

**Dexter Community Schools
Board of Education
Executive Summary**

April 29, 2024

Purpose: Outline Series 4000 policies presented for first reading.

Background:

Series 4000 of the Thrun policy book covers employment policies.

The following Thrun employment policies were adopted February 5th, effective immediately:

4108 Union Representation (NEOLA # 3950)	4407 Discipline (NEOLA # 3139)
4207 Third Party Contracting (NEOLA # 3120.14)	4408 Termination (NEOLA # 3140.02)

The following policies were adopted the same date, to be effective July 1, 2024:

4402-R Placement/Assignment and Transfer (NEOLA # TBD)	4409-R Non-Renewal (NEOLA # TBD)
4403-R Performance Evaluation (NEOLA # TBD)	4503-R Performance Evaluation (NEOLA # TBD)
4405-R Reduction in Force and Recall (NEOLA # TBD)	

Attached to this summary is a list of every other Thrun employment policy that is being presented for first reading tonight.

Recommendation:

The policy committee recommends that the Board of Education approve the attached policies for first reading on April 29, 2024, with all becoming effective August 1, 2024.

SERIES 4000 - DISTRICT EMPLOYMENT			
SECTION 4100 EMPLOYEE RIGHTS & RESPONSIBILITIES	4205 Hiring and Background Checks	4223 Resignation	SECTION 4500 ADMINISTRATORS
4101 Non-Discrimination	4206 Employment Contracts	4224 Personnel Files and Payroll Information	4501 Definition
4102 Anti-Harassment	4208 Applicant and Employee Criminal Arrest Charges Conviction	4228 No Expectation of Privacy	4502 Assignment and Transfer
4103 Whistleblowers Protection	4209 Prohibition Against Abortion Referrals and Assistance	SECTION 4300 NON-EXEMPT STAFF	4505 Reduction and Recall
4104 Employment Complaint Procedure	4210 Drug and Alcohol Free Workplace; Tobacco Product Restrictions	4301 Definition	4506 Discipline
4105 Workplace Accommodations for Employees and Applicants	4211 Alcohol and Controlled Substances for Transportation Employees Subject to OTETA	4302 Minimum Wage and Overtime	4507 Termination
4106 Family and Medical Leave Act	4212 Employee Assistance Program	4304 Employee Timekeeping Responsibilities	4508 Administrator Non-Renewal
4107 Military Leave	4213 Anti-Nepotism	4305 Michigan Paid Medical Leave Act	SECTION 4600- SUPERINTENDENT
4109 Break Time for Nursing Mothers	4214 Outside Activities and Employment	4306 Assignment and Transfer	4601 General
4110 Reimbursement	4215 District Technology and Acceptable Use Policy	4307 Performance Evaluation	4602 Hiring
4111 Professional Development	4216 Personal Communication Devices	4308 Reduction & Recall of Non-Exempt Staff	4603 Performance Evaluation
4112 Extracurricular Employees or Volunteers	4217 Social Media	4309 Discipline and Termination	4604 Absence-Incapacity
SECTION 4200 - EMPLOYEE CONDUCT & ETHICS	4218 Employee Dress and Appearance	SECTION 4400 PROFESSIONAL STAFF	4605 Gifts and Donations
4201 Employee Ethics and Standards	4219 Attendance	4401 Definition	4606 Discipline and Termination
4202 CPS Reporting and Student Safety and Welfare	4220 Use or Disposal of District Property	4406 Professional Improvement Sabbaticals	4607 Non-Renewal
4203 Corporal Punishment and Limited Use of Reasonable Force	4221 Employee Speech		
4204 Confidentiality of Student Information	4222 Unauthorized Work Stoppage and Strikes		



DEXTER COMMUNITY SCHOOLS

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4101 *Non-Discrimination*

A. Equal Employment Opportunity

The District is committed to equal employment opportunity and compliance with federal, state, and local laws that prohibit workplace discrimination, unlawful harassment, and unlawful retaliation based on any protected class or activity. This Policy applies to all aspects of employment, including recruiting, advertising, hiring, training, job placement, evaluation, classification, promotion, transfer, work assignment, compensation, benefits, discipline, demotion, termination, reduction in force, recall, and any other term or condition of employment.

This Policy prohibits discrimination against employees or applicants for employment based on the following protected classes: race, color, national origin, ethnicity, religion, sex (including pregnancy, gender identity, and sexual orientation), height, weight, marital status, age, disability, genetic information, veteran status, military service, or any other legally protected class. This Policy also prohibits unlawful retaliation based on a protected activity.

The District prohibits unlawful employment discrimination as required by applicable civil rights statutes, including:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, or national origin;
- Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex (including gender identity, and sexual orientation), or national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex (including gender identity and sexual orientation);
- Age Discrimination in Employment Act of 1967 (ADEA), which prohibits discrimination based on age as to persons who are at least 40 years old;
- Equal Pay Act of 1963, which prohibits sex discrimination in payment of wages for persons performing substantially equal work in the same establishment;
- Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits discrimination based on disability;



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- Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination against qualified persons with disabilities in employment, public service, public accommodations, and telecommunications;
- Family and Medical Leave Act of 1993 (FMLA), which requires covered employers to provide up to 12 work weeks of unpaid, job-protected leave to eligible employees for certain family, military, and medical reasons, and up to 26 work weeks to care for a covered service member with a serious injury or illness;
- Pregnancy Discrimination Act of 1978, which prohibits discrimination based on pregnancy, childbirth, or related medical conditions;
- Pregnant Workers Fairness Act (PWFA), which requires covered employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause an undue hardship.
- Genetic Information Non-Discrimination Act of 2008 (GINA), which prohibits discrimination based on genetic information as to health insurance and employment;
- Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), which provides job protection and reemployment rights to individuals who voluntarily or involuntarily leave employment to undertake military service, including military reservists and National Guard members called to duty;
- Michigan Elliott-Larsen Civil Rights Act of 1976 (ELCRA), which prohibits discrimination based on race, color, national origin, age, sex, pregnancy, sexual orientation, gender identity or expression, religion, height, weight, or marital status;
- Michigan Persons with Disabilities Civil Rights Act of 1976 (MPDCRA), which prohibits discrimination against qualified persons based on disability that is unrelated to that person's ability to perform the duties of a particular position or genetic information;
- Michigan Equal Pay Act, which prohibits discriminatory wage practices based on sex; and
- Public Employment Relations Act of 1947 (PERA), which prohibits a public employer from discriminating against an employee based on membership or non-membership in a labor organization.



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- Michigan Whistleblower Protection Act of 1980, which protects employees who report a violation or suspected violation of state, local, or federal law and employees who participate in hearings, investigations, or court actions.

B. Reporting Requirements

Any employee who believes he/she has been subjected to behavior that violates this Policy must file a complaint using the Employment Complaint Procedure in Policy 4104. If Title IX sexual harassment is alleged, the procedures set forth in Policy 3118 should be followed.

Employees with questions about compliance with this Policy and applicable laws should contact the Superintendent or the Employment Compliance Officer(s).

Board members, administrators, and supervisors must promptly report incidents of unlawful discrimination and retaliation. This duty to report applies to unlawful discrimination and retaliation that the Board member, administrator, or supervisor observes or about which he/she receives information.

