is being requested. Whenever possible, employees must give (30) days advance notice of plans to take an extended leave. For unforeseen events, the employee must complete an ELOA form as soon as possible. All sections of the form must be completed including the employee's and their immediate supervisor's signature.
2. Attach a letter to the Assistant Superintendent explaining the nature of the extenuating circumstance.
3. Submit completed forms to the Human Resources Benefits Department for final approval.
4. If the employee desires to cancel any insurance coverage or make any allowable change in his or her coverage, he or she must complete the appropriate forms. If insurance benefits are canceled or terminated while on a leave of absence, it is the employee's responsibility to contact the Benefits Department to re-enroll as soon as he or she returns to work.

Reinstatement Following Extenuating Circumstances Leave

NHCS reserves the right to determine when the employee is to be reinstated based on a consideration of the welfare of the students and the need for continuity of instruction.

Prior to the employee's return to work from an extended leave, he or she will receive a **Letter of Intent** form to be completed and returned within one week of the approved return to work date. The employee has the following options:

- a. Request an extension: submit another ELOA form to the Human Resources Benefits Department on or before the employee's return to work date.
- b. Return to work on the approved return to work date.
- c. Submit resignation: Employees may choose to give two weeks' notice. If the Letter of Intent is not submitted on the approved return to work date, NHCS will construe this as the employee's voluntary resignation and the employee will be terminated.

When an employee returns to work from an approved extended leave of absence, NHCS will attempt to place that employee in his or her original position whenever possible. Employees required by the state to hold an educational license or teacher assistants, may have their position released if the leave exceeds six consecutive months in order to hire a qualified applicant in that position. The returning employee will be placed in a vacant, equivalent position for which they are qualified within the school system. If insurance benefits were cancelled while on a leave of absence, it is the employee's responsibility to re-enroll. An employee can call the Benefits Department for more information and assistance in enrolling in insurance benefits.

FAMILY LEAVE

All permanent full-time or part-time employees may take a family leave of absence for up to twelve (12) calendar months, or longer if the employee's sick leave has not been exhausted, to care for a newborn child, a newly adopted child, or a child placed in foster care. For the birth of a child, the employee may use appropriate earned leave (i.e. sick leave, extended sick leave, personal leave, annual leave, and bonus vacation leave). The use of sick leave and extended sick leave by the mother is generally limited to the first six (6) weeks after normal delivery and to the first eight (8) weeks after a Cesarean Section. However, the employee's immediate supervisor may determine when the leave will begin or end, based on a consideration of the welfare of the students and the need for continuity of service.

Tenured employees approved for a family leave retain tenured status upon return from the authorized leave. Probationary teachers must begin a new probationary period if a leave of absence, paid or unpaid, prevents the probationary teacher from completing four (4) consecutive years of 120 workdays in each year in the same school system. Unless the probationary teacher in a full-time, permanent position did not work for at least 120 workdays in a 220 day school year because the teacher was on sick leave, disability leave or both, that school year shall not be deemed to constitute:

- (a) a consecutive year of service for the teacher, or
- (b) a break in the continuity in consecutive years of service for the teacher.

Benefits under the Family and Medical Leave Act are available to eligible employees requesting Family Leave.

Procedure for requesting an Extended Family Leave

1. Complete an **Extended Leave of Absence** ("ELOA") form located on the NHCS website www.nhcs.net or the school/department where the leave is being requested. Whenever possible, employees must give (30) days advance notice of plans to take an extended leave. For unforeseen events, the employee must complete an ELOA form as soon as possible. All sections of the form must be completed including the employee's and their immediate supervisor's signature.
2. Attach a completed **Certification of Health Care Provider** form only for the birth of a child located on the NHCS website at www.nhcs.net. The certification should indicate the diagnosis and the beginning and ending dates of the leave, including the due date and type of delivery expected.
3. Submit completed forms to the Human Resources Benefits Department for final approval.
4. If the employee desires to cancel any insurance coverage or make any allowable change in his or her coverage, he or she must complete the appropriate forms. If insurance benefits are canceled or terminated while on a leave of absence, it is the employee's responsibility to contact the Benefits Department to re-enroll as soon as he or she returns to work.

Reinstatement Following Extended Family Leave

New Hanover County Schools reserves the right to determine when the employee is to be reinstated based on a consideration of the welfare of the students and the need for continuity of instruction.

Prior to the employee's return to work from an extended leave, he or she will receive a **Letter of Intent** form to be completed and returned within one week of the approved return to work date. The employee has the following options:

- a. Request an extension: if the employee's birth of a child results in a serious medical condition, submit another **Extended Leave of Absence Request** form to the Human Resources Benefits Department on or before the employee's return to work date.
- b. Return to work on the approved return to work date.
- c. Submit resignation: Employees may choose to give two weeks notice. If the Letter of Intent is not submitted on the approved return to work date, NHCS will construe this as the employee's voluntary resignation and the employee will be terminated.
- d. Submit **Return to Work** form: if the employee's birth of a child resulted in a serious medical condition but the employee is fit to return to work, the employee must provide a Return to Work form prior to their return. Failure to do so will result in the employee not being permitted to return to work.

When an employee returns to work from an approved extended leave of absence, NHCS will attempt to place that employee in his or her original position whenever possible. Employees required by the state to hold an educational license, or teacher assistants, may have their position released if the leave exceeds six consecutive months in order to hire a qualified applicant in that position. The returning employee will be placed in a vacant, equivalent position for which they are qualified within the school system. If insurance benefits were cancelled while on a leave of absence, it is the employee's responsibility to re-enroll by contacting the Benefits Department.

FAMILY MEDICAL LEAVE

All full-time permanent or part-time permanent employees may take a family medical leave of absence for up to twelve (12) calendar months to care for the employee's immediate family member with a serious health condition. The employee may use appropriate earned leave during the time of the leave (i.e. sick leave, personal leave, annual leave, and bonus vacation leave). However, the Assistant Superintendent of Human Resources may also determine when the leave will begin or end, based on a consideration of the welfare of the students and the need for continuity of service.

Immediate family consists of: spouse, children, parents, brothers, sisters, grandparents, grandchildren, step, half, in-law relationships and dependents living in the employee's household.

Tenured employees approved for a family medical leave of absence retain tenured status upon return from the authorized leave. Probationary teachers must begin a new probationary period if a leave of absence, paid or unpaid, prevents the probationary teacher from completing four (4) consecutive years of 120 workdays in each year in the same school system. Unless the probationary teacher in a full-time, permanent position did not work for at least 120 workdays in a 220-day school year because the teacher was on sick leave, disability leave or both, that school year shall not be deemed to constitute:

- (a) a consecutive year of service for the teacher, or
- (b) a break in the continuity in consecutive years of service for the teacher.

Benefits under the Family and Medical Leave Act are available to eligible employees requesting Family Medical Leave.

Procedure for requesting an Extended Leave of Absence for Family Medical Leave

1. Complete an **Extended Leave of Absence** ("ELOA") form located on the NHCS website www.nhcs.net or the school/department where the leave is being requested. Whenever possible, employees must give (30) days advance notice of plans to take an extended leave. For unforeseen events, the employee must complete an ELOA form as soon as possible. All sections of the form must be completed including the employee's and their immediate supervisor's signature.
2. Attach a completed **Certification of Health Care Provider** form located on the NHCS website, www.nhcs.net. The certification should indicate the family member's diagnosis and the employee's beginning and ending dates of the leave.
3. Submit completed forms to the Human Resources Benefits Department for final approval.
4. If the employee desires to cancel any insurance coverage or make any allowable change in his or her coverage, he or she must complete the appropriate forms. If insurance benefits are canceled or terminated while on a leave of absence, it is the employee's responsibility to contact the Benefits Department to re-enroll as soon as he or she returns to work.

Reinstatement Following Extended Family Medical Leave

NHCS reserves the right to determine when the employee is to be reinstated based on a consideration of the welfare of the students and the need for continuity of instruction.

Prior to the employee's return to work from an extended leave, he or she will receive a **Letter of Intent** form to be completed and returned within one week of the approved return to work date. The employee has the following options:

- a. Request an extension: submit another **Extended Leave of Absence Request** form to the Human Resources Benefits Department on or before the employee's return to work date.
- b. Return to work on the approved return to work date.
- c. Submit resignation: Employees may choose to give two weeks' notice. If the Letter of Intent is not submitted on the approved return to work date, NHCS will construe this as the employee's voluntary resignation and the employee will be terminated.

When an employee returns to work from an approved extended leave of absence, NHCS will attempt to place that employee in his or her original position whenever possible. Employees required by the state to hold an educational license, or teacher assistants, may have their position released if the leave exceeds six consecutive months in order to hire a qualified applicant in that position. The returning employee will be placed in a vacant, equivalent position for which they are qualified within the school system. If insurance benefits were cancelled while on a leave of absence, it is the employee's responsibility to re-enroll. An employee can call the Benefits Department for more information and assistance in enrolling in insurance benefits.

MEDICAL LEAVE

All full-time permanent or part-time permanent employees may take a medical leave of absence for up to twelve (12) calendar months, or longer if the employee's sick leave has not been exhausted, for personal illness that prevents an employee from performing his or her usual duties. The employee may use appropriate earned leave (i.e. sick leave, extended sick leave, personal leave, annual leave, and bonus vacation leave). However, the Assistant Superintendent of Human Resources may determine when the leave will begin or end, based on a consideration of the welfare of the students and the need for continuity of service.

Medical leave includes employees with work related injuries that are eligible for Workers' Compensation. If an employee is out of work more than ten (10) consecutive workdays due to work related injuries, he or she must follow the procedures for requesting a Workers' Compensation, as described on page 20 of this Handbook.

Tenured employees approved for a medical leave retain tenured status upon return from the authorized leave.

Probationary teachers must begin a new probationary period if a leave of absence, paid or unpaid, prevents the probationary teacher from completing four (4) consecutive years of 120 workdays in each year in the same school system. Unless the probationary teacher in the full-time, permanent position did not work for at least 120 workdays in a 220 day school year because the teacher was on sick leave, disability leave or both, that school year shall not be deemed to constitute:

- (a) a consecutive year of service for the teacher, or
- (b) a break in the continuity in consecutive years of service for the teacher.

Benefits under the Family and Medical Leave Act are available to eligible employees requesting Medical Leave.

