

HUMAN RESOURCES 3000 *(Revised 7-17-2018)*

The District's personnel – administrators, teachers and other employees – are responsible for implementing Board policies and the District's curriculum and educational programs. The District will hire, train and retain personnel of the highest quality, character and credentials to implement Board policies and the District's curriculum and programs.

Organization of Administrative Staff 3100

3101 The Superintendent of Schools The Board will employ a Superintendent of Schools in conformity with relevant provisions of the Revised School Code and other applicable laws.

3102 Other Administrators The Board may employ other administrators as it deems necessary for the proper operation of the School District. District administrators will report to the District's Superintendent.

Terms and Conditions of Employment Applicable to All Personnel 3200

3201 Responsibility to District Students The primary responsibility of all district personnel is education of students consistent with the District's curriculum and programs, and the safety and welfare of district students. District personnel who do not meet these responsibilities will be held accountable by the Board and the District and subject to discipline or discharge.

3202 Equal Employment Opportunity The District is committed to equal employment opportunities in all aspects of employment, including recruitment, selection, training, promotion and retention of staff.

3203 Illegal Discrimination and Harassment The Board is committed to maintaining a learning/working environment in which all individuals are treated with dignity and respect, free from illegal discrimination and harassment. There will be no tolerance for discrimination, or harassment in employment on the basis of race, color, national origin, religion, sex (including pregnancy, sexual orientation or gender identity), age, disability, marital status, genetic information, height, weight or any other criteria prohibit by law. See also, Policy 10003.

3204 Nepotism Nepotism and the appearance of nepotism are prohibited according to the following standards:

- District personnel will not be involved with or engage in any personnel actions, including recommendations, employment, promotions or evaluations of an applicant or employee to whom they are related.
- District personnel will not directly supervise or be directly supervised by District personnel to whom they are related.
- When District personnel are promoted or transferred to a position that results in a violation of this policy, the conflict will be resolved by transferring one of the related persons to another position for which she or he is qualified, if another position is available and open.

This policy does not, except by its terms, prohibit the District from hiring or retaining persons who are related to Board members or other District personnel.

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For purposes of this policy, “related” refers to the following relationships: father, mother, son, daughter, brother, sister, spouse, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-son, step daughter, step-brother and step-sister.

3205 Criminal Background Checks District personnel and others who regularly and continuously work for the District will comply with applicable criminal background check laws and regulations at their own expense, unless the District agrees to pay the expense. The District may consider the criminal history of any applicant or employee, to the extent permitted or required by law. The District will not permit persons convicted of listed offenses to be employed by the District or to regularly and continuously work on District premises. The District will not permit convicted felons (who have not been convicted of listed offenses) to be employed by the District or to regularly and continuously work on District premises, except upon case-by-case consideration of: the severity of the felony; when the felony occurred; the sentence imposed; the relationship between the felony and the person’s ability to work for the District; and, any other criteria generally applicable to such decisions. Any decision to permit a convicted felon to be employed by the District or to regularly and continuously work on District premises must be in writing and approved by the Superintendent and the Board.

3206 Alcohol and Drug Free Workplace The District will maintain a workplace free of alcohol and illegal drugs, as well as prescription drugs for which an employee does not have a current, valid prescription. An employee or volunteer who is found to have unlawfully manufactured, distributed, dispensed, possessed or used alcohol or any drug in the workplace shall be disciplined, up to and including discharge from employment. Similarly, an employee or volunteer who is found to have been present in the workplace while under the influence of illegal drugs, prescription drugs for which the employee or volunteer does not have a current, valid prescription or alcohol will be subject to discipline, up to and including discharge. All employees must notify the District, in writing, if charged with a violation of a criminal drug statute occurring in the workplace. Notification must be provided no more than three (3) business days after being arraigned for the crime. All employees agree to abide by this policy as a condition of employment. This notification requirement does not eliminate the obligation of District employees or volunteers to report convictions of felonies and/or listed offenses, as otherwise required by law.

Notwithstanding state permissibility, the use and possession of marijuana and marijuana-induced intoxication are prohibited on school grounds.

3207 Health Insurance Portability and Accountability Act of 1996 (HIPAA) The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires the School District to provide employees with notice of the uses and disclosures of their protected health information that may be made by the District. The District will comply with the requirements of HIPAA with regard to any employee benefit or group health plan provided by the District that is subject to the requirements of the Act. The Superintendent or his/her designee will develop and implement administrative regulations necessary to ensure continuing School District compliance with the requirements of HIPAA.