Board members, administrators, or supervisors who receive a complaint alleging a violation of this Policy must promptly report the complaint, in writing, to the Employment Compliance Officer(s).

A failure to comply with reporting requirements may result in discipline, including discharge.

C. Employment Discrimination Compliance Training

The District will train administrators, supervisors, and the Employment Compliance Officer(s) on how to address and investigate discrimination and retaliation complaints.

The District may also provide discrimination and retaliation training to Board members and employees.

Training may be provided by an outside entity or person approved by the District.

Legal authority: 20 USC 1681 et seq.; 29 USC 206 et seq., 701 et seq., 2601 et seq.; 38 USC 4301 et seq.; 42 USC 2000d et seq., 2000e et seq., 2000ff et seq., 12101 et seq.; H.R. 2617-1626, 117th Cong. § 103(1) (signed into law December 29, 2022); MCL 37.1101 et seq., 37.2101 et seq.; MCL 423.201 et seq.; MCL 750.556

Date adopted:

Date revised:



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Series 4000: District Employment

4100 Employee Rights and Responsibilities

4102 *Anti-Harassment, Including Sexual Harassment*

A. Policy Statement

Employees will have the opportunity to work in an atmosphere free from unlawful harassment, including sex-based harassment, as defined by state, federal, and local laws. The District prohibits quid pro quo and hostile work environment harassment.

The District will promptly and thoroughly investigate complaints pursuant to Policy 4104 alleging unlawful harassment and take appropriate action, including discipline, against any person found to have violated this Policy. Investigation determinations will be based on a preponderance of the evidence.

Unlawful harassment is strictly prohibited. This Policy applies to employee conduct perpetrated against other employees, parents/guardians, officers, Board members, agents, contractors, volunteers, and members of the public. Although Title VII sexual harassment falls within this Policy, Title IX sexual harassment does not. For the District's Policy on Title IX sexual harassment, see Policy 3118. Allegations that an employee engaged in unlawful discrimination, harassment, or retaliation against a student will be investigated under Policy 5202.

This Policy applies to unlawful conduct related to work in any way, regardless of location.

B. Unlawful Employment Harassment Definition

Except with regard to Title IX sexual harassment, the following definitions apply:

1. "Quid pro quo" harassment occurs when a supervisor requires sex, sexual favors, or sexual contact from an employee or job candidate as a condition of employment and where:
 - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, to obtain or maintain employment; or
 - b. submission to or rejection of that conduct or communication is used as a factor in a decision affecting a person's employment.
2. "Hostile work environment" harassment is unwelcome verbal, visual/written, or physical conduct towards an employee because of the employee's race, color, national origin, ethnicity, religion, sex (including pregnancy), height, weight, marital status, gender identity or expression, age, sexual orientation, disability, genetic information, veteran status, military service, or any other protected class and that has:



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- a. the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- b. the purpose or effect of unreasonably interfering with an employee's work;
or
- c. an adverse impact on a person's employment opportunities.

Hostile work environment harassment is unlawful where it is based on an employee's protected class and the offensive conduct becomes a condition of continued employment or the conduct is sufficiently severe or pervasive to create a work environment that a reasonable person under the totality of circumstances would consider intimidating, hostile, or offensive.

3. Examples of conduct that may constitute unlawful sexual harassment include:
 - a. Verbal: Unwelcome comments, including: the use of derogatory, sexually suggestive, or vulgar language; the use of sexual innuendo; unwelcome advances or repeated requests for dates or sexual favors; threats based on or motivated by a person's sex; demanding or pressuring another person to submit to sexual requests or advances to attain academic or professional achievement; threatening another person's academic or professional reputation if that person does not submit to sexual requests or advances; or any other similar behavior.
 - b. Visual/Written: Subjecting another person to sexually suggestive, pornographic, or obscene images, text, or cartoons, including by electronic mail, text message, letter, or any other medium; the use of obscene gestures toward or around another person; leering at another person; or any other similar behavior.
 - c. Physical: Unwanted kissing, touching, patting, hugging, pinching, or any other unwanted physical contact; impeding another person's normal movements; stalking, assault, or battery based on the victim's sex; any other physical interference with another person based on that person's sex; or any other similar behavior.

C. Unlawful Retaliation

Unlawful retaliation against a complainant, witness, or other investigation participant is prohibited. Any person who unlawfully retaliates is subject to discipline, including discharge. A person who knowingly files a materially false complaint or makes a materially false statement is subject to discipline, including discharge.

D. Reporting Requirements



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Board members, administrators, and supervisors must promptly report incidents of unlawful harassment and retaliation. This duty to report applies to unlawful harassment and retaliation that the Board member, administrator, or supervisor observes or about which he/she receives information.

Board members, administrators, or supervisors who receive a complaint alleging a violation of this Policy must promptly report the complaint, in writing, to the Employment Compliance Officer(s).

A failure to comply with reporting requirements may result in discipline, including discharge.

Legal authority: 20 USC 1681 et seq.; 29 USC 621 et seq.; 42 USC 1983, 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1604.1 et seq., 1635; 34 CFR 106.8, 106.9; MCL 37.1101 et seq., 37.2101 et seq.; MCL 380.1300a

Date adopted:

Date revised:



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4103 *Whistleblowers' Protection*

An employee shall report, on his/her own behalf or on behalf of another employee, a violation or a suspected violation of a federal, state, or local law, regulation, or rule to the employee's supervisor or the Employment Compliance Officer(s). Reports must be made in good faith. An employee who makes or is about to make a report in good faith and in compliance with this Policy will not be discharged, subject to adverse employment action, or subject to other discrimination or retaliation because the employee was about to make or made a report.

If the employee's supervisor is the subject of the violation or suspected violation, the employee must report to the Employment Compliance Officer(s) or the Superintendent. If the Employment Compliance Officer(s) or the Superintendent is the subject of the violation or suspected violation, the employee must report to the President. If the President is the subject of the violation or suspected violation, the employee must report to the Vice President.

A report must be promptly submitted in writing pursuant to Policy 4101. The investigation of the alleged violation will be performed by an impartial investigator. The investigation may be referred to a third party investigator.

Legal authority: MCL 15.361 et seq.

Date adopted:

Date revised:



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4104 Employment Complaint Procedure

This employment complaint procedure is designed to facilitate: (1) prompt notification of alleged unlawful discrimination, including unlawful Title VII sexual harassment, and retaliation; (2) a prompt and thorough investigation of good faith allegations; and (3) the implementation of appropriate corrective action, if necessary, to eliminate verified, unlawful discrimination and retaliation from the workplace.

A. Initiating a Complaint

1. A Board member, employee, or employment applicant who believes he/she has been the subject of unlawful discrimination, including unlawful harassment, or retaliation must timely file a complaint, preferably within 10 business days of the alleged or suspected violation or when the reporter obtained knowledge of the alleged or suspected violation, with:

EXECUTIVE DIRECTOR OR HUMAN RESOURCES
and/or
EXECUTIVE DIRECTOR OF INSTRUCTION
2704 BAKER RD. DEXTER, MI 48130
734-424-4100
compliance@dexterschools.org

Title IX sexual harassment complaints, including dual Title VII and Title IX harassment complaints that cannot be bifurcated, must be processed under Policy 3118.