Procedure for requesting an Extended Medical Leave

1. Complete an **Extended Leave of Absence** ("ELOA") form located on the NHCS website www.nhcs.net or the school/department where the leave is being requested. Whenever possible, employees must give (30) days advance notice of plans to take an extended leave. For unforeseen events, the employee must complete an ELOA form as soon as possible. All sections of the form must be completed including the employee's and their immediate supervisor's signature.
2. Attach a completed **Certification of Health Care Provider** form located on the NHCS website, www.nhcs.net. The certification should indicate the diagnosis and the beginning and ending dates of the leave.
3. Submit completed forms to the Human Resources Benefits Department for final approval.
4. If the employee desires to cancel any insurance coverage or make any allowable change in his or her coverage, he or she must complete the appropriate forms. If insurance benefits are canceled or terminated while on a leave of absence, it is the employee's responsibility to contact the Benefits Department to re-enroll as soon as he or she returns to work.

Reinstatement Following Extended Medical Leave

NHCS reserves the right to determine when the employee is to be reinstated based on a consideration of the welfare of the students and the need for continuity of instruction.

Prior to the employee's return to work from an extended leave, he or she will receive a **Letter of Intent** form to be completed and returned within one week of the approved return to work date. The employee has the following options:

- a. Request an extension: submit another [Extended Leave of Absence Request](#) and [Certification of Health Care Provider](#) form to the Human Resources Benefits Department on or before the employee's return to work date.
- b. Return to work on the approved return to work date: the employee must submit to the Human Resources Benefits Department a [Fitness for Duty](#) form from their physician prior to their return. Failure to do so will result in the employee not being permitted to return to work.
- c. Submit resignation: Employees may choose to give two weeks' notice. If the Letter of Intent is not submitted on the approved return to work date, NHCS will construe this as the employee's voluntary resignation and the employee will be terminated.

When an employee returns to work from an approved extended leave of absence, NHCS will attempt to place that employee in his or her original position whenever possible. Employees required by the state to hold an educational license, or teacher assistants, may have their position released if the leave exceeds six consecutive months in order to hire a qualified applicant in that position. The returning employee will be placed in a vacant, equivalent position for which they are qualified within the school system. If insurance benefits were cancelled while on a leave of absence, it is the employee's responsibility to re-enroll. An employee can call the Benefits Department for more information and assistance in enrolling in insurance benefits.

MILITARY LEAVE

The granting of military leave to full-time or part-time permanent employees is the state's obligation to the national defense effort and to the protection of the state itself. Generally, employees may be granted up to fifteen (15) days of leave for military training with pay during the federal fiscal year (October 1 through September 30). All military leaves of absence will be administered in accordance with federal and state laws.

Military leave with pay shall be granted to members of Reserve Components of the U.S. Armed Forces for periods of active duty training. All permanent, probationary and trainee employees who enter active military service are eligible for military leave for extended active duty.

Reserve components of the U.S. Armed Forces are the National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve and

the Coast Guard Reserve. The National Guard serves both as a Federal Reserve component and as the State Militia.

1. Periods of entitlement for all reserve components: Military leave with pay shall be granted for up to 15 workdays during the federal fiscal year. The federal fiscal year begins October 1 and ends September 30.
2. Physical examination for military service: An employee shall be granted necessary time off when the employee must undergo a required physical examination relating to membership in a reserve component (included in the 15 days paid leave per federal fiscal year).
3. Scheduled unit assemblies: Regularly scheduled unit assemblies usually occur on weekends and are referred to as "drills." If an employee is required to leave on a workday, the employee may be allowed to use military leave with pay or other available paid leave. This military leave with pay is included in the 15 days allowed each federal fiscal year for training.

Additional periods of entitlement for National Guard only:

1. Military leave with pay shall be granted for infrequent special activities in the interest of the State when so authorized by the Governor or his or her designee. This leave is in addition to the 15 days allowed for military training.
2. For active State duty in excess of 30 days, employees shall be entitled to military leave with differential pay between military pay and regular pay if the military pay is less than the employee's regular pay.
3. Military leave for active State duty is in addition to military leave which may be granted for other purposes.

Periods ineligible for paid military leave:

1. Duties resulting from disciplinary actions imposed by military authorities.
2. Inactive duty training (drills) performed for the convenience of the members such as equivalent training, split-unit assemblies, make-up drills, etc.

Employing agencies are not required to excuse an employee for unscheduled or incidental military activities such as volunteer work at military facilities and unofficial military activities.

Orders and Leave Documentation

The employee must give advance notice to the employer of absence for military service and apply for reemployment following leave of more than 30 days. The notice and application may be either written or verbal.

NHCS reserves the right to request that the employee submit a copy of the orders or other appropriate documentation of required military duty.

Resolution of Scheduled Conflicts

If a scheduled military leave creates a problem for the school system, supervisors are encouraged to contact the commanding officer at the military unit to which the employee reports and request a schedule accommodation.

Retention of Benefits

Paid military leave is treated like any other paid leave. The employee shall continue to accumulate leave and receive health insurance for self, etc.

Service Schools and Reserve Training

All or any portion of an employee's 15 days paid military leave or regular vacation leave may be used in lieu of or in conjunction with unpaid military leave for 1) attendance at service schools, or 2) attendance at active duty training in a reserve unit.

Extended Active Duty

Leave without pay shall be granted as outlined below for periods of active duty in the armed forces of the United States. An employee may not use paid military leave for extended active duty.

1. "Extended active duty" is defined as:
 - a. Any active military service for a period not to exceed five years plus any period of additional service imposed by law.
 - b. All active military service during declared state or national emergency or during time of war.
 - c. Any mobilization or order to Federal active duty of an employee in the National Guard or one of the other reserve components.
2. Leave before and after active duty: Permanent, trainee, and probationary employees who enter active military service may also use unpaid military leave for the following reasons:

- a. While awaiting entry into active duty, to allow the employee to settle any personal matters or if the delay is not the employee's fault. This period shall be for up to 30 days and can be extended in exceptional cases.
 - b. Following active military service while employee's reinstatement is pending. The employee must apply for reinstatement within 90 days following release from active duty of more than 180 days, or within 14 days following active duty of 30 to 180 days.
 - c. Involuntary extensions: Unpaid military leave shall be granted for any involuntary extension of military service. The employee may be required to present evidence that the extension was involuntary.
 - d. Hospitalization: Unpaid military leave shall be permitted for extensions of enlistment due to hospitalization for service-connected disability certified by the attending physician. In addition, the employee is entitled to leave without pay from the time of release by the physician until actually reinstated, provided the employee applies for reinstatement within the time limits described above.
3. Employee responsibility: The employee or an appropriate officer shall give advance notice of the military service to the Assistant Superintendent of Human Resources. The employee is responsible for making application for reinstatement within the appropriate time limit.
4. NHCS responsibility: It is the responsibility of NHCS to ascertain that the employee is eligible for unpaid military leave. The Assistant Superintendent of Human Resources or designee shall explain to the employee the rights and benefits concerning leave, salary increases medical insurance options, retirement status, and reinstatement from military leave.
5. Retention and continuation of benefits: An employee going on extended active duty may choose to have accumulated vacation leave paid in a lump sum, exhaust available leave, or retain all or part of the accumulated leave until he or she returns to work. The maximum accumulation of 30 days or 240 hours applies to a lump-sum payment. The employee retains all accumulated sick leave and continues to earn state service credit and time toward salary increases. An employee will receive full retirement membership service credit for all active duty service in the armed forces if he or she is honorably discharged. Enlistment up to five years is creditable. The employee should contact the Human Resources Benefits Department for instructions.
6. Reinstatement from leave without pay for military service: Employees on leave without pay honorably discharged from military service who applies for

reinstatement within the appropriate time limit must be reemployed in a position equivalent in status, seniority, and pay and as if employment had not been interrupted.

If an employee is disabled during military service to the extent that he or she cannot perform the duties of the original position, the employee shall be reinstated to a position with duties compatible with the disability. In no case will the reinstated employee's salary be less than his or her salary prior to military leave.

Employees who resign without knowledge of their eligibility for military leave and reinstatement of benefits, but who are otherwise eligible for the reinstatement under military leave provisions, shall be reinstated from military service just as if they had applied for and been granted leave for active military duty.

7. Tenure, BTP and Licensure: The status of licensed employees on active military duty will be treated as "hold harmless."

Procedure for requesting an Extended Leave of Absence for Military Leave

1. Complete an **Extended Leave of Absence** ("ELOA") form located on the NHCS website www.nhcs.net or the school/department where the leave is being requested. Whenever possible, employees must give (30) days advance notice of plans to take an extended military leave. For unforeseen events, the employee must complete an ELOA form as soon as possible. All sections of the form must be completed including the employee's and their immediate supervisor's signature.
2. Attach the military orders.
3. Submit completed forms to the Human Resources Benefits Department for final approval.
4. If the employee desires to cancel any insurance coverage or make any allowable change in his or her coverage, he or she must complete the appropriate forms. If insurance benefits are canceled or terminated while on a leave of absence, it is the employee's responsibility to contact the Benefits Department to re-enroll as soon as he or she returns to work.

SICK LEAVE

Sick Leave Eligibility, Rate of Earning and Use

All permanent, full-time employees who are working or on paid leave for one-half or more of the workdays in any monthly pay period earn (1) one day per month, or the number of hours worked daily, up to a maximum of eight hours. Permanent, part-time employees earn sick leave computed on a pro rata basis of 50% or more of the amount earned by a full-time employee in that class of work. Permanent, part-time employees previously employed in a full-time position retain the balance of sick leave earned in the prior position upon transferring to a part-time position.

Sick leave will be charged in hourly increments. Only sick leave taken on an employee's work day shall be deducted from the employee's sick leave balance. Unused sick leave can be added to the employee's length of service for pension computation at retirement.

Purposes for Which Sick Leave May Be Used

Sick leave may be used up to ten (10) consecutive days for:

- a. Any actual period of temporary disability relating to personal illness or injury which prevents an employee from performing his or her usual duties for up to ten (10) consecutive days. Sick leave may be used during the 60-day waiting period for short-term disability or in lieu of short-term disability benefits. Sick leave may also be used in lieu of workers' compensation to maintain 100% salary.
- b. Medical appointments of the employee.
- c. Illness in the immediate family defined as spouse, children, parents, brothers, sisters, grandparents, grandchildren, step, half, and in-law relationships and dependents living in the employee's household and medical appointments related to the illness that necessitates the employee's attendance.
- d. Death in the immediate family as defined above in paragraph (c). The length of leave granted for illness or death in the immediate family is determined by the employee's immediate supervisor based on individual employee need.
- e. Military caregiver and Exigency: an employee may exhaust available sick leave, or any portion, or go on leave without pay to care for an injured family member or when necessitated by a qualifying exigency reason (See FMLA for Qualifying Exigency reasons).