3208 Leaves of Absence An employee may be granted a leave of absence, with a right to return to employment upon expiration of the leave. A leave of absence is without pay unless otherwise provided by law or contract. The Superintendent will develop and implement legally compliant leave of absence administrative regulations, specifying the various types of leave that are available to District employees and the manner in which application for a leave may be made.

3209 Family Medical Leave Act The District will comply with the Family and Medical Leave Act (FMLA), 42 USC 12201 *et seq.*, and corresponding regulations. The District will use the rolling calendar method under the FMLA. The FMLA leave of any employee of the District will be without pay unless otherwise provided by law or contract. If the employee has paid leave time available under an applicable contract, the employee will be required to use that paid time concurrent with any FMLA leave.

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3209.1 Paid Medical Leave The District will provide paid medical leave (PML) to eligible employees pursuant to Michigan law. PML will be provided at the beginning of each benefit year. The Superintendent will promulgate administrative regulations concerning the use of PML. Payment and use of provided PML will be coordinated with all types of paid leave available to an eligible employee pursuant to collective bargaining agreement, individual contract, or other District policies and administrative regulations. The policy and any implementing administrative regulations will be automatically rescinded, without further action by the Board or the Superintendent, if paid medical leave is mandated by federal law.

3210 Medical Examinations The Superintendent, or designee, may require an employee to submit to a medical examination when:

- Required or permitted by federal or state law.
- Required or permitted by the employee's contract of employment and not prohibited by law.
- Information suggests the employee may not have the ability to perform the essential functions of his/her position, with or without accommodation.
- Information suggests the employee may pose a danger to his/her own self or the health or welfare of students or other employees.
- An employee has provided insufficient medical documentation as the basis for a health leave and after providing the employee an opportunity to supplement the documentation, the documentation remains insufficient.

If the Superintendent, or designee, requires an employee to submit to a medical examination, all costs will be borne by the District. The employee will be required to sign a release authorizing the physician to submit a copy of the report of the examination directly to the Superintendent, or designee, reports will not be maintained in the employees personnel file, but in a separate, confidential file.

3211 Gifts to District Personnel District employees will not:

- Accept any personal gift, of more than nominal value, of money, services or goods from a student of the School District or the parent or guardian of any student.
- Accept any gifts or favors of more than nominal value, from any person, firm or corporation that is involved, directly or indirectly, or may be interested in becoming involved, in any commercial dealings with the District and which are, or may be reasonably perceived to influence the exercise of his/her discretion.

3212 Whistleblowers Protection District employees are expected to honestly and forthrightly report suspected unlawful activity in the District without fear of retaliation. The Superintendent will develop administrative regulations to inform employees of the protections and obligations that exist under the Michigan Whistleblowers' Protection Act, MCL 15.361 *et seq*, and related laws. The administrative regulations will include a procedure for reporting alleged violations.

3213 Outside Activities District employees may not engage in activities that interfere with their duties and responsibilities or adversely affect the District or their abilities to perform their jobs.

Teachers may not receive pay for tutoring students who are currently assigned to them or may be assigned to them, except with the written permission of the student's building principal. Private tutoring may not be provided on District premises during the regular school day or using District equipment or supplies.

No employee shall attempt to sell or influence a student to buy any product, article, instrument, service, or such item, which would directly or indirectly benefit that employee.

3214 Ownership of Works District administrators and teachers are encouraged to prepare scholarly articles and otherwise produce materials which might be considered for publication or distribution. Any

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works which reference the District or District students require the prior written approval of the Superintendent.

District personnel who create or publish works in which a copyright or patent interest may exist are subject to the following:

- Works developed within the scope of an employee's District duties and responsibilities, or during the employee's regular or customary work hours, are the absolute and exclusive property of the School District.
- Works developed by an employee outside of the scope of his/her employment duties, without using District resources and outside the employee's regular and customary hours of work belong to the employee.

3215 Social Security Numbers Unless required or permitted by law, the District will not intentionally display, use or publish more than four sequential digits of any persons social security number. The Superintendent, or designee, may promulgate administrative regulations consistent with this policy.

3216 Resignations The Superintendent, or designee, is authorized to accept resignations on behalf of the Board. A resignation must be in writing and is effective upon acceptance by the Superintendent or his/her designee.

3217 Administrative Regulations Affecting All District Personnel The Board authorizes the Superintendent to promulgate and revise such administrative regulations as may be reasonable and necessary to promote the effective recruiting, evaluation, retention and supervision of District personnel; provided, such administrative regulations are consistent with Board policy and applicable law.

