

**ARTICLE V: CONDITIONS OF EMPLOYMENT – CLASSIFIED,  
NON-LICENSED AND SUPPORT PERSONNEL**

TABLE OF CONTENTS

Policy

- 5-5.1 CLASSIFIED LICENSED AND NON-LICENSED PERSONNEL:  
CONDITIONS OF EMPLOYMENT
- 5-5.2 CLASSIFIED EMPLOYEES: PROBATION
- 5-5.3 CLASSIFIED EMPLOYEES: CONTRACTS
- 5-5.4 CLASSIFIED NON-LICENSED EMPLOYEES
- 5-5.5 TRANSPORTATION EMPLOYEES
- 5-5.6 CLASSIFIED NON-LICENSED PERSONNEL: GROWTH IN JOB SKILLS
- 5-5.7 CLASSIFIED PERSONNEL: EVALUATION
- 5-5.8 CLASSIFIED PERSONNEL: RESIGNATION

## **POLICY 5-5.1 CLASSIFIED LICENSED AND NON-LICENSED PERSONNEL: CONDITIONS OF EMPLOYMENT**

### **Generally**

All employees of the Poquoson City School Board except the Division Superintendent, teachers, bus drivers, and temporary and part-time employees are considered classified licensed or non-licensed personnel. The employment of classified employees is governed by the Poquoson City Public Schools Uniform Pay Plan. In addition to other requirements set forth in federal and state law and elsewhere in Poquoson City School Board policies, the School Board shall consider the criteria listed in this policy in selecting classified employees.

### **Classification Plan**

In order to establish equitable pay levels and operate an effective system of personnel administration, the Deputy Superintendent of Instruction and Support Services shall identify the duties, responsibilities, and qualifications for each classified employee position. Once this is accomplished, position classification becomes a basic tool of personnel management, specifically the placing of each classified employee position on the Uniform Pay Plan. The Division Superintendent, with the assistance of appropriate staff, is authorized to amend the Uniform Pay Plan, as is from time to time necessary, subject to approval of the School Board. The Plan consists of classes of positions having the title, duties and responsibilities, and qualifications described in the class specifications. Each job/position is then allocated to one class. Positions are placed in the same class if they are similar enough to have approximately the same level of duties and responsibilities, deserve the same salary level, require the same basic knowledge and skills, and may appropriately be called by the same title.

General positions are included on the Uniform Pay Plan when including them does not violate the integrity of individual positions.

**Class Specifications Format:** The Uniform Pay Plan shall include the following factors in determining classes of positions:

- A. Title. A brief descriptive name meant to be easily understood.
- B. Level. Indicates range of pay for position classification.
- C. Position Definition. The definitive description of duties; defines position in relation to organization and supervisory responsibility.
- D. Qualifications. Defines the minimum education, experience or other special knowledge needed to perform the duties of the position. Qualifications may or may not apply to the present incumbent and are suggested only as guides. Consideration should be given to reasonable equivalent combinations of education/experience in future hiring. Qualities such as honesty, integrity, loyalty, and patience usually refer to character or personality traits but are assumed, for all positions, as prerequisite qualifications.
- E. Person to Whom Employee Reports. Indicates the person to whom the employee reports.
- F. Persons Supervised. Indicates number of employees (if any) who are supervised by the employee.
- G. Terms of Employment. Indicates 10, 11 and 12-month employment.
- H. Job Description. A list of essential job functions expected to be performed by an employee in that position.

### **Uniform Pay Plan**

The Uniform Pay Plan is a systematic means for assigning pay ranges to levels of skill, competence, and responsibility and is described on the Basic Annual Salary Schedule.

Assignment of a position and individual employees to a level on the Plan reflects the complexity and the work, the level of education, background, or experience needed to perform the job satisfactorily, and the responsibilities of the job (including supervision of other workers, contact with the public, etc., dangerous or unpleasant working conditions, and the competitive market for similar skills). Change in level for an employee means promotion within an occupation or substantial changes in occupation.