Accumulation and Use During Summer Employment

Any employee who earned sick leave during the regular school term will continue to earn sick leave during the summer if employed in the same school system at least 20 hours per week. The rate will be pro rata if the summer employment is less than full-time. The employee may use sick leave during the summer for the same reasons permitted during the regular term.

Limitations on Sick Leave

Sick leave may not be used while on leave without pay or on holidays and annual leave days scheduled in the school calendar. An absence covered by workers' compensation is not considered to be a leave without pay. Sick leave may be used on any work day or student day including the first day employees in permanent positions report to work. Employees who previously earned sick leave may not use this leave while employed in a position not offering benefits.

Advancement of Sick Leave

An employee may have advanced to his or her credit at the beginning of each school year the number of hours of sick leave to which he or she is entitled for that school year. Only the employee's immediate supervisor can approve the advancement of sick leave to an employee.

Procedure for Requesting Sick Leave

To request sick leave for periods of ten (10) working days or less, employees must:

1. Complete a **Leave Request Form** located on the NHCS website at www.nhcs.net or the school/department where the leave is being requested. Whenever possible, employees should give (30) days advance notice of plans to take sick leave. For unforeseen sick leave, the employee must call in their absence and complete the Leave Request Form immediately upon their return. All sections of the Leave Request form must be completed including the employee's and their immediate supervisor's signature.
2. Attach supporting documentation, if required by the employee's immediate supervisor, as proof that the employee is unable to work.
3. Submit completed form(s) to the employee's immediate supervisor.

To request sick leave for periods of more than ten (10) working days, employees must request an **Extended Leave of Absence** found on the NHCS website www.nhcs.net. Please see Section IV, Extended Leave of Absence, c.) Medical Leave, on page 52 of this Handbook for more information.

Reinstatement Following Sick Leave

The Human Resources Benefits Department reserves the right to request a **Return to Work** form located on the NHCS website at www.nhcs.net.

Sick Leave upon Separation

In the event an employee separates from service before earning sick leave which has been advanced, a deduction will be made from the final salary check for the total unearned sick leave used. Pay for unused sick leave is not permitted, except when an employee has been approved for long-term disability. Accumulated sick leave counts as creditable service towards retirement. One month of credit is allowed for each 20 days of unused sick leave upon retirement. One more month is allowed for any part of 20 days left over. Sick leave converted from excess annual leave is also creditable.

From the date an employee resigns or moves to a temporary position, the sick leave balance is retained for 60 or 63 months. (In order to have 63 months, the individual must have separated from a 10 month contract and returned to employment under a 10 month contract.) If the person is re-employed in a full-time or part-time permanent position, or retires within 60 or 63 months, the sick leave balance is reinstated. After this period, the sick leave balance cannot be reinstated.

Transfer of Sick Leave

Unused sick leave must be transferred between local school administrative units. Leave to be accepted by a school system must not have been earned at a greater rate than the rate afforded to school employees as set forth above. Sick leave may be transferred in whole or in part to and from a state agency, institution, community college, technical institute, or position covered by the State Personnel Act in county agencies of mental health, public health, social services or emergency management if the receiving agency is willing to accept the leave. Leave to be accepted by a school system must not have been earned at a greater rate than the rate afforded to school employees as set forth above. If the government agency refuses to accept sick leave earned by a school system employee, there is no lump-sum payout to the employee.

Reinstatement of Accumulated Sick Leave

A former employee must be credited with all sick leave accumulated up to the time of separation from a school system provided the employee is reinstated as a permanent employee within 60 or 63 calendar months from the date of separation. (In order to have 63 months, the individual must have separated from a 10 months contract and returned to employment under a 10 months contract.)

Sick leave may be reinstated from a state agency or institution, community college, technical institute or position covered by the State Personnel Act in county agencies of mental health, public health, social services or emergency management when an individual is employed within 60 or 63 calendar months of separation from one of these. Leave to be accepted by a school system must not have been earned at a greater rate than the rate at which the system's employees earn leave.

Payout of Sick Leave

There is only one payout of sick leave allowed. Prior to receiving long-term disability benefits, an employee approved for long-term disability must be paid in lump-sum for any accumulated, unused sick leave. No other payout of sick leave is allowed. At retirement, unused sick leave is credited to retirement service, but there is no payment.

FAMILY MEDICAL LEAVE ACT

All eligible employees will be provided with leave as required in the federal Family and Medical Leave Act of 1993 (FMLA) and applicable state laws and State Board of Education policies. For a full description of an employee's rights under the FMLA, see the Public Schools of NC Benefits and Employment policy manual at www.ncpublicschools.org.

Under FMLA, eligible employees may take up to twelve (12) weeks of unpaid leave and be restored to the same or equivalent position upon their return. The employee may use earned leave during the time of the FMLA (i.e. sick leave, annual leave, bonus annual vacation leave, and personal leave). If paid leave is substituted for unpaid FMLA leave, the paid leave will be counted towards the employee's twelve (12) week FMLA leave entitlement.

Eligible Employees

An employee is eligible for FMLA leave if a) the employee has worked for NHCS for at least twelve (12) months, which need not be consecutive; and b) the employee has worked at least 1,250 hours or NHCS during the twelve (12) month period immediately preceding the beginning of the FMLA leave.

Entitlement to FMLA Leave

Eligible employees may take FMLA leave for up to twelve (12) weeks during each twelve (12) - month FMLA leave year for the birth of a child and in order to care for the child; the placement of a child for adoption or foster care; taking care of the employee's spouse, child, or parent who has a serious health condition; or a serious health condition that makes the employee unable to perform the functions of the employee's position. 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 entitlement to address certain qualifying exigencies.

Please see the State Board of Education policy regarding military family leave at www.ncpublicschools.org.

The FMLA leave year shall be a rolling twelve (12)-month period measured forward from the date the employee first takes FMLA leave after completion of any previous FMLA leave year.

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves in-patient care or continuing treatment by a health care provider. If both a husband and a wife are employed by NHCS, their combined amount of FMLA leave for the birth of a child, the placement of a child for adoption or foster care or the care of the employee's parent with a serious health condition is twelve (12) weeks.

Leave Use

Depending on the circumstances, FMLA leave may be, (a) continuous, (b) intermittent, or (c) reduced. Continuous leave is for a continuous period of time without interruption. Intermittent leave is taken in separate blocks of time. Reduced leave is a leave schedule that reduces the employee's usual number of hours per work week or hours per workday.

When leave is taken for the birth of a child, adoption of a child or placement of a foster child, an employee may take leave only for a continuous period of time unless the Human Resources Division agrees to another arrangement. The employer's agreement is not required, however, for intermittent leave during which the mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition.

For a situation involving a serious health condition of the employee or a family member, the employee may take leave continuously or on an intermittent or reduced leave schedule as is medically necessary. Employees needing intermittent leave or leave on a reduced leave schedule must attempt to schedule their leave so as to minimize disruptions to school system operations. If leave is unpaid, NHCS will reduce the employee's salary based on the amount of time actually worked. In addition, to better accommodate an employee's need for intermittent or reduced leave, NHCS may transfer the employee to an alternative position during the period of leave. The alternative position must have equal pay and benefits but need not have equivalent duties.

While on leave under FMLA, leave is unpaid unless substituted with an employee's accrued sick leave, annual leave, bonus vacation leave, or personal leave. An

employee may also be eligible for short or long-term disability payments and/or workers' compensation benefits under NHCS insurance plans or policies.

If an employee requests leave because of a birth, adoption or foster care placement of a child, any earned annual, sick leave and personal days may be substituted for unpaid leave under FMLA. If an employee requests leave because of his or her own serious health condition, or to care for a covered relation with a serious health condition, any earned paid sick leave, annual leave, and personal leave may be substituted for any unpaid leave under FMLA.

The substitution of paid leave for unpaid leave does not extend the 12-week period. Further, in no case can the substitution of paid leave for unpaid leave result in the receipt of more than 100% of an employee's salary. Leave under FMLA runs concurrently with other types of leave (i.e. sick, annual, etc.)

Procedure for requesting an Extended Leave of Absence under FMLA

Failure to provide the requested documentation may result in the denial of leave until it is provided.

1. Complete an **Extended Leave of Absence** ("ELOA") form located on the NHCS website www.nhcs.net or the school/department where the leave is being requested. Whenever possible, employees must give (30) days advance notice of plans to take an extended leave. For unforeseen events, the employee must complete an ELOA form as soon as possible. All sections of the form must be completed including the employee's and their immediate supervisor's signature granting approval.
2. ELOA requests related to the employee's own or a covered relation's serious health condition must have attached a completed **Certification of Health Care Provider** form located on the NHCS website www.nhcs.net. The certification should indicate the diagnosis and the employee's beginning and ending dates of the leave.
3. Submit completed forms to the Human Resources Benefits Department for final approval.
4. If the employee desires to cancel any insurance coverage or make any allowable change in his or her coverage, he or she must complete the appropriate forms. If insurance benefits are canceled or terminated while on a leave of absence, it is the employee's responsibility to contact the Benefits Department to re-enroll as soon as he or she returns to work.

Reinstatement Following an Extended Leave of Absence under FMLA

Prior to the employee's return to work from an extended leave, he or she will receive a **Letter of Intent** form to be completed and returned within one week of the approved return to work date. The employee has the following options:

- a. Request an extension: submit another **Extended Leave of Absence Request** form to the Human Resources Benefits Department on or before the employee's return to work date
- b. Return to work on the approved return to work date.
- c. Submit resignation: Employees may choose to give two weeks' notice. If the Letter of Intent is not submitted on the approved return to work date, NHCS will construe this as the employee's voluntary resignation and the employee will be terminated.

When an employee returns to work from an approved extended leave of absence, NHCS will attempt to place that employee in his or her original position whenever possible. Employees required by the state to hold an educational license, or teacher assistants, may have their position released if the leave exceeds six consecutive months in order to hire a qualified applicant in that position. The returning employee will be placed in a vacant, equivalent position for which they are qualified within the school system. If insurance benefits were cancelled while on a leave of absence, it is the employee's responsibility to re-enroll. An employee can call the Benefits Department for more information and assistance in enrolling in insurance benefits.