2. A complaint against the Employment Compliance Officer(s) must be made to the Superintendent or President. A complaint against the Superintendent must be made to the President. A complaint against the President must be made to the Vice President.
3. A complaint of discrimination, including unlawful harassment, or retaliation, may be made verbally or in writing. The complaint will be memorialized on Form 4104-F.

B. Investigation Procedures

1. A written or verbal report (including an anonymous report) of discrimination, including unlawful harassment, or retaliation will be investigated promptly and thoroughly.
2. An impartial investigator will investigate the complaint and, if appropriate, notify law enforcement. A third-party investigator may be appointed to investigate the



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complaint. The investigator(s) should consult with legal counsel in appropriate cases.

3. The investigator(s) will determine the relevant and appropriate witnesses to be interviewed based on the allegations, Board policy, and the law, and use reasonable efforts to do so. In most cases, the Complainant(s) and the Respondent(s) will be interviewed. The investigator(s) should remind interviewees to maintain confidentiality to the extent permitted by law.
4. Complaints, evidence, witness statements, investigation notes, and findings will be maintained in a confidential manner and protected from disclosure to the extent permitted by law.
5. The preponderance of the evidence (i.e., more likely than not) standard of proof will be used to determine whether discrimination, including unlawful harassment, or retaliation occurred.
6. The investigator(s) may create an investigation report of factual conclusions and findings.
7. The outcome of the investigation will be reported to the Complainant(s) and the Respondent(s).

C. Remedies

The District will take prompt and appropriate remedial action to address substantiated instances of discrimination, including unlawful harassment, or retaliation. Remediation may include restorative practices, training, counseling, discipline, transfer, demotion, discharge, or other action as deemed appropriate.

D. False Complaint or False Statement

A person who knowingly files a false complaint or makes a materially false statement is subject to discipline, including discharge.

E. Unlawful Retaliation

Retaliation against an investigation participant is prohibited. Any person who unlawfully retaliates is subject to discipline, including discharge.

F. Appeal Process

A Complainant or Respondent who objects to the investigation process or findings must file a written appeal with the Superintendent within 10 business days after receiving the investigation outcome. The written appeal must cite specific objections to the investigation process or findings. If the Superintendent is the Respondent or Complainant, an appeal must be filed with the President. If the President is the Respondent or Complainant, an appeal must be filed with the Vice President.



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An appeal will be forwarded to the Board or designee for consideration and action. The Board or designee, in consultation with legal counsel, will take appropriate action, generally within 30 calendar days after receipt of the appeal. A Board officer will then notify the parties in writing of the appeal decision.

G. Reports to State or Federal Administrative Agencies

Any person who believes that he/she was the victim of discrimination, including unlawful harassment, or retaliation may file a complaint with the Michigan Department of Civil Rights (MDCR) or the Equal Employment Opportunity Commission (EEOC) at any time:

Michigan Department of Civil Rights Capitol Tower Building
110 W. Michigan Avenue, Suite 800
Lansing, MI 48933
Phone: 517-335-3165
Fax: 517-241-0546
TTY: 517-241-1965
Email: MDCR-INFO@michigan.gov

Equal Employment Opportunity Commission Patrick V. McNamara Building
477 Michigan Avenue - Room 865
Detroit, MI 48226
Phone: 800-669-4000
Fax: 313-226-4610
TTY: 800-669-6820
Email: info@eeoc.gov

An agency complaint may be filed before, during, or after a complaint is filed with the District, or a person may forego filing a complaint with the District and rely solely on the MDCR or EEOC. The District recommends that a person who has been subjected to discrimination, including unlawful harassment, or retaliation, also file a complaint with the District to ensure that the District can take steps to prevent further discrimination, including unlawful harassment, or retaliation and to discipline the Respondent, if appropriate. The MDCR and EEOC do not serve as an appellate body for District decisions. An investigation by the MDCR or EEOC will occur separately from any District investigation.

Legal authority: U.S. CONST. amend. XIV; 20 USC 1681 et seq.; 29 USC 701 et seq.; 42 USC 2000d et seq., 2000e et seq., 2000ff et seq., 6101 et seq., 12101 et seq.; 29 CFR 1630; 34 CFR 104, 106.8, 106.9, 110; MCL 15.261 et seq.; MCL 37.1101 et seq., 37.2101 et seq.

Date adopted:

Date revised:



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Series 4000: District Employment

4100 Employee Rights and Responsibilities

4105 Workplace Accommodations for Employees and Applicants Under State and Federal Law

The District complies with the ADA, Section 504, the MPDCRA, PWFA, and other federal, state, and local laws that prohibit discrimination in employment against qualified persons with disabilities or with limitations related to pregnancy, childbirth, or related medical conditions. The District does not unlawfully discriminate against otherwise qualified employees or applicants for employment with a physical or mental impairment that substantially limits one or more major life activities, those regarded as having a disability, those with a record of a disability, or employees with limitations related to pregnancy, childbirth, or related medical conditions.

An applicant or employee with a disability, or an employee with limitations related to pregnancy, childbirth, or related medical conditions, like all other applicants and employees, must meet the District's requirements for the job, including education, training, employment experience, skills, or licenses/certifications. An applicant or employee with a disability or an employee with limitations related to pregnancy, childbirth, or related medical conditions must be able to perform the job's essential functions with or without reasonable accommodation(s). After an applicant has been given a conditional job offer, the District may ask disability-related questions about the applicant's ability to perform the essential functions of the position with or without reasonable accommodation.

An employee who requires a reasonable accommodation to perform essential job functions must promptly inform the employee's supervisor or the Superintendent or designee. An applicant who requires a reasonable accommodation to perform essential job functions must promptly inform the Superintendent or designee after receiving a conditional offer of employment. A reasonable accommodation is defined as a change in the work environment or in the methods of performing work to enable an otherwise qualified applicant or employee to perform the essential job functions of a position and to enjoy equal employment opportunities.

Upon receipt of an accommodation request, the District will begin the interactive process with the employee or applicant to consider reasonable accommodation options consistent with the ADA, Section 504, and the MPDCRA.

Reasonable accommodation requests that do not pose a direct threat to health or safety or cause undue hardship, as defined by law, will be considered for qualified applicants or employees with a physical or mental impairment that substantially limits one or more major life activities, or for employees with limitations related to pregnancy, childbirth, or related medical conditions.

After considering the relevant medical information, essential job functions, and the applicant's or employee's requested accommodations, the District will, as appropriate, implement reasonable accommodations that do not pose a direct threat to health or safety



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or cause an undue hardship. The District is not obligated to adopt the applicant's or employee's specific accommodation request.

The District may engage or re-engage in the interactive process, as necessary.

The District may require a medical statement supporting the requested accommodation. The District may also require an employee to undergo an independent medical examination, limited to the accommodation request, at the District's expense. Medical information will be kept confidential.

Reasonable accommodation of a disability with a limited duration may be provided.

An applicant or employee who believes he/she has been discriminated against under this Policy must promptly file a complaint using the Employment Complaint Procedure in Policy 4104.

A qualified applicant or employee with a disability who needs a reasonable accommodation to attend or participate in a public Board meeting may request an accommodation under Policy 2501.

Legal authority: 29 USC 701 et seq.; 42 USC 12101 et seq.; 29 CFR 1630; 34 CFR 104; H.R. 2617-1626, 117th Cong. § 103(1); MCL 37.1101 et seq., 37.2101 et seq.