Ordinarily, a general pay increase is granted to an employee each year as long as the resulting pay is within the pay range for that position. If an employee is giving satisfactory performance and is "growing with his job," recognition may be made by also giving a merit increase as of July 1 of each year. Personnel who have worked four (4) months or longer may be eligible for the performance increase.

### **Conditions of Work**

The Division Superintendent or his designee shall establish work schedules, provisions for absences and other conditions of work for classified employees in keeping with the School Board's policies.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-79.

*Adopted: November 2002*

*Revised: July 2005; August 2011*

**POLICY 5-5.2 CLASSIFIED EMPLOYEES: PROBATION**

The probationary period for all classified employees shall be 18 months.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended; §§ 22.1-78 and 22.1-79 (6).

*Adopted: November 2002*

*Reviewed: August 2011*

**POLICY 5-5.3 CLASSIFIED EMPLOYEES: CONTRACTS**

Contracts for all classified personnel, both licensed and non-licensed, shall run from July 1 of a given year to June 30 of the following year in accordance with state law and Virginia Board of Education regulations, and for the periods stated in such contracts as recommended by the Division Superintendent and approved by the Poquoson City School Board.

**Deductions**

Calculations of deductions and allowances for all classified personnel shall be made on the basis of actual days contracted.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-78.

*Adopted: November 2002*

*Reviewed: August 2011*

## **POLICY 5-5.4 CLASSIFIED NON-LICENSED PERSONNEL**

Classified non-licensed personnel are those Poquoson City School Board employees who are not required to hold a license issued by the Virginia Board of Education in order to obtain their positions. This category includes, but is not limited to, non-licensed administrative, clerical, maintenance, transportation, food services, and paraprofessional positions. For purposes of the Poquoson City School Board policies, a “permanent non-licensed employee” shall be any full-time employee who has worked for the School Board for more than nine (9) continuous months and who has been endorsed for full-time status by his or her immediate supervisor, the Coordinator of Human Resources, the Division Superintendent and approved by the School Board.

### **Instructional Paraprofessionals**

The School Board, upon the recommendation of the Division Superintendent, may employ instructional paraprofessionals to assist teachers with their duties. The teacher may make supplemental instructional assignments to the paraprofessionals. All paraprofessionals shall hold a high school diploma or the equivalent thereof.

Instructional paraprofessionals shall be entitled to the same holidays and provide services during the same work hours as teachers. The qualifications, duties and responsibilities of instructional paraprofessionals shall be defined in job descriptions developed by the Division Superintendent and/or his designee. Federally funded assistants are subject to federal guidelines.

### **Clerical, Library, Health and Other Paraprofessionals**

Paraprofessionals under this classification shall be employed under the same conditions as are instructional paraprofessionals. They shall be assigned to assist in various departments and shall be made responsible to the person in charge of their assigned department.

### **Cafeteria Employees**

Cafeteria employees shall be under the general direction of the Division Superintendent and/or his designee. Appointment of the cafeteria manager shall be by the School Board on the recommendation of the Division Superintendent.

### **Custodial and Maintenance Employees**

Maintenance employees shall be under the control and general direction of the Division Superintendent and/or his designee. Custodial employees shall be under the control and general direction of the Division Superintendent and/or his designee and shall also be accountable to the principal of the school to which assigned.

### **Secretarial and Clerical Personnel**

Recommendation for placement of secretarial and clerical positions on the Uniform Pay Plan will be made by the Division Superintendent or his designee on the basis of years of experience, educational background, job description, and professional competence.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-78.

*Adopted: November 2002*

*Revised: July 2005*

*Reviewed: August 2011*

## **POLICY 5-5.5 TRANSPORTATION EMPLOYEES**

### **Bus Employees**

#### Generally

Poquoson City School Board bus employees shall be under the general direction of the Division Superintendent and/or his/her designee.