Restoration to Equivalent Position

Employees shall be restored to the same or an equivalent position upon return from FMLA leave. An equivalent position must have virtually identical pay, benefits, and working conditions, including privileges, prerequisites and status, as the position held prior to the leave. The position also must involve substantially similar duties and responsibilities, which must entail equivalent skill, effort, responsibility, and authority. All positions within the same job classification are considered to be "equivalent positions" for the purposes of this policy. For licensed employees, all positions with the same salary and licensure requirements also will be considered equivalent positions. The employee's right to return to the same or an equivalent position is contingent upon the employee's continued ability to perform all the essential functions of the job.

OTHER TYPES OF LEAVE

ABSENCES

When an employee is absent from duty for whatever reason, an employee must notify the appropriate supervisor of his or her inability to report to work by the time designated by their immediate supervisor. Unexplained absences, or leaving the job site without authorization, will not be tolerated and will be sufficient cause for disciplinary action up to and including dismissal.

COMMUNITY RESPONSIBILITY LEAVE

Upon approval of his or her supervisor, full or part-time public school employees may be granted leave to represent the school or administrative unit at community functions such as the funeral of a school child or his parent. Employees absent for these reasons shall retain full salary during the days absent.

Proper provision shall be made for the continuation of the employee's regular work by making satisfactory arrangements within the system or by employment of a substitute. Substitutes employed for these absences shall not be paid from state funds.

COURT ATTENDANCE LEAVE

Attendance by duty or subpoena: Full or part-time public school employees will retain full salary for absences from school due to court attendance related to their official duty. Also, the employee will receive full salary when subpoenaed, except when attendance is for personal reasons as described below. Out-of-state subpoenas are not binding on North Carolina residents unless that state and North Carolina have an interstate subpoena agreement. Any fees received as a witness when serving in an official capacity except travel reimbursement shall be returned to the employing school administrative unit to be credited to the same fund from which the employee is paid. Substitutes employed for these absences shall be paid from the same source of funds as the employee's salary.

Attendance for personal reasons: Full or part-time public school employees who are absent for appearance in court as plaintiffs or defendants for personal matters, even if subpoenaed, shall not be entitled to receive any salary payment for those days, unless they are using appropriate approved earned leave. School personnel who are responding to subpoenas in civil responsibility, such as a witness to a crime, are eligible on paid court attendance leave.

ELECTED OFFICIALS LEAVE

Full or part-time public school employees serving as elected government officials may, with their supervisor's approval, choose to use appropriate earned leave to attend to the responsibilities of their elected office.

HOLIDAYS

Permanent full-time employees receive pay for the same legal holidays as those designated by the State Board of Education. The local Board of Education determines when holidays are scheduled in the school calendar. New Hanover County Schools develops and adopts employment calendars for ten-month and twelve-month employees each year that include the appropriate holidays. Paid holidays are granted only to employees who are in the position on the day on which the holiday is scheduled or in pay status for one-half or more of the workdays of the month. Permanent part-time employees are entitled to paid holidays on a pro rata basis. Temporary employees are not entitled to paid holidays.

Absence from work for bona fide religious holidays may be allowed for a maximum of two days within any one school year with prior approval from the superintendent or his or her designee. Bona fide religious holidays generally are considered to be those holidays that appear on the National Conference of Community and Justice "Interfaith Calendar." Any other request will require appropriate documentation. Written requests should be submitted to the Assistant Superintendent of Human Resources at least two (2) weeks in advance of the proposed absence. Absence for these religious holidays will be with full pay; however, the employee must agree to make up the amount of time for which his or her absence has been excused. The time must be made up at a time agreed upon by the employee and his or her immediate supervisor. Absences will not be granted for bona fide religious holidays which fall on days that the school system is not in operation.

NHCS observes the following as paid holidays:

New Year's Day

Martin Luther King, Jr. Day

Good Friday, Memorial Day, Independence Day, Labor Day, Veterans' Day

Thanksgiving Day (Two days observed.)

Christmas Day (Two days observed, If Christmas falls on a Tuesday, Wednesday or Thursday, three days are observed.)

When holidays fall or are celebrated on a regular work day, full and part-time employees will receive one (1) day's pay at their hourly rate. Full and part-time employees who are called in to work on a holiday will receive one (1) day's pay at their regular hourly rate, plus an additional payment of straight time for the actual time the employee works that day.

Eligible employees may be released early whenever a half day for students or an undesignated teacher workday falls on the last workday before Thanksgiving, Christmas or spring break. The following guidelines apply to early release days:

- Principals and directors may choose to release their staff early as long as an administrator is available at the school until after all of the school's bus runs are completed. The early release time for custodians working second shift must be equivalent to the early release time given to other staff members at their school or work site. The early release time for school based child nutrition staff will be made by the Child Nutrition Director.
- Early release shall not apply to employees who are scheduled to supervise children after school or employees using leave time on that day.

JURY DUTY

Full or part-time public school employees will retain full salary when absent from work to serve on a jury. The employee is entitled to regular compensation in addition to payment for jury duty. Substitutes employed for these absences shall be paid from the same source of funds as the employee's salary.

OFFICERS OF PROFESSIONAL ORGANIZATIONS LEAVE

Upon the recommendation of the Assistant Superintendent, leave with pay may be granted for elected officers of professional organizations, provided the organization pays the full salary and all benefit costs for the employee on leave. During such leave with pay, the employee will earn sick, personal, and annual leave and will receive paid holidays. Employees will be eligible to use leave as they would when in active status with the school system.

PARENTAL INVOLVEMENT LEAVE

Full-time employees who are parents, legal guardians or a person standing in loco parentis who have a school-aged child may take up to eight additional hours per fiscal year to attend or otherwise be involved at his or her child's school. Part-time employees will have the hours pro rata. Each employee shall be entitled to a maximum of eight hours of leave, regardless of the number of school-aged children. Unused leave will be forfeited at the end of the fiscal year. Parental involvement leave does not transfer nor is it paid out upon separation.

Leave granted for this purpose is subject to the following conditions:

1. The leave shall be at a mutually agreed upon time between employer and employee,
2. The employer may require an employee to provide a written request at least 48 hours before the time desired for the leave, and

3. The employer may require that the employee furnish written verification from the child's school that the employee attended or was otherwise involved at the school during the time of leave.

PERSONAL LEAVE

Personal leave is earned by classroom teachers and school media specialists classified as permanent employees. Personal leave is earned at the rate of .20 days for each full month of employment not to exceed two days per year. Part-time personnel earn at a pro rata share of the rate for full-time employees.

Use of Personal Leave

Personal leave shall be requested by application in accordance with the policies of the State Board of Education and shall be used only upon the authorization of the teacher's immediate supervisor. A teacher shall not take personal leave on the first day the teacher is required to report for the school year, on a required teacher workday, on days scheduled for State testing, or on the day before or the day after a holiday or a scheduled vacation day, unless the request is approved by the principal. On all other days, if the request is made at least five days in advance, the request shall be automatically granted subject to the availability of a substitute teacher, and the teacher cannot be required to provide a reason for the request.

Personal leave must be used in one-half or whole-day units. Employees using personal leave receive full salary less the required substitute deduction. The standard deduction is \$50 per day.

Unused personal leave may be carried forward from one year to another and may be accumulated without limitation until June 30th. On June 30, personal leave in excess of 5 days is converted to sick leave so that a maximum of 5 days of personal leave are carried forward to July 1. Personal leave may be transferred between local administrative units. Upon retirement, any personal leave may also be converted to sick leave.

PRECINCT ELECTION OFFICIALS LEAVE

Precinct Election officials may not be discharged or demoted because of servicing on election day or canvas day provided they have given proper notice (at least 30 days).

Procedure for Requesting Other Types of Leave

Includes leave relating to Personal, Jury Duty, Court Attendance, Parental Involvement, Professional Organizations, Community Responsibility, Elected Officials, and Precinct Election Officials reasons.

To request the type of leave described above, employees must:

1. Complete a **Leave Request** form located on the NHCS website at www.nhcs.net or the school/department where the leave is being requested. Whenever possible, employees should give (30) days advance notice of plans to take personal leave. For unforeseen events, the employee must call in their absence and complete the Leave Request form immediately upon their return. All sections of the Leave Request form must be completed including the employee's and their immediate supervisor's signature granting approval.
2. Attach supporting documentation, if required by the employee's immediate supervisor, as proof that the employee is unable to work.
3. Submit completed form(s) to the employee's immediate supervisor for final approval.

PROFESSIONAL LEAVE

Eligibility

Only full-time and part-time permanent employees are eligible for professional leave.

Permanent public school employees attending meetings or performing duties as a member of the State Board of Education, the State Textbook Commission, the Board of the Governor's Schools or required attendance at a case manager's hearing.

Permanent public school employees completing assignments for, or serving on a commission or committee appointed by the Governor, the State Superintendent, the State Board of Education, or the General Assembly shall receive full salary. Substitutes for these persons will be paid from the same source of funds as the employee being replaced.

Procedure for Requesting Professional Leave

To request personal leave, employees must:

1. Complete a **Professional Leave Request** form located on the NHCS website at www.nhcs.net or the school/department where the leave is being requested. All

sections of the Professional Leave Request form must be completed including the employee's and their immediate supervisor's signature granting approval.

2. Attach supporting documentation such as a copy of the conference program.
3. Submit completed form(s) to the employee's immediate supervisor.

VOLUNTARY SHARED LEAVE

Purpose

The purpose of voluntary shared leave (VSL) is to provide economic relief for employees who are likely to suffer financial hardship because of an absence from work due to a serious medical condition. For a full description of NHCS' voluntary shared leave policy, see the Public Schools of NC Benefits and Employment policy manual at www.ncpublicschools.org.

Eligibility

Only permanent full-time or part-time employees who have exhausted all accumulated sick leave and annual leave, if applicable, are eligible to receive donated leave. An employee need not exhaust personal leave and the 20 days of extended sick leave to be eligible for voluntary shared leave.

An employee who is receiving benefits or is eligible to receive benefits from the Disability Income Plan is not eligible to receive donated leave. However, voluntary shared leave may be used during the required waiting period.

Procedure for requesting Voluntary Shared Leave

1. Complete a **Voluntary Shared Leave Application** form located on the NHCS website www.nhcs.net. All sections of the form must be completed including the employee signature and/or person acting on his or her behalf.
2. Attach a **Certification of Health Care Provider** and **Authorization to Release Medical Information** form located on the NHCS website www.nhcs.net. The certification form should include a doctor's statement and the authorization form must be signed by the employee or by any legally authorized party.
3. Submit completed forms to the Human Resources Benefits Department for final approval.