Date adopted:

Date revised:



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Series 4000: District Employment

4100 Employee Rights and Responsibilities

4106 Family and Medical Leave Act (FMLA)

This Policy will be interpreted and applied consistent with the FMLA, as amended, and its regulations. This Policy should not be interpreted to conflict with an applicable collective bargaining agreement where the collective bargaining agreement provides rights or obligations beyond those conferred by FMLA and that are not prohibited by FMLA.

A. Qualifying for FMLA Leave

1. Employee Eligibility

a. To be eligible for FMLA leave, an employee must:

- i. have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave (full-time instructional employees are presumed to meet the 1,250 hour requirement);
- ii. have completed 12 months (cumulative) of work for the District before the commencement of the leave. This includes non-consecutive intervals of employment with the District occurring up to 7 years before the commencement of the FMLA leave; and
- iii. make the request at a time when the District has 50 or more employees at, or within 75 miles of, the worksite.

b. The applicable 12-month period to determine an employee's entitlement to FMLA leave (i.e., the FMLA leave year) is **Choose one: a "rolling" 12-month period measured backward from when the FMLA leave would commence, / a "rolling" 12-month period measured forward from the date the employee first takes FMLA leave / the period from _____ to _____ / the calendar year, January 1 to December 31.**

c. An eligible employee taking FMLA leave to care for a covered service member or veteran with a serious injury or illness is allowed to take up to 26 work weeks of leave in a single 12-month period measured forward from the date the employee first takes leave.

2. Qualifying Events

- a. An eligible employee may take FMLA leave, up to a total of 12 work weeks, during any 12-month period for any one or more of the following:
 - i. the birth or care of the employee's newborn child;



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- ii. the employee's care for a newly adopted child or child placed in the employee's home for foster care;
 - iii. to care for a spouse, child (who is younger than age 18, or over 18 but incapable of self-care), a parent (but not parent-in-law), or an individual for whom the employee stands *in loco parentis* who has a serious health condition;
 - iv. the employee's own serious health condition; or
 - v. a qualifying military exigency about an employee, the employee's spouse, child (regardless of age), or parent.
- b. An eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for a covered service member who is receiving medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list for a serious injury or illness. The employee must be the spouse, child, parent (regardless of their child's age), or next of kin of the covered service member. This subsection applies to veterans of the Armed Services who suffered an injury or illness, or aggravated an injury or illness, in the line of duty on active duty if the veteran was a member of the Armed Forces at any time during the 5 years before receiving treatment.
3. Limitations on FMLA Leave
- a. The entitlement to leave for the birth of a child or placement of a child with an employee for the purposes of adoption or foster care expires at the end of the 12-month period beginning on the date of the birth or placement, and these circumstances do not qualify for intermittent or reduced schedule leave.
 - b. Concerning spouses who are both employed by the District, and both eligible for FMLA leave, they are limited to a combined total of 12 work weeks of FMLA leave for the birth or placement, or related care, of a child for adoption or foster care with the employees or the care of a parent with a serious health condition. This limitation does not apply to the care of a spouse or child with a serious health condition or to an employee's own serious health condition.
 - c. Concerning the entitlement to 26 work weeks of leave to care for a covered service member with a serious illness or injury, the 26 work week allotment may include other reasons for FMLA leave authorized by the Act. But in that allotment, an employee is not entitled to more than 12 work weeks of leave for reasons unrelated to the care for a covered service member with a serious illness or injury.



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- d. Concerning spouses who are both employed by the District, and both eligible for FMLA leave to care for a covered service member, they are limited to a combined total of 26 work weeks of leave for all leaves authorized by the Act during the 12-month period commencing with FMLA leave to care for a covered service member. The spouses are subject to the 12 work week limitation for leave related to the birth or placement, or related care, of a child for adoption or foster care with the employees or the care of a parent with a serious health condition.

B. FMLA Notice

1. An employee must give the District notice of FMLA leave as follows:
 - a. When the need for FMLA leave is foreseeable (e.g., for the birth of a child, placement for adoption or foster care, or planned medical treatment), 30 calendar days' notice is required. If the employee fails to give 30 calendar days' notice with no reasonable excuse, the District reserves the right to deny or to delay the employee's FMLA leave. If the FMLA leave is for planned medical treatment, the employee must make reasonable efforts to schedule treatment so as not to unduly disrupt the District's operations.
 - b. When the need for FMLA leave is unexpected, the employee must provide notice to the District as soon as practicable.
2. For both foreseeable and unexpected leave, employees must comply with District Policies, work rules, collective bargaining agreement provisions, and customary absence reporting procedures. Failure to comply with these requirements may be grounds to delay or deny the employee's FMLA leave request and may result in discipline.
3. Absent extenuating circumstances, within 5 work days after an employee requests FMLA leave or the District has reasonable information that an employee may qualify for FMLA leave, the District will provide to the employee a copy of this Policy and the U.S. Department of Labor's (DOL) "Notice of Eligibility and Rights & Responsibilities" DOL Form WH-381 (as updated).
4. Once the District receives sufficient notice, including any requested medical certification (see below), that an employee's leave qualifies as FMLA leave, the District will, absent extenuating circumstances, within 5 work days, notify the employee in writing whether the leave is designated as FMLA leave using DOL Form WH-382 (as updated).

C. Certification

1. If an employee requests FMLA leave due to the employee's serious health condition or to care for a parent, child, or spouse with a serious health condition, the employee must provide medical certification from a health care provider of the serious health condition involved and, if applicable, verification that the



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- employee is needed to care for the family member and the expected duration of the leave. Employees requesting leave for a qualifying exigency or leave to care for a covered service member with a serious injury or illness must provide the appropriate certification. The District will provide the employee with the appropriate DOL form applicable to the employee's requested leave.
2. Employees must return the requested certification within 15 calendar days after the request. The District may delay or deny FMLA leave if submission of the certification is not timely.
 3. Failure or refusal to provide requested medical certification within 15 calendar days may result in denial of the leave being designated as FMLA leave.
 4. If an employee provides an incomplete or insufficient certification, the District will advise the employee, in writing, of the deficiencies and what additional information is needed. An employee must return the requested additional information within 7 calendar days. The District, but not the employee's direct supervisor, may contact an employee's health care provider for clarification or authentication of a certification. The District may not contact the employee's health care provider if a complete and sufficient certification, signed by the health care provider, is submitted.
 5. If the District has reason to doubt the medical certification an employee submits, the District may require, at its expense, that the employee obtain a second opinion from a health care provider of the District's choice. If the second opinion differs, the District may require, at its expense, that a third opinion be obtained from a health care provider who is mutually selected by the employee and the District. The third medical certification will be final and binding on both parties. If the employee refuses to be examined by the third health care provider, the employee will be bound by the second opinion. The District may not request a second opinion for leave to care for a covered service member or veteran with a serious injury or illness.

The District may request recertification consistent with FMLA regulations. Recertification will be at the employee's expense.

The District may request recertification in less than 30 calendar days if: an employee requests an extension of FMLA leave; circumstances stated in the prior certification have changed significantly; or the District receives information that casts doubt upon the employee's stated reason for the absence or the certification's validity.