#### Qualifications

In addition to other requirements set forth in federal and state law and elsewhere in School Board policies, applicants for regular and substitute bus employee positions must satisfy the requirements of this policy, the Code of Virginia, specifically § 22.1-178, and Title 8, Section 20-70-280 of the Virginia Administrative Codes.

#### Training

Before receiving a contract to drive a school bus or before being assigned as a substitute bus employee, an applicant must fulfill the requirements for training set by the Virginia Department of Education and those set by the Division Superintendent in the accompanying regulations.

#### Substitute Bus Qualifications and Pay

Substitute bus employees shall meet all qualification requirements of regular bus employees. A substitute employee shall receive a daily rate of pay for each day of employment commensurate to his own qualifications and experience. Substitute employees shall be employed by and paid by the School Board and not by the regular employee needing the substitute.

#### Use of Wireless Communication Devices

No driver shall use any wireless telecommunications device, whether handheld or otherwise, while driving a school bus, except in case of an emergency, or when the vehicle is lawfully parked and for the purposes of dispatching. Nothing in this section shall be construed to prohibit the use of (i) two-way radio devices or (ii) wireless telecommunications devices that are used hands-free to allow live communication between the driver and school or public safety officials .

#### Possession or Consumption of Alcohol

No employee shall possess or consume an alcoholic beverage while operating a school bus and transporting children.

### **Drug and Alcohol Testing for Covered Employees**

The Omnibus Transportation Employee Testing Act of 1991 (The “Act”) requires that the School Board shall implement a drug and alcohol testing program that is to be administered to drivers and other covered employees who are required to hold a commercial driver’s license (CDL) by U.S. Department of Transportation Regulations and who perform safety-sensitive functions (“covered employees”). Testing Procedures and Facilities used for such tests shall conform to the requirements of Title 49 Part 40 of the Code of Federal Regulations.

#### Covered Employees

The Act and this policy apply to all covered employees who perform safety-sensitive functions.

## Prohibited Conduct

“Prohibited Conduct” is conduct that does not conform to the requirements of Title 49 Parts 40 and 382 of the Code of Federal Regulations.

1. **Alcohol Use.** Covered employees shall be prohibited from: (1) alcohol possession and/or use on the job, (2) alcohol use during the four (4) hours before performing safety-sensitive functions, (3) having legally prohibited concentrations of alcohol in their systems while on duty or performing safety-sensitive functions, and (4) use during eight (8) hours following an accident or until after the covered employee undergoes a post-accident alcohol test, whichever occurs first.
2. **Controlled Substance Use.** No covered employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the covered employee uses any controlled substances except when the use is pursuant to the instructions of a physician who has advised the covered employee that the substance does not adversely affect his ability to safely operate a motor vehicle.

## **Required Testing**

As prescribed by the Omnibus Transportation Employee Testing Act of 1991, covered employees shall be subject to pre-employment/pre-duty drug testing, reasonable suspicion alcohol and drug testing, random alcohol and drug testing, post-accident alcohol and drug testing, and return-to-duty and follow-up alcohol and drug testing pursuant to procedures provided in Title 49 Parts 40 and 382 of the Code of Federal Regulations. Any covered employee who refuses to submit to a post-accident, random, reasonable suspicion or follow-up test shall not perform or continue to perform safety-sensitive functions.

Requirement for Notice. The Coordinator of Human Resources shall provide each covered employee with educational materials that explain the legal requirements of drug testing together with a copy of the School Board’s policy and procedures for meeting these requirements. Each covered employee shall sign a statement certifying that he/she has received a copy of the above materials and the Coordinator of Human Resources shall maintain this signed copy.

Inquiries for alcohol and controlled substances information from previous employers. With the covered employee's consent, the School Board shall request alcohol and controlled substances information from previous employers.

Consequences if Testing Indicates Drug or Alcohol Misuse. If the testing of any covered employee confirms prohibited alcohol concentration levels or the presence of a controlled substance, the covered employee shall be removed immediately from safety-sensitive functions. All such covered employees shall be advised of available substance abuse treatment resources. Before a covered employee is reinstated, if at all, the covered employee shall undergo an evaluation by a substance abuse professional (SAP), comply with any required rehabilitation and undergo a return-to-duty test with a negative urine sample.