Donations of Leave

Any eligible employee may donate annual leave, including bonus vacation leave, to any approved employee in the same school system at a minimum of one-half of a day. Family members may donate annual leave to an immediate family member in another school system, community college or state agency. Employees of another school system, community college or state agency may donate annual leave to the immediate family of a coworker if the coworker's immediate family member is eligible for donated leave and works in a LEA, state agency, or community college. A donor may not reduce their annual leave balance below one-half of what they can earn in a year. The donor may not receive compensation in any form for the donation of leave. Acceptance of remuneration for donated leave will result in dismissal.

"Immediate family" is defined as eligible to give or receive annual vacation leave include the employee's spouse, parents, children, brothers, sisters, grandparents and grandchildren, and dependents living in the household including step, half, and in-law relationships.

Sick leave may be donated to an employee of a public school system. A public school employee shall not donate more than five days of sick leave per year to any one nonfamily member. Sick leave may be donated to an immediate family member in the same or another school system, community college or state agency. The combined total of sick leave donated to a recipient of nonfamily members shall not exceed 20 days per year.

Approved employees may receive sick leave only from immediate family members in community college institutions and state agencies. Approved employees may receive annual leave from immediate family and their coworkers in community college institutions and state agencies. Public school employees may also receive sick leave from nonfamily members employed in public school systems. The combined total of sick leave received from nonfamily members shall not exceed 20 days per year.

Procedure for Donating Leave

1. Complete the **Voluntary Shared Leave Donation** form found on the NHCS website at www.nhcs.net. Donations must be to a designated employee approved by the Human Resources Benefits Department for receipt of donated leave. Donations may be made in either half or whole day increments.
2. Submit completed forms to the Human Resources Benefits Department for final approval. The Human Resources Benefits Department will notify the donor and employee in writing of the approval or denial of the VSL donation request.

Use of Donated Leave

Donated sick leave cannot be used for retirement purposes.

An employee may normally receive no more than 130 workdays of donated leave, either continuously or for the same condition on a recurring basis. After 130 workdays have been used, the superintendent may extend this limit on a month-to-month basis until the maximum number of working days occurring between the first day of use of donated leave and twelve (12) months have been used.

All donated leave must be used in one-half or whole-day units.

Holidays occurring while the employee is using donated leave will be paid. Annual vacation and sick leave will continue to be earned by the employee while he or she is using donated leave. Available earned leave accrued during this period must be used by the employee prior to continued use of any voluntary shared leave.

An employee receiving pay from workers' compensation may use donated leave during the required waiting period and to supplement the workers' compensation as provided in Section 9 for the Public Schools of North Carolina Benefits and Employment Policy Manual.

At the expiration of the period approved for voluntary shared leave as determined by the superintendent, any donated leave in excess of 40 hours or 5 days will be returned on a pro-rata basis to the donors.

WORKERS' COMPENSATION LEAVE

Eligibility

The provisions of the Workers' Compensation Act are applicable to all school employees. The summary in this section does not in any way alter the requirements of the Workers' Compensation Act. If any part of this section is inconsistent with the Act, the Act takes precedence.

Use of Leave During Required Waiting Period

The workers' compensation law provides medical benefits and a weekly compensation benefit equal to 66 2/3 percent of the employee's average earnings up to a maximum established by the Industrial Commission each year. When an employee is injured on the job or contracts an occupational disease, he or she may begin workers' compensation benefits after the required waiting period of seven calendar days. During the waiting period the employee may:

- Elect to use appropriate earned leave, or
- Elect to go on leave without pay.

Seven-day Waiting Period

No workers' compensation weekly benefit is allowed for the first seven calendar days of disability resulting from an injury on the job or contracting an occupational disease, except the medical benefits provided for in North Carolina General Statute. 97-25. However, if the injury results in disability of more than twenty- one (21) days, the compensation will be allowed from the date of the disability.

Employees are allowed to use appropriate earned leave during the first seven calendar days of disability.

Use of Leave to Supplement Weekly Compensation

In order to provide an income approximately equal to but not exceeding the employee's usual weekly salary, earned sick leave days may be used while an employee is receiving workers' compensation weekly benefits.

Sick leave may be used in whole days or half days. Use of sick leave, regardless of the amount charged to use, shall not result in compensation greater than the usual full salary.

Employees receiving workers' compensation benefits are not paid for holidays scheduled in the calendar.

Earning Leave Under Workers' Compensation

While on workers' compensation leave, the employee will continue to earn sick leave, annual vacation leave, and, if applicable, personal leave. Leave earned must be credited to the employee's account for use upon his or her return. If the employee does not return to active employment, a maximum of one year's leave earnings will be added to the employee's leave balance prior to going on workers' compensation leave and accumulated annual vacation leave will be paid in a lump sum to a maximum of 30 days.

Earning Longevity Under Workers' Compensation

While receiving workers' compensation benefits, the employee will continue to earn longevity credit, if applicable. If the employee's anniversary date occurs during the period while the employee is receiving workers' compensation, longevity is paid on the employee's anniversary date. Teachers do not earn experience credit while on workers' compensation, except when they are using sick leave, extended sick leave, personal leave, or any other available paid leave.

Episode of Violence

Any permanent full-time employee who suffers an injury or disability while engaged in the course of his or her employment shall receive full salary if the injury or disability

arose from an episode of violence and the employee did not participate in or provoke the violence.

The employee's salary shall continue for one year, the continuation of the disability, or the time, during which the employee is unable to engage in his or her employment because of the injury, whichever period is shortest.

While receiving regular salary under this provision, the employee is not eligible to receive weekly salary benefits under workers' compensation. However, the employee may receive medical, hospital, drug and related expense payments from workers' compensation if applicable. The employee is not required to use any paid leave (sick, annual, personal, etc.) if absence is due to an episode of violence.

NHCS Policy 6510

OPERATION OF VEHICLES/CELLULAR PHONES

All employees authorized to drive New Hanover County Schools' owned or leased vehicles or personal vehicles in conducting New Hanover County Schools business must possess a current, valid North Carolina driver's license or a Commercial Driver's License if the position requires it. Any change in license status or driving record must be reported to the principal/supervisor immediately.

A valid driver's license must be in an employee's possession while operating a vehicle off or on New Hanover County Schools' property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate and model safe driving habits at all times.

New Hanover County Schools-owned or leased vehicles may be used only as authorized by supervisory staff.

Safety must come before all other concerns. All employees, including bus drivers, must refrain from using phones while driving during working hours. Regardless of the circumstances, including slow or stopped traffic, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employee is driving, the employee should advise the caller that he/she is unable to speak at that time and will return the call shortly. Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since employees are not required to use a cell phone while driving, employees who are charged with traffic violations resulting from the use of personal phones while driving will be solely responsible for all liabilities resulting from such actions.

A Motor Vehicle Record (MVR) check will be conducted for all new employees who operate a vehicle as a condition of employment with New Hanover County Schools (i.e. bus drivers, instructors for driver's education, coaches, etc.). For existing employees in positions that require the operation of a NHCS vehicle, a random sampling of MVR's will be checked on an annual basis. Additionally, MVR's will be checked for anyone involved in an accident.

The following guidelines establish the driver standards criteria:

- a. Based on accident/violation history, an individual's driver record becomes **unacceptable** if one or more of the following exists:
 - Two or more at-fault accidents in the last three years.
 - One or more major violations in the last three years.
 - Any combination of at-fault accidents and minor violations which equal three or more in the last three years.
- b. Designation of major and minor violations are based on the North Carolina Department of Motor Vehicle's point system. Violations receiving the higher number of points are classed as Major. These are considered serious in nature.

Major Violations Include:

- Driving under the influence of alcohol (no points awarded-automatic revocation)
- Driving under the influence of drugs (no points awarded-automatic revocation)
- Negligent homicide arising out of the use of a motor vehicle
- Using a motor vehicle for the commission of a felony
- Aggravated assault with a motor vehicle
- Permitting an unlicensed person to drive
- Reckless driving
- Speed contest/Racing
- Hit and Run driving
- Speeding 20 mph or more over the speed limit
- Operating a vehicle without a valid driver's license

Minor Violations:

- All moving violations not listed as major violations

Drivers whose MVR's exceed the established criteria will not be permitted to operate a NHCS vehicle and may be subject to disciplinary action up to and including dismissal.

NHCS Policy 6431

PERFORMANCE IMPROVEMENT PLANS

LICENSED EMPLOYEES:

A Performance Improvement Plan refers to any written strategy designed to help an employee improve or gain greater competence. North Carolina General Statute 115C-333, North Carolina Board of Education Policy and New Hanover County Board Policy requires the implementation of either a Monitored Growth Plan, a Directed Growth Plan or a Mandatory Improvement Plan for any licensed employee who receives a substandard rating on the performance evaluation, unless the Superintendent recommends dismissal, demotion or non-renewal.

NHCS Policy 6360

CLASSIFIED EMPLOYEES

Any classified employee who receives a performance rating below a "satisfactory" level on any function of his/her performance evaluation must participate in an Improvement Plan designed to improve the employee's performance in the deficient area(s).

PERFORMANCE REVIEW

Depending on the position and classification, New Hanover County Schools endeavors to review employee performance annually. However, please understand that a positive performance evaluation does not guarantee an increase in salary, promotion, or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of the school system. In addition to these formal performance evaluations, the school system encourages employees, principals/supervisors to discuss job performance on a frequent and ongoing basis.

EVALUATION OF CLASSIFIED EMPLOYEES

New Hanover County Schools places a high priority on both engaging the most competent personnel available and on assisting employees to develop throughout the term of employment. Classified employees, who are at will employees, should be evaluated no less frequently than once each fiscal year. However, if any classified employee receives ratings which are all at or above "satisfactory" levels, the formal evaluation may take place every three years as long as the employee's service continues to meet at least "satisfactory" levels. The principal/supervisor must document the satisfactory performance during the first and second year by completing the "Documentation of Classified Employee Performance" form. Additional appraisals may be conducted at any time deemed necessary by the evaluator. The evaluator and the employee should sign to indicate that the employee has read the completed evaluation form.