D. Concurrent Leave and Substitution of Paid Leave

FMLA leave provided to employees is unpaid, unless the employee has applicable paid leave. Applicable paid leave (e.g., sick, personal, business, vacation, paid time off, leave under Michigan Paid Medical Leave Act (MPMLA), or workers' compensation) will run concurrently with FMLA leave at the election of either the



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District or the employee. The ability to use paid leave concurrently with FMLA leave is subject to compliance with the procedures and conditions normally associated with the paid leave. A medical leave of absence covered by workers' compensation runs concurrently with FMLA leave and consistent with an applicable individual employment contract or collective bargaining agreement. FMLA leave beyond an employee's applicable accrued paid leave is unpaid.

E. Intermittent and Reduced Schedule Leave

1. Eligible employees may take FMLA leave intermittently or on a reduced schedule when leave is taken to care for a family member with a serious health condition, for an employee's own serious health condition, because of a qualifying exigency, or to care for a covered service member or veteran, an eligible employee may take leave intermittently or on a reduced schedule when medically necessary.
2. Intermittent or reduced schedule leave will not result in a reduction in the employee's total amount of leave beyond the amount of leave actually taken. Intermittent and reduced schedule FMLA leave will be accounted for in the shortest increment used to account for leave generally within the employee's classification.

Employees must follow the District's absence reporting procedures when using intermittent leave.

3. When an instructional employee seeks to take intermittent or reduced schedule leave to care for a family member with a serious health condition, to care for a covered service member or veteran, or for the employee's own serious health condition which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20% of the total number of work days over the leave period, the District may either require the employee to take leave on a full-time basis for the duration of the requested intermittent or reduced schedule leave or temporarily transfer the employee to an alternate position with equivalent pay and benefits.
4. If an eligible employee requests intermittent or reduced schedule leave for a foreseeable medical treatment, including during a period of recovery from a serious health condition, the District may require the employee to transfer temporarily to an available alternate position for which the employee is qualified and which better accommodates recurring periods of leave than the employee's regular position. The alternate position must have equivalent pay and benefits as the employee's regular position.

F. Group Health Plan Benefits

1. Eligible employees are generally entitled to the continuation of District-provided group health plan benefits while on FMLA leave. Group health plan benefits



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- include medical, dental, and optical insurance coverages in which the employee is enrolled at the time that FMLA leave is taken.
2. The District will continue paying its portion, if any, of the employee's group health plan costs and insurance premiums or representative premiums while the employee is on FMLA leave and in accordance with any applicable collective bargaining or individual employment contract. Any share or portion of the group health plan costs, insurance premiums, or representative premiums paid by the employee before FMLA leave must continue to be paid by the employee during FMLA leave. See DOL Form WH-381. An employee's failure to pay his/her portion of group health plan costs, insurance premiums, or representative premiums during FMLA leave may result in loss of coverage if the employee's contribution is more than 30 calendar days late. The District will provide the employee with written notice at least 15 calendar days before cancelling the employee's coverage because of a failure to make employee contributions.
 3. As addressed in subsection I below, an employee who fails to voluntarily return to work after FMLA leave may be required to repay the District for his/her group health plan benefit costs.

G. Return to Work

1. At the expiration date of an employee's FMLA leave, the employee will be returned to that employee's former position or an equivalent position with the same pay, benefits, and working conditions. An employee taking FMLA leave has no greater right to reinstatement than if the employee had been continuously employed during the FMLA leave period.
2. If an employee was unable to renew a license or certification because of FMLA leave and is no longer qualified for the employee's former position, the District will provide the employee reasonable time, on unpaid status, to fulfill the necessary return to work conditions.
3. Instructional Employees
 - a. "Instructional" employees are those whose principal function is to teach and instruct students in a class, small group, or individual setting.
 - b. If an instructional employee begins FMLA leave more than 5 weeks before the end of a term or semester, the District may require the employee to take FMLA leave until the end of the term or semester if the FMLA leave is to last at least 3 weeks and the employee would return to work during the 3-week period before the end of the term or semester.
 - c. If an instructional employee begins FMLA leave during the 5-week period before the end of a term or semester because of the birth or placement for adoption or foster care of a child, to care for a spouse, child, or parent with



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a serious health condition, or to care for a covered service member or veteran, the District may require that FMLA leave be taken until the end of the term or semester if the instructional employee would return to work during the 2-week period immediately before the end of the term or semester and the leave is to last more than 2 weeks.

- d. If an instructional employee begins FMLA leave during the 3-week period before the end of a term or semester because of the birth or placement for adoption or foster care of a child, to care for a spouse, child, or parent with a serious health condition, or to care for a covered service member or veteran, the District may require the employee to take FMLA leave until the end of the term or semester, if the leave will last more than five (5) work days.
- e. Any additional FMLA leave required of an instructional employee by the District will not count against the employee's allotment of FMLA leave.

4. Fitness for Duty

The District may require that an employee returning from FMLA leave submit a fitness-for-duty certification from a health care provider which addresses the employee's ability to return to work and perform the essential functions of the employee's position. The District must provide the employee with notice of the requirement to provide a fitness-for-duty certification and the essential functions of the employee's position when the District provides the employee the designation of FMLA leave notice (DOL Form WH-382, as updated). If the employee fails to submit the fitness-for-duty certification in a timely manner, return from FMLA leave may be delayed by the District. The employee may be terminated if he/she fails to submit the fitness-for-duty certification.

5. Unless a collective bargaining agreement provides otherwise, an employee on unpaid FMLA leave is not entitled to accrue seniority, employment benefits (other than medical insurance), or any benefit conditioned on length of service or work performed.

H. Denial of Key Employee Restoration

1. The District reserves the right to deny restoration to the same or equivalent position to any eligible employee who is a key employee, meaning any employee who is paid a salary and is in the highest paid 10% of employees. The District may deny restoration if necessary to prevent substantial and grievous economic injury to the District's operations. If the District intends to deny restoration to a key employee, it will:
 - a. use DOL Form WH-381, as updated, to notify the employee of his/her status as a key employee in response to the employee's request for FMLA leave and provide the employee with an explanation of the consequences for the



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employee if the District determines that substantial and grievous injury will result to its operations if the employee is reinstated after FMLA leave;

- b. notify the employee, in person or by certified mail, as soon as the District decides it will deny restoration and the reasons for the denial;
 - c. offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice;
 - d. make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration; and
 - e. the District must maintain its group health plan cost, contributions, premium, or representative premium contributions for the employee's group health plan benefits for the entire term of the employee's FMLA leave, even after giving the employee notice that restoration will be denied.
- I. Failure to Return to Work
1. An employee's unexcused failure to return to work upon expiration of FMLA leave will subject the employee to discharge unless the District grants an extension of leave as required by law or under a collective bargaining agreement, employee handbook, or individual employment contract. An employee who requests an extension of leave due to the continuation, recurrence, or onset of the employee's serious health condition, or the serious health condition of the employee's spouse, child, parent, or covered service member or veteran, must submit to the employee's supervisor a written request for an extension. This written request must be made as soon as possible before the expiration of the employee's FMLA leave. Medical certification or recertification will be required to support any request for leave extension.
 2. If an employee is unable to perform the essential functions of the position or an equivalent position at the end of FMLA leave, the District will comply with ADA requirements, as applicable.
 3. If an employee fails to return to work after his/her FMLA leave expires, the employee must reimburse the District for any group health plan costs, contributions, premiums, and representative premiums that the District paid for continuation of the employee's group health benefits coverage during FMLA leave, unless the employee does not return due to: (a) the continuation, recurrence, or onset of the serious health condition which entitled the employee to FMLA leave and the employee provides the District with sufficient certification from the proper health care provider of the continuation, recurrence, or onset of the serious health condition; or (b) other circumstances beyond the employee's control. This provision does not apply to any group health plan cost, insurance premium, or representative premium contributions made by the District for periods during which the employee used paid leave concurrently with FMLA leave.