3219 Code of Ethics The District expects all individuals working with or for its students to comply with all applicable professional codes of ethics, including the Michigan Code of Educational Ethics, as approved by the Michigan Department of Education.

Terms and Conditions of Employment Applicable to Administration or Teachers 3300

3301 Evaluation of Superintendent The Board will evaluate the Superintendent in the time and manner required by law.

3302 Evaluation of Other Administrators The Superintendent, or designee, will evaluate other administrators biennially, annually, or more often as required or permitted by law. The Superintendent, or designee, will promulgate administrative regulations establishing the manner in which other administrators will be evaluated.

3303 Evaluation of Teachers The principal of each building, or designee, will evaluate teachers biennially, annually, or more often as required or permitted by law. The Superintendent, or designee, will promulgate administrative regulations establishing the manner in which teachers will be evaluated. The evaluation system, at a minimum, will be rigorous, transparent and fair. The evaluation system will be designed to improve teachers' performance and encourage professional growth. The purposes of the evaluation system will include: informing compensation decisions; informing retention and promotion decisions; and, informing layoff and separation decisions.

3304 Teacher Placement The Superintendent, or designee, will place teachers in his/her discretion to promote student achievement consistent with the District's curriculum and educational programs. No individual employment contract or collective bargaining agreement that is inconsistent with this policy is

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enforceable. Placement, as used in this policy, means placement in any curricular or extra-curricular assignment.

3305 Performance Based Compensation The Superintendent, or designee, will develop for Board review and approval a system of performance based compensation as required by Section 1250 of the Revised School Code.

3306 Discipline and Discharge This discipline and discharge policy includes, but is not limited to, District employees whose employment is regulated by the Teachers' Tenure Act (TTA), MCL 38.71 *et seq.*, except that this policy does not apply to a decision to discharge or not to renew the employment of a probationary teacher. A probationary teacher is considered an at-will employee and his/her employment may be terminated at any time and for any reason that is not in violation of state or federal law. As required by Michigan law, this policy supersedes any provision of any collective bargaining agreement covering a District employee whose employment is regulated by the TTA. However, this policy does not supersede enforceable provisions of other collective bargaining agreements or individual employment contracts.

The District will maintain a work environment that allows District personnel to successfully educate District students. In return, District personnel are required to meet the highest standards of personal integrity, professionalism and performance. District employees whose conduct or performance is inconsistent with successfully educating District students or whose performance falls short of District expectations are subject to corrective or disciplinary action.

Discipline, for purposes of this policy, includes verbal and written warnings, verbal and written reprimands, suspensions, and dismissals or discharges. Discipline does not include verbal or written directives, placement upon a voluntary or involuntary leave of absence or periodic performance evaluations. Such actions are not subject to this policy.

Disciplinary actions are taken at the discretion of the District and may be imposed for any reason that is not arbitrary or capricious. District disciplinary actions are final and not subject to any grievance or arbitration procedure, except as otherwise expressly provided by law or the provisions of any individual employment contract or collective bargaining agreement that does not cover teachers whose employment is regulated by the TTA.

3307 Layoff and Recall It is the policy of the Board of Education when making a staffing or program reduction or any other personnel determination resulting in the elimination of a position, to make such a decision based on retaining effective teachers.

All criteria used when making decisions related to personnel reduction of teachers shall be construed and applied in a manner consistent with Section 1248 of the Michigan Revised School Code, as it may be amended from time to time.

Personnel decisions involving teachers within the scope of this policy will not use length of service or tenure status as the primary or determining factors, and these factors will apply only in the circumstances provided under the law, within this policy and its implementing regulations.

The development and content of policies and regulations relating to decisions concerning the layoff and recall of teacher shall not be subject to any terms and conditions within a collective bargaining agreement between the district and employees who are covered by this policy.

3308 Teachers Receiving a Less Than Effective Performance Rating Teachers will receive a rating pursuant to the School District's evaluation policy and guidelines. Any teacher receiving a less than effective rating on a year-end evaluation will be placed on an individualized development plan (IDP). That teacher will be evaluated mid-year during the next school year, in addition to receiving a year-end evaluation. If the teacher continues to be found ineffective after a second year, the School District will act to discharge the teacher, either through termination (if probationary) or the filing of tenure charges (if tenured), unless special circumstances are found to exist.

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Omnibus Transportation Employees 3400

The District will comply with the Omnibus Transportation Employee Testing Act of 1991. The Superintendent or designee will promulgate regulations to conduct alcohol and drug testing of all employees working in safety sensitive transportation positions, within the meaning of the Act.

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