NHCS Policy 6350

EVALUATION OF LICENSED EMPLOYEES

New Hanover County Schools attaches a high priority in securing the most competent personnel available and in assisting them in their professional growth and development. The performance evaluation is a continuing process used for the purpose of identifying individual strengths and weaknesses and for improving the overall quality of work.

Specific procedures which comply and are consistent with North Carolina laws and State Board of Education regulations and local policy regarding the evaluation of licensed personnel will be followed.

NHCS Policy 6355

PERSONAL VISITS AND TELEPHONE CALLS

Disruptions during working time can lead to errors and delays. Therefore, personal telephone calls must be kept to a minimum, and only be made or received after working time, or during lunch or break time. Unless it is an emergency situation, personal calls should never be made during instructional time with students.

For safety and security reasons, employees are prohibited from having personal guests visit or accompany them anywhere in NHCS facilities other than the reception areas unless that individual has been checked in with the school office or with a principal/supervisor.

PUNCTUALITY AND ATTENDANCE

Employees are hired to perform an important function at New Hanover County Schools. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, attendance and punctuality are very important. Unnecessary absences and lateness are expensive, disruptive and place an unfair burden on your fellow employees, students, and principal/supervisors. NHCS expects excellent attendance from each employee. Excessive absenteeism or tardiness will result in disciplinary action up to and including discharge.

It is recognized, however, that there are times when absences and tardiness cannot be avoided. In such cases, employees are expected to notify the principal/supervisor as early as possible, but no later than the start of the work day. Asking another employee, friend or relative to give this notice is improper and constitutes grounds for disciplinary action. Teachers needing substitutes must use the substitute teacher's procedures established by New Hanover County Schools.

Unreported absences of seven (7) consecutive work days by classified employees will be considered a voluntary resignation of employment with New Hanover County Schools.

NHCS Policy 6115

RENEWAL PROCESS FOR LICENSED PERSONNEL

New Hanover County Schools acknowledges that the most important aspect of attaining excellence in education is providing students with high quality teachers and administrators. In order to strive for such excellence, New Hanover County Schools intends to employ, and reemploy those teachers and administrators who possess, have exhibited, and continue to strive for excellence in preparation for, performance of, and contribution to the educational process.

Satisfactory performance shall be considered the minimum acceptable standard of performance for teachers and administrators in our school system; however, satisfactory performance shall not constitute any assurance to any teacher or administrator of rights to or consideration for employment, or reemployment. New Hanover County Schools holds all personnel accountable for striving for excellent performance.

Appraisals of preparation for, performance of, and contribution toward the educational process and the needs of the school system shall be considered by the school system when making decisions to employ, and reemploy teachers and administrators.

BASIS FOR NONRENEWAL

The Board of Education, upon the Superintendent's recommendation, may refuse to renew the contract of any teacher, under a one year contract or to reemploy any teacher who is not under contract, for any cause it deems sufficient; provided, however, that the cause may not be arbitrary, capricious, discriminatory, or for personal or political reasons, or because the teacher engaged in activities that are protected by the United States Constitution or the North Carolina Constitution.

NOTICE FOR NONRENEWAL

If the Board of Education has decided that it will not renew the contract of a teacher for the following school year, the Superintendent shall notify the teacher of this fact in accordance with state statute.

NHCS Policy 6236

RESIGNATION

The Superintendent or designee shall be authorized to accept resignations from employees on behalf of the Board of Education. Once a resignation is accepted by the Superintendent or designee, it may not be withdrawn by the employee.

Resignation forms can be found on the Department of Human Resources website: <http://www.nhcs.net/humanresources/forms.htm>.

When it becomes necessary for a licensed employee to cancel his/her contract, or terminate employment, a New Hanover County Schools' Resignation/Retirement form, which can be found at <http://www.nhcs.net/humanresources/forms.htm>, should be used and should be submitted to the principal/supervisor at least thirty (30) calendar days prior to the effective date in accordance with North Carolina General Statute 115C-325(0). Beyond harming future reemployment possibilities, failure to provide such notice may constitute grounds for license revocation. Resignations which occur during the summer months should provide a notice of at least thirty (30) days prior to the start date for employees for the next school year.

Classified employees should also submit a New Hanover County Resignation/Retirement form to their supervisor.

NHCS Policy 6630, 6640

SALARY ADMINISTRATION

Besides the State Teacher's Salary Schedule, locally adopted salary schedules exist for positions established by the Board of Education. The school system recognizes experience as the basis for pay increases within the established pay range.

HIRING RATE/STARTING SALARY/SALARY ADJUSTMENTS

All employees paid on the teacher and/or state salary schedules are placed on the schedule and step certified by the North Carolina Department of Public Instruction based on years of experience and degree held. New Hanover County Schools also provides a local supplement to certified salaries.

Employees are encouraged to monitor their pay stubs in order to assure proper placement on the appropriate salary schedule. Errors in salary placement (underpayments and overpayments) will be corrected upon discovery. Salary adjustments will be effective, retroactively, to the date the error occurred. However, under no circumstances will a retroactive salary adjustment be made if the error occurred more than twelve (12) months prior to July 1 of the current fiscal year.

PROGRESSION THROUGH THE SALARY RANGE

In accordance with State law and regulations, licensed personnel assigned to a state schedule plus a supplement (e.g. teachers) receive experience step increments annually unless frozen by legislative action. Employees, whose salary is based on the local salary schedule or bus driver salary schedule, provided the state-granted salary increase is greater than the percentage between steps, will advance one step on the assigned salary grade for completion of each year of satisfactory service until he/she reaches the maximum of the salary range.

PAY FOR PART-TIME WORK

Compensation of any employee appointed for less than full-time service (30 hours per week) shall be computed on a pro-rated basis for hours worked. Part-time employees will be covered by Workers' Compensation and Social Security, and will receive other fringe benefits as determined by the Board of Education and State law.

EXTRA DUTY/EXTENDED EMPLOYMENT

Only employees who have been classified as exempt from the overtime provisions of FLSA are eligible to be employed for extra-duty/extended employment such as coaching or extracurricular activities. An "Agreement for Extended Employment" form must be completed for each activity by that individual's principal/supervisor.

PAYDAYS

Full-time employees are paid monthly on the last work day of the month for time worked during that pay period. A payroll stub itemizes deductions made from gross earnings and by law, the school system is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered and federal student loan garnishments.

If an employee believes there is an error in pay, the employee should bring the matter to the attention of the school/department Payroll Operator or Payroll Department immediately to resolve the matter quickly and amicably. New Hanover County Schools requires all employees be paid through direct deposit. Forms authorizing electronic transfer are available from the Payroll Department. The school system does not permit advances on paychecks.

OVERTIME

The principal/supervisor is responsible for monitoring work needs and requesting overtime work if it is necessary. An effort will be made to provide employees with adequate advance notice in such situations. Any non-exempt employee who works overtime will be compensated through "compensatory time" at the rate time and one-half (1½) over 40 hours accrued within a work week. All employees are to accrue "compensatory time" instead of overtime pay unless the principal/supervisor has obtained approval from the Payroll Department to reimburse the employee through overtime pay. Employees may work overtime only with prior principal/supervisor authorization.

The Superintendent has encumbered the lunches of all regular K-3 teacher assistants but principals/supervisors make the decision for all other teacher assistants based on grade level and classroom need. For purposes of calculating overtime for non-exempt employees, the workweek begins on Saturday at 12:00 A.M. and ends on Friday at 11:59 P.M.

INCOME TAX FORMS

Federal (form W-4) and state (form NC-4) forms may be obtained from the Payroll Office, Benefits Office or the New Hanover County Schools website under Human Resources. Staffing Forms for the purpose of changing income tax withholding information, changes in exemptions and deductions may be made at any time during the year.

NHCS Policy 6150

SCHOOL CALENDAR

The New Hanover County Board of Education annually adopts a school calendar. The calendars for this school year may be seen at <http://www.nhcs.net/calendars.htm>.

NHCS Policy 7030

SCHOOL CLOSINGS

In case of school cancellation, delayed opening and/or early dismissal of school due to emergency and/or hazardous conditions, the following procedure shall govern all employees. The official closing notice will be delivered via a calling tree, placed on our public access television channel and posted on the New Hanover County Schools' website. Television and radio stations will be notified, when necessary, early on the mornings(s) of hazardous conditions. When school is canceled for the day(s), because of hazardous conditions, the canceled day(s) will be rescheduled in the school calendar by the school system's calendar committee at the direction of the Superintendent.

If school is **canceled for students with an optional (undesignated) workday for staff**, all staff must report to work at the normal start time if the building is open **or** select one of the following options:

1. take annual leave or comp time, if available
2. take personal leave (licensed instructional personnel only), or
3. take leave without pay

If one of the stated options is selected, the principal/supervisor must be informed of the employee's intentions. The student makeup day will be scheduled in the school calendar by the Board.

If school is **canceled for students and staff, ten month employees** shall make up the day as scheduled by the Board.

If school is **canceled for students and staff, twelve month employees** shall select one of the following options:

1. take annual leave or comp time, if available

2. take leave without pay.

DELAYED OPENINGS

If **school opening is delayed for students only**, staff shall report to work as scheduled. If **school opening is delayed for students and staff**, employees should adjust their start time in alignment with the length of the delay. New Hanover County Schools shall not require time to be made up or leave to be used because of delayed openings. (North Carolina General Statute 115-316.)

SEPARATION FROM EMPLOYMENT

Employees who decide to leave New Hanover County Schools shall return all system property including, but not limited to, keys, security cards, parking passes, laptop computers, fax machines, uniforms, etc., at separation. Employees also must return all New Hanover County Schools' confidential information upon separation. To the extent permitted by law, employees will be required to repay New Hanover County Schools (through payroll deduction, if lawful) for any lost or damaged property.

EXIT SURVEY

Employees who resign are requested to complete an exit survey. This survey link will be emailed to you by the Division of Human Resources. Input is appreciated and helps to improve services and support to employees.

NHCS Policy 6630

SOCIAL MEDIA

New Hanover County Schools respects the right of any employee to participate in the use of social media. However, to protect New Hanover County Schools' interests and ensure employees' focus on job duties, employees must adhere to the following rules:

1. Employees may not post on a social media site during work time or with New Hanover County Schools' equipment or property unless the social media site is directly related to administrative or instructional activities.
2. All rules regarding confidential information apply in full to the social media site. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a social media site.
3. Mention of New Hanover County Schools in a social media site, and expression of a political opinion or an opinion regarding New Hanover County Schools' actions, must specifically note that the opinion expressed is the employee's personal opinion and not New Hanover County Schools' position. This is necessary to preserve the system's good will in the community.