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J. Recordkeeping

1. The District will maintain the following records related to FMLA requests and use:
 - a. basic payroll information;
 - b. dates (or hours) during which eligible employees take FMLA leave;
 - c. copies of all notices, requests, and other documents related to FMLA leave;
 - d. copies of documents evidencing group health plan cost contributions, insurance premium, and representative premium payments made by the District on behalf of an eligible employee on FMLA leave; and
 - e. documents related to disputes about eligibility or designation of FMLA leave.
2. Medical certifications and other medical documentation related to FMLA leave will be maintained in a separate, confidential file from an employee's personnel file. See Policy 4224.

K. Notice to Employees

The District will post the appropriate notice of rights poster in a location easily seen by employees and include a general notice of employee FMLA rights in applicable employee handbooks or by providing employees notice at their time of hire.

Legal authority: 29 USC 2601 et seq.; 29 CFR 825.100 et seq.

Date adopted:

Date revised:



DEXTER COMMUNITY SCHOOLS

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4107 Military Leave

The District complies with the Uniformed Services Employment and Reemployment Rights Act (USERRA), Michigan's Military Leaves Reemployment Protection Act (MLRPA), and Michigan's Public Employees Entering Armed Forces Act (MPEEFA). The term "military service" as used in this Policy includes the "uniformed services" as defined in the USERRA, "service" as defined in the MLRPA, and "military duty" as defined in the MPEEFA.

Military service also includes service and training in the Army, Navy, Marine Corps, Air Force, Coast Guard, applicable reserve forces, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service, and other categories of persons designated by the U.S. President in times of war.

In qualifying circumstances, eligible full- and part-time employees may take leave related to military service and are entitled to reemployment and other rights during and at the conclusion of military leave. Military leave is unpaid, but employees may use accrued applicable paid leave for all or a portion of their military leave in accordance with a collective bargaining agreement or individual employment contract.

A. Employee Notice and Eligibility

1. Advance notice of military service is required, unless that service prevents advance notice or notice is otherwise unreasonable or impossible.
2. Employees are eligible for military leave when called to provide military service, whether voluntary or involuntary.
3. Military leave may be taken for the purpose of active duty, active duty training, inactive duty training, full-time National Guard duty, examinations to determine fitness for duty, funeral honors duty, duty related to the National Disaster Medical System, or any other activity authorized by law.

B. Reemployment Rights

1. Employees returning from military leave are entitled to prompt reemployment pursuant to conditions in the law.
2. Employees may be disqualified from reemployment when: (a) discharged dishonorably or for bad conduct; (b) separation from military service is considered "other than honorable" by the applicable military branch; (c) dismissal occurs via court martial or by order of the U.S. President; or (d) the employee is dropped from the military service rolls because of an unauthorized absence from military service or imprisonment.



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3. The District may deny reemployment after military leave if the District's circumstances have changed to make reemployment impossible or unreasonable.

C. Reemployment Positions

An employee's reemployment position upon returning from military leave depends on the length of the employee's military service, advancement if the employee had remained continuously employed, the employee's qualifications, and other factors described in the law.

D. Pay and Rights Upon Reemployment

1. Upon reemployment, an employee receives seniority and other rights and benefits determined by seniority that the employee had attained on the date that military leave began, plus the additional seniority and rights and benefits that the employee would have attained if the employee had remained continuously employed. An employee is entitled to any other rights and benefits not determined by seniority as are generally provided by the District to other employees having similar seniority, status, and pay when taking a non-military leave.
2. Upon reemployment, an employee's eligibility calculation for leave under the FMLA will assume that the employee worked for the District during the period of military leave.
3. Upon reemployment, an employee may not be discharged except for a reason constituting just cause for a period of up to 1 year after reemployment from military leave depending on the length and type of military service.

E. Benefits

1. If an employee commencing military leave has coverage under a District-provided group health benefit plan, the employee may (at the employee's expense) elect to continue coverage for the employee, the employee's spouse, and/or the employee's dependents, subject to conditions in the law.
2. If an employee's health insurance coverage is terminated consistent with the law, upon reemployment, the employee (and the employee's spouse and dependents) is immediately eligible for reinstatement of health insurance coverage.

F. Notice and Complaints

1. Notice of employee rights under the USERRA will be posted in an appropriate location.
2. The District will not retaliate or take adverse action against an employee based on the employee's exercise of rights under the law.



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3. An employee must immediately contact the Employment Compliance Officer(s) if the employee believes the District has violated the law or this Policy. The District will investigate the complaint pursuant to Policy 4104.

Legal authority: 38 USC 4301 et seq.; MCL 32.271 et seq.; MCL 35.351 et seq.

Date adopted:

Date revised:



DEXTER COMMUNITY SCHOOLS

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4109 *Break Time for Nursing Mothers*

The District will provide reasonable break time for a non-exempt (i.e., hourly) employee to express breast milk for her nursing child in a place, other than a bathroom, that is shielded from view and free from intrusion by co-workers and the public for 1 year after the child's birth [~~Optional: or additional time may be granted for appropriate cause as determined by the Superintendent or designee.~~]. The break time for this purpose will be unpaid unless the non-exempt employee uses paid break time to which she is otherwise entitled under an applicable collective bargaining agreement, individual employment contract, or employee handbook.

Legal authority: 29 USC 207(r)

Date adopted:

Date revised:



DEXTER COMMUNITY SCHOOLS

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4110 *Reimbursement*

The District may reimburse an employee for actual, necessary, and reasonable expenses incurred in the performance of official or appropriately authorized duties. As a condition to reimbursement, the District may require pre-approval of an expense.

Subject to prior written approval of the Superintendent or designee, an employee may attend workshops, conferences, trainings, programs, official functions, hearings, and meetings that assist in work performance and are in the District's best interests.

Reimbursement may include expenses for registration, tuition, fees, charges, travel expenses, meals (except alcohol), lodging, or other related expenses as the Superintendent or designee deems appropriate and as permitted by law.

This Policy will not be construed in a manner that restricts reimbursement provisions in any applicable collective bargaining agreement, individual employment contract, or employee handbook.

Legal authority: MCL 380.11a(3), 380.1254(1), 380.1804

Date adopted:

Date revised:



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Series 4000: District Employment

4100 Employee Rights and Responsibilities

4111 Professional Development

A. General

For purposes of this Policy, “day” is defined as at least 6 hours and “year” is defined as July 1 to June 30.