Record Retention. The school division shall maintain records in compliance with federal regulations in a secure location with controlled access. A covered employee shall be entitled upon written request to obtain copies of any records pertaining to the covered employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. The Coordinator of Human Resources shall make drug testing records available to subsequent employers upon receipt of a written request from a covered employee only as expressly authorized by the terms of the covered employee's request.

Test Procedure. The school division shall administer controlled substance and alcohol tests and procedures as prescribed in Title 49 Part 40 of the Code of Federal Regulations. The school division shall take steps to insure proper training and testing procedures are provided.



See Superintendent's Regulation 5-5.5.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 4.1-309.1; 22.1-178, 46.2-340; 46.2-919.1; Virginia Board of Education Regulations Governing Pupil Transportation, Including Minimum Standards for School Buses, 8 VAC 20-70-10; and Regarding Requirements for School Bus Covered Employees 8 VAC 20-70-280; Omnibus Transportation Employee Testing Act of 1991, U.S. Code Title 49, § 31306; Code of Federal Regulations (C.F.R.), Title 49, Parts 40, 382, 391(E) and 395.

*Adopted: November 2002*

*Revised: July 2005, July 2008; June 2010, August 2011, August 2017*

**POLICY 5-5.6 CLASSIFIED NON-LICENSED PERSONNEL: GROWTH IN JOB SKILLS**

The Poquoson City School Board encourages inservice training programs designed to improve the capabilities of classified employees. Specific objectives of such programs include:

1. increasing competence of new employees through appropriate orientation program objectives of the schools, the administrative organization, and the specific duties of the employees;
2. attaining and maintaining efficient employee performance in current assignments;
3. developing required ability and skills to utilize new methods, material, and equipment;
4. broadening employee skills and knowledge and assisting and preparing employees for higher level duties in accordance with needs of the schools' operation;
5. minimizing accidents, injuries, losses from errors, spoilage and waste, and decreasing employee turnover; and
6. increasing management competence at all levels.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-78.

*Adopted: November 2002*

*Reviewed: August 2011*

**POLICY 5-5.7 CLASSIFIED PERSONNEL: EVALUATION**

The Division Superintendent shall oversee an evaluation program developed with and for Poquoson City School Board classified personnel. The primary purposes of this program shall be to assist the employees in improving job performance and to serve as a basis for merit salary increases.

Evaluation of classified employees shall be a cooperative and continuing process with formal appraisal periodically. The results of the evaluation shall be in writing, dated and signed by the evaluator and the person being evaluated, with one copy going to the central office personnel file and one copy to the employee.

The organizational purposes of evaluation and assistance are to:

1. raise the quality of instruction and educational service to the children of the Poquoson community;
2. raise the standards of the school division as a whole; and
3. aid the individual employee to grow and improve professionally.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-253.13:7 (C-2).

*Adopted: November 2002*

*Reviewed: August 2011*

**POLICY 5-5.8 CLASSIFIED PERSONNEL: RESIGNATION**

Classified, non-licensed Poquoson City School Board employees may resign their employment with the approval of the Division Superintendent. Classified employees requesting release from their positions shall give their immediate supervisor notice of their desire to be released at least two (2) weeks in advance of their desired separation date. Such request shall be in writing and shall set forth the reason for requesting the release. The supervisor of any non-licensed employee should document any verbal resignation when the non-licensed employee fails to submit a written resignation. The Division Superintendent has the authority to waive the two-week notice requirement when the Division Superintendent, in his or her sole discretion, determines that such a waiver will serve the best interests of the school division. Failure to comply with this policy may result in the recommendation that the employee be ineligible for reemployment at a future date. Employees who terminate their employment without the approval of the School Board shall be paid only for the days of actual employment.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-1-70, 22.1-78.

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*Revised: July 2005*

*Reviewed: August 2011*