4. Any conduct which under the law is impermissible if expressed in any other form or forum is impermissible if expressed through a social media site.
5. All communication between employees and students should be appropriate in nature and shall follow all policies and ethical standards established for the proper communication between an employee and a student. Therefore, teachers, administrators, and all other employees should not communicate directly with currently enrolled students on personally administered pages of social networking sites, unless the student is the employee's child, stepchild, grandchild, sibling, cousin, niece or nephew or unless the interaction is approved by the principal. The Superintendent or designee may limit social media interactions and communications between teachers, administrators, and all other employees, and currently enrolled students, when the Superintendent or designee believes such action is warranted.
6. All materials that employees post on social media sites that is publicly available to those in the school community must reflect the professional image applicable to the employee's position and not impair the employee's capacity to maintain the respect of students and their parents/guardians or impair the employee's ability to serve as a positive role model for students.
7. Employees shall use the NHCS provided email account as the professional email contact for all official or school system related pages. Do not use the NHCS email as a username or contact for personal use or personal contacts.

NHCS Policy 6082

SOLICITATION and DISTRIBUTION

To avoid distractions, solicitation by an employee of another employee is prohibited while either employee is on working time. "Working time" is the time an employee is engaged, or should be engaged, in performing his/her work tasks for New Hanover County Schools.

NHCS Policy 9410

STAFF DEVELOPMENT

New Hanover County Schools encourages all employees to seek ways to improve skills continually through available opportunities for professional development.

The school system offers employees a variety of professional growth and development opportunities that support student achievement. All employees are encouraged to participate in the opportunities as appropriate to their role in the school system. Employees are provided professional growth opportunities aligned to individual, classroom, school system, and state goals.

Professional growth and development opportunities are communicated through principals, instructional leaders, and the Schoollink website. Employees should register for professional growth and development opportunities on [Schoollink](#).

NHCS Policy 6232

STATEMENTS TO THE MEDIA

All media inquiries regarding New Hanover County Schools and its operation should be referred to the Office of Public Relations. Only the Chief Communications Officer is authorized to make or approve public statements pertaining to New Hanover County Schools or its operations. No employees, unless specifically designated by the principal/supervisor or the Chief Communications Officer, are authorized to make those statements. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of New Hanover County Schools must first obtain approval from their principal/supervisor or the Chief Communications Officer.

NHCS Policy 9040

STUDENT AND EMPLOYEE RELATIONSHIPS

The New Hanover County Board of Education expects the relationship between employees and students to be one of cooperation, understanding and mutual respect. The Board believes that all employees have a responsibility to provide students with an atmosphere conducive to learning.

All employees are prohibited from dating, courting or entering into a romantic or sexual relationship with any student enrolled in the school system regardless of the student's age. Consent is not a defense to this prohibition. Employees engaging in or attempting to engage in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in North Carolina General Statute 14-202.4 and 14-27.7.

Any employee who has reason to believe another employee is violating this policy or has placed a student in an inappropriate situation is required to report this information to their immediate supervisor. An employee who fails to inform their immediate supervisor may be in violation of State Law and Board Policy (6442) concerning suspected child abuse or sexual harassment and may be subject to disciplinary action, up to and including dismissal.

Listed below are activities that can lead to claims of sexual harassment or sexual misconduct and should be avoided.

- Being alone with a single student in an isolated, non-public area of the school campus

- Allowing personal visits from a student during planning periods or other non-class time
- Offering students rides in personal vehicles
- Buying gifts for students or giving individual students “special treats” or school privileges
- Repeated hugging of students or any kissing of students
- Engaging in talk, including jokes, containing sexually innuendo or banter with students
- Tutoring an individual student outside of normal school hours or remediation programs
- Taking students to dinner or movies, spending too much time where students congregate, or interacting with students socially outside of school or engaging in any peer-like behavior
- Dressing provocatively, instead of professionally
- Talking with students about the student’s or employee’s personal and relationship issues- refer- student issues to the school counselor
- Personal, non-educational email, cell phone, and/or text messaging between staff and students
- Getting “too close” to parents; offering to baby-sit for students
- Taking students to employee’s home to do yard work or household chores
- Taking an overall, undue interest in a child or becoming a “substitute parent”
- Sharing inappropriate material, especially pornography, with students

NHCS Policy 6442

SUSPENSION OR DISMISSAL OF CLASSIFIED STAFF

New Hanover County Schools may suspend, demote or dismiss a classified employee for reasonable cause including, but not limited to, the following:

1. Absence without notification
2. Abuse of leave privileges
3. Violation of the district's drug free workplace policy
4. Discourteous, offensive, racial, discriminatory, or abusive conduct or language toward other employees, students, or the public
5. Dishonesty or theft
6. Intentional violation of school system policy or conviction of a felony
7. Falsifying any information supplied to the school system including, but not limited to, information supplied on application forms, employment records, or any other school system records
8. Inefficiency in the performance of duties
9. Insubordination including, but not limited to, refusal to do assigned work, or failure to follow a reasonable request made by the employee’s principal/supervisor
10. Unexcused absence or tardiness

11. Failure to possess a valid driver's license when it is a requirement of the position
12. Classified employees required to hold North Carolina commercial driver's licenses who have a verified positive test for a controlled substance or who have an alcohol test result of greater than 0.04 or upon presenting reasonable suspicion, and refuse to be tested for alcohol or controlled substances

Classified employees being disciplined for reasonable cause will be given verbal and written indications of unsatisfactory performance which could result in suspension in sufficient time to permit correction of the unsatisfactory performance unless the employee's performance leads to immediate suspension without pay and a recommendation to the Board of Education for termination. Prior to suspension, the employee will be given an opportunity to meet with his or her immediate supervisor upon request. At this meeting, the principal/supervisor will explain the reason for suspension. This meeting will be informal in nature and is intended to serve only as an initial check against mistaken decisions.

Recommendations for suspension, demotion, or dismissal may originate with any administrator in the school system and will be reviewed with the Director of Human Resources. Classified employees are not terminated from their position by their immediate supervisor but will be suspended with or without pay pending either a continued effort to review the employee's actions or a recommendation for termination to the Board of Education or the Superintendent.

All classified employees are considered at will employees.

TIMEKEEPING PROCEDURES

Non-exempt classified employees must record the time their work begins and ends, as well as the beginning and ending time of any departure from work.

Non-exempt classified employees are required to create a timesheet of their work time by signing in and out of TACS.

Timesheets may be used to document work time if the network is down or when working away from school system facilities. Timesheets can be found on the New Hanover County Schools' webpage at: http://www.nhcs.net/finance/employeeforms_payroll.htm.

Altering, falsifying or tampering with time records is prohibited and may subject the employee to discipline, up to and including dismissal.

Classified employees may not begin work until the scheduled starting time and may not work beyond their scheduled ending time unless approved by the principal/supervisor.

Employees must sign the time record to certify the accuracy of all time recorded. Any errors in the time record should be reported immediately to the principal/supervisor.

TOBACCO USE

The use of tobacco products on or in any school property, or at any school-sponsored activity or event (regardless of location), is prohibited.

NHCS Policy 6434

TRANSFER PROCESS

The New Hanover County Board of Education has established that the Superintendent is responsible for the assignment and transfer of all personnel employed by the school system. This process is based upon the following principles:

- Personnel are employed by the Board of Education to serve the school system and not a particular school; therefore, an expectation of continued assignment to a particular school shall not be implied, inferred or intended by any action of the Board, its agents or employees.
- Assignment means the placing of any employee in a particular position in a specific school or department.
- Transfer means the transfer of an employee to a new position in which the employee may perform the same duties in a different location, different duties in the same location, or different duties in a different location.
- Transfers may be classified as self-initiated (granted in response to an eligible employee's request) or administration initiated (employer directed based on administrative necessity).
- Transfer does NOT mean a change in class assignment, grade level, course offering or room assignment at the same school to which the employee is currently assigned.
- Notice of transfer decisions shall be given to the employee by the Office of Human Resources.
- If a transfer request is approved, the actual date of transfer must be agreed upon by the losing and gaining administrators. If the transfer is a promotion, the move should take place within fourteen (14) calendar days after approval.
- Employee transfer by the Superintendent or designee may not be formally grieved by the employee.

Transfers may be initiated by an eligible employee's request or by administrative action according to the procedures listed below. It should be noted that it is inappropriate for a principal or supervisor to contact directly or indirectly any employee in order to encourage him or her to transfer.

SELF-INITIATED TRANSFER

A self-initiated transfer results from an eligible employee's request to perform his or her same or similar duties in a different location, different duties in the same location, or different duties in a different location. An eligible employee may request a self-initiated transfer during the transfer process period. Self-initiated transfers of licensed employees, teacher assistants and technology assistants will not occur during the school year and outside of the transfer process, except under limited conditions.

Procedures for Self-Initiated Transfer of Licensed Personnel, Teacher Assistants and Technology Assistants

1. An employee who desires a self-initiated transfer shall submit an online request through the NHCS Human Resources webpage beginning January of each school year.
2. The request must be submitted no later than the first Friday in March for each school year the employee wishes to request a transfer.
3. The Human Resources Division will develop a confidential list of employees requesting a transfer to be utilized by principals. The principals will notify all employees requesting transfer to their school that they have received their transfer request.
4. The principals of schools with vacancies will give consideration to all eligible employees who have requested a transfer. The principal must first consult with the employee's current principal before deciding to accept a transfer candidate.
5. The decision to accept a transfer rests solely with the receiving principal.
6. All self-initiated transfers must be completed before June 30.

Procedures for Self-Initiated Transfer of Classified Employees

Classified employees, excluding teacher assistants and technology assistants, may self-initiate a transfer at any time during the year. Classified employees are not required to submit any paperwork to the Division of Human Resources in order to transfer to a vacant position and may make direct contact with principals or other administrators in order to apply for an opening as a self-selected candidate.

ADMINISTRATIVE TRANSFER

An administrative transfer occurs when the superintendent or designee directs that an employee perform his or her same or similar duties in a different location, different duties in the same location, or different duties in a different location. The salary impact of the

transfer of a classified employee will depend on whether the move is a promotion, lateral transfer or a move to a lower or higher pay grade.