B. Teachers

The District provides professional development for teachers in compliance with state law. At the District’s discretion and consistent with state law, professional development hours may be counted as student instructional hours, although the instructional calendar may be extended if necessary for the District to receive full state aid under federal or state law. To facilitate professional development, the District may provide a substitute, reimburse conference expenses or registration fees, or provide release time for attendance. Professional development may include working in professional learning communities or examining student data.

The District must document the following information:

- dates when professional development was provided;
- beginning and ending times; and
- topic(s) presented to participating teachers on each date.

The Superintendent or designee has the discretion to select topics for professional development. For each day that professional development is provided, the District must retain at least one of the following:

- sign-in/out sheet;
- attendance log;
- flyer/notices announcing the event;
- agenda/meeting minutes;
- travel voucher(s);
- food receipt(s); or
- District calendar (dates indicated).

The District will record teacher attendance, including probationary teachers, at professional development on the prescribed form published by MDE or a modified



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form designed to assist teachers with tracking their professional development for teacher certification renewal.

In addition to the State-mandated professional development, the District is required by state law to provide 15 days of professional development to new teachers in their first 3 years of classroom teaching. Professional development should, where appropriate, align with the teacher's individual development plan.

C. Professional Staff

Professional staff are to participate in professional development as required under state law or the respective professional standards consistent with the professional's position. Professional development may be on a local, state, or national level. Superintendent or designee pre-approval is required before attending professional development.

D. Maintaining Certifications and Licenses

Teachers, Non-Teaching Professionals, Administrators, and the Superintendent must comply with professional development or continuing education obligations to maintain certifications or licenses, including the payment of any related fees. The District is not obligated to notify professionals that certifications or licenses are expiring.

E. Other Employees

The District may offer in-services or training on a mandatory or voluntary basis to other employees. If a training is mandated, employees will be paid and, if applicable, released for that time. If the District employs bus drivers, bus drivers will be paid for training time to keep a commercial driver's license (CDL) current.

Legal authority: MCL 257.312e, 257.1801 et seq.; MCL 380.1231, 380.1233, 380.1233a, 380.1233b, 380.1233c, 380.1246, 380.1526, 380.1527, 380.1531, 380.1536; MCL 388.1674, 388.1763

Date adopted:

Dated revised:



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Series 4000: District Employment

4100 Employee Rights and Responsibilities

4112 *Extracurricular Employees or Volunteers*

Persons employed in extracurricular activities, such as athletic coaches, advisors, or activity sponsors, and whose primary duty is instructing students in the rules, fundamentals, or techniques of the related sport or activity, but who are not otherwise employed by the District, are exempt from the Fair Labor Standards Act's minimum wage and overtime requirements.

Persons engaged as volunteers in the District's extracurricular activities may be paid a stipend at the end of the activity. Volunteer stipends must be limited to expenses incurred.

Extracurricular employees and volunteers serve on an at-will basis as determined by the Superintendent or designee.

Extracurricular employees are subject to background checks under Policy 4205. Volunteers may also be subject background checks under Policy 4205 or using another verified background check method.

Legal authority: DOL Opinion Letter FLSA 2018-6

Date adopted:

Date revised:

Series 4000: District Employment

4200 Employee Conduct and Ethics

4201 Employee Ethics and Standards

Employees must act professionally and model high standards of behavior at all times. Employees shall perform their respective duties and responsibilities in a professional manner, using appropriate judgment. Employees must maintain a standard of behavior that reflects positively on their status as District representatives in the community and is consistent with the Michigan Code of Educational Ethics, which is incorporated herein by reference. See:

https://www.michigan.gov/documents/mde/Code_of_Ethics_653130_7.pdf

If an employee is uncertain as to a potential course of conduct, the employee should seek advice from a supervisor before proceeding.

A. Employee Ethical Conduct

Employees must exercise objectively sound and professional judgment when engaging with students, parents/guardians, colleagues, administrators, Board members, and community members. This standard extends to employee conduct on and off school property. Ethical behavior generally includes, but is not limited to:

1. supporting the physical and emotional welfare and safety of students, ~~parents/guardians, colleagues, administrators, Board members, and community members;~~
2. complying with federal and state law;
3. competently and appropriately performing duties and responsibilities for which the employee is trained or assigned;
4. assigning tasks to District personnel who are qualified and hired to perform the assigned task;
5. refraining from unlawful discrimination, including unlawful harassment, and retaliation as defined by Policy;
6. immediately reporting suspected child abuse or neglect;
7. maintaining confidential information, including student, medical, personnel, financial, and security information, as protected by statute;
8. appropriately using District funds, resources, and technology;
9. maintaining consistent and reliable work attendance, unless excused by the employee's supervisor or the Superintendent or designee, as applicable;

10. engaging in activities or behaviors that enhance the operational and instructional environment;
11. professionally communicating with students, parents/guardians, colleagues, Board members, and community members, including through electronic means;
12. Completing time and effort reporting under 4201-AG.
13. abiding by professional, ethical, and licensing standards established by relevant governmental agencies, professional licensing boards, and professional associations, including the Michigan State Board of Education; and
14. self-reporting a criminal charge and plea or conviction, as required by law.

B. Conflict of Interest

Employees shall perform their duties and responsibilities free from a prohibited conflict of interest, unless authorized by the Board or designee. Prohibited conflicts of interest include, but are not limited to:

1. soliciting or accepting anything of value (such as a gift, loan, contribution, or reward), other than compensation received from the District in exchange for services provided to the District, that would influence the employee's judgment when performing the employee's duties;
2. using public funds to purchase alcoholic beverages, jewelry, gifts, fees for golf, or any item the purchase of which is illegal, except as consistent with and permitted by Policy 3205 and Revised School Code Section 1814;
3. using or authorizing the use of the employee's public employment or any confidential information received through public employment to obtain personal, professional, political, or financial gain other than compensation received from the District in exchange for services provided to the District for the employee or a member of the employee's immediate family, or a business with which the employee is associated;
4. using or authorizing the use of District personnel, resources, property, or funds under the employee's care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures, or using those items for personal, professional, political, or financial gain;
5. providing private services, lessons, tutoring, or coaching for students assigned to the employee for additional remuneration, except as permitted by Policy 4214;
6. engaging in any activity of a sexual or romantic nature with another employee(s) or contractor(s) that the employee supervises, unless the individuals are engaged to be married, married, or cohabitating;

7. engaging in any activity of a sexual or romantic nature on school property or at school-sponsored events;
8. directly or indirectly supervising, making, or contributing to an employment decision pertaining to a relative or significant other, or relative of a relative or significant other (as defined by Policy 4213); and
9. engaging in any other activity that promotes an employee's financial and pecuniary interests over those of the District.

C. Student Fraternalization

Employees must establish and maintain professional boundaries with students, including while using personal or District technology. Employees are prohibited from direct or indirect interactions with students that do not reasonably relate to an educational purpose. Employees will behave at all times in a manner supportive of the best interests of students and the District.

