



New Hanover County Schools
Engaging Students, Achieving Excellence

Personnel Handbook

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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 work's 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 $66 \frac{2}{3}$ 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.

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