The administrative transfer of employees may result from, but is not limited to, one of the following conditions or circumstances:

1. a school closing
2. an enrollment decline
3. a need to reduce class size
4. a change in the curriculum
5. a change in the school system's organizational structure
6. the opening of a new school
7. the implementation of a new program, an amendment to an existing program, or termination of a program
8. a reduction in the school system's budget, and
9. the determination that interpersonal relationships are deemed detrimental to school or department

The decision to administratively reassign employees will be based on the following:

- prior administrative transfer
- certification (if appropriate) and/or specialized skill set
- service at a particular school
- total system service in current capacity
- performance level
- maintain a school's percent of career status employees at 60% or above

For the purpose of this procedure, "service" is defined as regular permanent employment in the particular job category.

New Hanover County Schools does not discriminate on the basis of race, religion, national/ethnic origin, age, gender or disability (except when necessary to make a reasonable accommodation for an employee with a disability) with regard to assignments or transfers.

NHCS Policy 6210

WORKING HOURS AND SCHEDULE

Work Schedule – The length of the workweek for full-time licensed professional staff shall be a minimum of 37.5 hours, and shall continue until professional responsibilities to the student and school are complete. Hours beyond the stated minimum may include, but are not limited to administrative meetings, curriculum development, pupil

supervision, assigned duties, parent conferences, group or individual planning and extra-curricular activities. The length of the workweek for all other full-time employees shall be 40 hours unless otherwise defined by the Superintendent or his/her designee.

Workweek Defined – Working hours for all non-exempt employees under the FLSA, to include but not limited to support associates, teacher assistants, child nutrition, custodians, maintenance, etc., shall conform to federal and state regulations. The Assistant Superintendent for Human Resources shall ensure that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. For purposes of FLSA compliance, the workweek for school district employees shall be Saturday, 12:00 a.m. through Friday, 11:59 p.m. (Note: A copy of the FLSA and any administrative procedures shall be available to employees in the Human Resources Division.)

Overtime – Overtime work by non-exempt employees is discouraged. A non-exempt employee shall not work overtime without approval of his/her supervisor. Approval should be given only if overtime funding is budgeted or the employee agrees to receive compensatory time (see Compensatory Time below). Administrators shall monitor employee's work and ensure that overtime provisions of this procedure and the FLSA are followed. Administrators may need to adjust daily schedules to prevent non-exempt employees from working more than 40 hours in a workweek.

Non-exempt employees whose workweek is less than 40 hours shall be paid at the regular rate of pay for additional time worked up to 40 hours. Such hours should be approved only if budgeted funds are available to cover the expenditures.

Compensatory Time – In lieu of overtime compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half (1.5) hours for each hour of overtime worked, if such compensatory time (1) is agreed to by the employee before the overtime work is performed and (2) is authorized by his/her supervisor. Employees must be allowed to use compensatory time within a reasonable period after requesting such use, but no longer than thirty days or the last day of the school year for school based employees. Employees can accrue a maximum of 160 regular work hours (240 compensatory time hours) before they must be provided overtime pay at the appropriate rate. Employees who transfer to another school or department shall either use accrued compensatory time prior to transfer, or be paid the balance at time of transfer. In addition, upon leaving the school district, an employee must be paid for any unused compensatory time at the rate of not less than the higher of (1) the average regular rate received by the employee during his/her last three years of employment or (2) the final regular rate received by the employee.

Attendance Expectations – All employees are expected to be present during all working hours. Absence without prior approval, chronic absences, habitual tardiness, or abuses of designated working hours are all considered neglect of duty and shall result in disciplinary action up to and including dismissal.

Time Sheets – Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and approved by his/her supervisor. The Finance Department shall issue time sheet procedures and shall review the time sheets on a rotating schedule to ensure leave and time reported matches the time sheet.

Employee Volunteers – Employees may volunteer to work at school events, provided the work is clearly at the employee's option, is in a different capacity from the employee's regularly-assigned duties, and performed on an occasional or sporadic basis. Employees may not volunteer to provide the same type of service they are employed to perform for the school system. Classified employees may volunteer to provide coaching services and be paid a stipend based on the coaching supplement schedule if they are coaching in a designated paid position.

Compensation for Employees Working During Declared Disasters - All non-exempt employees who are required to work at a shelter site or to restore operations of the school system in the event of a declared disaster are to be compensated at a rate equal to 1.5 times their hourly rate for every hour worked in the shelter site or in the immediate clean-up period. Exempt employees assigned by the Superintendent to work a minimum of 4 hours per day during the disaster or in the immediate cleanup period shall receive a daily stipend of \$100. Additionally, administrators shall be paid their regular hourly rate of pay for shelter hours worked beyond the regular workday. The immediate clean-up period is to be established by the Superintendent based upon the existing disaster conditions.

NHCS Policy 6115

LACTATION BREAKS

Health care reform legislation, officially known as the Patient Protection and Affordable Care Act, is a law which amends the Fair Labor Standards Act (FLSA) and requires us to provide lactation breaks and facilities for employees who are breastfeeding. While this law specifically applies to all nonexempt employees or classified staff; aside from the time clock requirements, the same rules should be followed for certified staff.

The Amendment requires us to provide employees "reasonable break time" to express milk each time an employee needs to do so. We must offer all classified employees who need a lactation period the same amount of time we recognize as a normal break time (less than 30 minutes). Such time must be counted as work time and is not deducted from the employees work hours. However, if the classified employee must use more than 30 minutes, the employee should clock out and is not paid for that time. If this is a regular occurring need, then the employee's work schedule should be modified to ensure that they are provided a 40 hour workweek. The length and frequency of each employee's lactation breaks can vary based on the individual employee's needs and the location and logistics of the space provided.

The law requires us to provide lactation breaks for up to one year after the child's birth, which is consistent with the American Academy of Pediatrics' recommendations on breastfeeding.

The amendments also require that we provide the employee "a place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public."

The U.S. Department of Health and Human Services' *Easy Steps to Supporting Breastfeeding Employees* resource guide recommends we consider the following when allocating a private space:

- A little-used existing office space or other room.
- A clean, infrequently used closet or small storage area.
- A small corner of a room sectioned off with either permanent walls or portable partitions.
- A walled off corner of a lounge.

General Accommodations

- Identify and designate a private space other than a bathroom, in which employees can express breast milk.
- Communicate how mothers can access the designated space and whether other mothers are now using it. If several women will be using the space, consider adopting a reservation system, so everyone can be accommodated.
- Analyze employee's work schedules to ensure that appropriate breaks can be provided when necessary.

Legal Ref: Fair Labor Standards Act 29 U.S. C.207

WORKPLACE CONDUCT

New Hanover County Schools endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense and fair play.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge and is at New Hanover County Schools' sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information.

2. Stealing, removing or defacing school system property or a co-worker's property. Disclosure of confidential information, including student or other employee information.
3. Completing another employee's time records.
4. Dishonesty.
5. Violation of safety rules and policies.
6. Violation of New Hanover County Schools' Drug and Alcohol-Free Workplace Policy.
7. Fighting, threatening or disrupting the work of others.
8. Insubordination or disobedience of a lawful directive from a principal/supervisor.
9. Use of foul or inappropriate language.
10. Loitering or loafing during work time, or leaving a work area without the permission of the supervisor/principal.
11. Gambling on New Hanover County Schools' property.
12. Willful or careless destruction or damage to New Hanover County Schools' assets or to the equipment or possessions of another employee.
13. Wasting work materials.
14. Performing work of a personal nature during working time.
15. Violation of the Solicitation and Distribution Policy.
16. Violation of New Hanover County Schools' Harassment or Equal Employment Opportunity
17. Violation of the Network and Internet Access Policy.
18. Unsatisfactory job performance.
19. Any other significant violation of New Hanover County Schools' policy.

Obviously, not every type of misconduct can be listed. New Hanover County Schools will endeavor to utilize progressive discipline in all cases but reserves the right in its sole discretion to terminate an employee at any time.

WORKPLACE HEALTH AND SAFETY

The health and safety of employees and students are of critical concern to New Hanover County Schools. New Hanover County Schools intends to comply with all health and safety laws applicable to our mission. To this end, employees shall ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards.

Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on New Hanover County Schools' premises, or in a product, facility, piece of equipment, process or business practice for which the system is responsible should be brought to the attention of management immediately.

Periodically, New Hanover County Schools may issue rules and guidelines governing workplace safety and health. New Hanover County Schools may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance will be expected.

Any workplace injury, accident, or illness must be reported to the employee's principal/supervisor as soon as possible, regardless of the severity of the injury or accident.

WORKPLACE VIOLENCE

New Hanover County Schools is strongly committed to providing a safe workplace. Our goal is to minimize the risk of personal injury to employees and damage to New Hanover County Schools and personal property.

NHCS does not expect employees to become an expert in psychology or to physically subdue a threatening or violent individual. Instead, employees are specifically discouraged from engaging in any physical confrontation with a violent or potentially violent individual. However, employees are expected and encouraged to exercise reasonable judgment in identifying potentially dangerous situations and to notify the principal/supervisor of suspected problems.

Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs:

1. over-resentment, anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur
2. sudden and significant decline in work performance
3. irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior reacting to questions with an antagonistic or overtly negative attitude
4. discussing weapons and their use and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in New Hanover County Schools' policies and procedures
5. personality conflicts with co-workers; obsession or preoccupation with a coworker or supervisor; attempts to sabotage the work or equipment of a co-worker; or
6. excessively blaming others for mistakes and circumstances; demonstrating a propensity to behave and react irrationally

Prohibited Conduct

Threats, threatening language or any other acts of aggression or violence made toward or by any New Hanover County Schools' employee **WILL NOT BE TOLERATED**. A threat includes any verbal or physical harassment or abuse, any

attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees, students, and visitors are prohibited from carrying weapons onto any New Hanover County Schools' premises.

Procedures for Reporting a Threat

All potentially dangerous situations, including threats by co-workers, should be reported immediately to the principal/supervisor. Reports of threats are confidential to the extent maintaining confidentiality does not impede the system's ability to investigate and respond to the complaints. All threats will be promptly investigated. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this guideline.

If New Hanover County Schools determines, after an appropriate good faith investigation, that someone has violated this policy, New Hanover County Schools will take swift and appropriate corrective action.

Employees who are the recipient of a threat made by an outside party, should follow the steps detailed in this section. It is important for New Hanover County Schools to be aware of any potential danger in its schools or worksites. Ultimately, our system's goal is to take every effective step it can to protect everyone from the threat of a violent act by an employee, a student or by anyone else.

NHCS Policy 6060