Conduct identified below constitutes unprofessional conduct, subjecting the employee to discipline, including discharge, absent express Board or designee authorization. The following list illustrates prohibited behavior involving students but does not describe every kind of prohibited behavior:

1. communicating about alcohol use, drug use, or sexual activity when the discussion is not appropriately related to a specific aspect of the curriculum or the employee's duties;
2. providing drugs, alcohol, tobacco, e-cigarettes, or other items students cannot possess under the District's Student Code of Conduct;
3. commenting about matters involving sex, using double entendre, or making sexually suggestive remarks with no appropriate educational purpose;
4. displaying sexually inappropriate images, materials, or objects;
5. offering or soliciting sexual advice, whether written, verbal, or physical;
6. engaging in any activity of a sexual or romantic nature, including following graduation where the relationship arises out of an employee-student relationship;
7. inappropriate kissing;
8. inappropriately intruding on a student's personal space, such as by touching unnecessarily, moving too close, or staring at a portion of the student's body;
9. communicating directly or indirectly (e.g., by phone, email, text messaging, or social media) on a matter that does not pertain to school unless the employee obtained prior parental consent. Electronic communications with students generally are to be sent simultaneously to multiple recipients and not just to

- one student except when the communication is clearly school related and inappropriate for persons other than the individual student to receive (e.g., grades);
10. permitting a specific student to engage in conduct that is not permitted or tolerated from other students;
 11. inappropriately discussing with a student the student's personal issues or problems that should normally be discussed with a parent/guardian or counselor unless the employee is the student's family member;
 12. inappropriately giving a student a personal gift;
 13. allowing a student to live in the employee's residence without prior parent/guardian consent unless the student is the employee's family member, a foreign exchange student placed with the employee, or if the employee serves as the student's foster parent or legal guardian;
 14. giving a student a ride in the employee's vehicle without appropriate authorization;
 15. taking a student on an activity outside of school without first obtaining the express permission of the student's parent/guardian and a District administrator;
 16. inviting a student to the employee's home or residence without first obtaining the express permission of the student's parent/guardian;
 17. going to a student's home when the student's parent/guardian or an adult chaperone is not present unless the employee is the student's family member;
or
 18. engaging in any other conduct which undermines the special position of trust and authority between a District employee and a student.

Employees suspecting child abuse or neglect must: (a) immediately contact Children's Protective Services (CPS), (b) file an appropriate report with that agency as required by the Child Protection Law and Policy 4202, and (c) notify the Superintendent or designee and the building principal or supervisor that the report has been filed.

Legal authority: MCL 380.11a, 380.601a, 380.634, 380.1308a, 380.1814; MCL 722.621 et seq.

Date adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4202 *Children's Protective Services (CPS) Reporting and Student Safety and Welfare*

During the performance of their duties, employees must exercise due care for the safety and welfare of the District's students.

A. Required Reports to CPS, District administration, and Michigan State Police

1. A reporter must: (a) promptly notify the Superintendent or designee and the building principal of the report; and (b) submit an electronic or written report to CPS within the statutory timeframe. Failure to make an immediate report or follow-up with an electronic or written report may result in discipline, including discharge, as well as criminal or civil penalties. CPS may be contacted at 855-444-3911 or www.michigan.gov/mdhhs.

Administrators, teachers, counselors, social workers, psychologists, nurses, physical therapists, physical therapist assistants, occupational therapists, athletic trainers, and others identified as mandatory reporters pursuant to Michigan's Child Protection Law must *immediately* report all instances of suspected child abuse or neglect to CPS. Other employees are also expected to make reports to CPS of suspected child abuse or neglect.

2. Employees must promptly report to the building principal or the Superintendent or designee any instances of injury (accidental or intentional), violence, threats of violence, self-harm, hazards, or any other situation that endangers student safety and welfare or raises reasonable concerns as to the safety of students.
3. Employees must promptly report to the building principal or the Superintendent or designee incidents of student bullying and crimes or attempted crimes involving physical violence, gang-related activity, illegal possession of a controlled substance or controlled substance analogue, or other intoxicant, trespassing, and property crimes, including theft and vandalism.

Within 24 hours of an alleged incident, an administrator must make an appropriate report to the Michigan State Police as required by law.

B. Student Safety and Welfare

1. Employees will maintain control and supervision of students to ensure student safety and will take appropriate action if the employee observes an unsafe or dangerous situation.
2. Employees will treat students with respect and maintain appropriate professional boundaries with students both in and out of school. Employees must avoid conduct with students that potentially creates the appearance of an



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- unprofessional, unethical, or inappropriate relationship. Romantic relationships between employees and students are prohibited regardless of the student's age, including following graduation where the relationship arises out of an employee-student relationship.
3. An employee will not assess, diagnose, prescribe, or provide therapy or counseling services to a student unless: (a) the employee is appropriately certified or licensed under Michigan law; and (b) the services are within the employee's job duties. An employee will direct students in need of these services to the appropriate District employee or community resource.
 4. Employees will comply with and respect confidentiality of student records and privacy rights, including not posting student information or images online without prior authorization from the employee's supervisor.
 5. Employees will not interfere with or adversely impact a parent's/guardian's right to determine and direct their student's care, wellbeing, teaching, and education.
 6. **Optional:** Pursuant to the state's 2013 Task Force on the Prevention of Sexual Abuse of Children, the Board authorizes the Superintendent or designee to consider and implement all of the following:
 - age-appropriate, evidence-based curriculum and instruction for students in grades pre-K to 5 concerning child sexual abuse awareness and prevention;
 - training for District personnel on child sexual abuse, including but not limited to, training on supportive, appropriate response to disclosure of abuse;
 - providing educational information to parents/guardians on the warning signs of a child being sexually abused and information on needed assistance, referral, or resources;
 - available counseling and resources for students affected by sexual abuse;
 - emotional and educational support for a students affected by sexual abuse; and
 - a review of the system to educate and support personnel who are legally required to report child abuse or neglect.

Legal authority: MCL 380.10, 380.1308, 380.1308a, 380.1310a; MCL 388.1766; MCL 722.621 et seq.

Dated adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4203 Corporal Punishment and Limited Use of Reasonable Force

A. Definition

“Corporal punishment” is defined as the deliberate infliction of physical pain by hitting, paddling, spanking, slapping, or any other physical force used as a means of discipline. Corporal punishment does not include physical pain caused by reasonable physical activity associated with athletic training.

B. Prohibition

Employees will not inflict, or cause to be inflicted, corporal punishment upon any student under any circumstances. Any employee who engages in corporal punishment against a student will be subject to discipline, including discharge. An administrator or supervisor will report the employee to CPS consistent with Policy 4202.

C. Alternatives to Corporal Punishment

The Board has reviewed and approved the administration’s list of alternatives to the use of corporal punishment. District administrators will distribute the list of alternatives to employees, volunteers, and contractors. See 4203-AG.

District employees must implement alternatives to corporal punishment. An employee may request assistance from other employees or administration when addressing student conduct.

D. Limited Use of Reasonable Force

Employees may use reasonable physical force upon a student as necessary to maintain order and control in a school or school-related setting for the purpose of providing an environment conducive to safety and learning. Use of reasonable force is permitted under any of the following circumstances:

1. to remove a student whose behavior is interfering with the orderly exercise and performance of school functions within a school or at a school-related activity, if that student has refused to comply with a request to refrain from further disruptive acts;
2. for self-defense or the defense of another;
3. to prevent a student from inflicting self-harm;
4. to quell a disturbance that threatens physical injury to any person;



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5. to obtain possession of a weapon or other dangerous object upon, or within the control of, a student; or
6. to protect property.

Use of reasonable force upon a student must not, in light of all known factors, be excessive, unnecessary, or take place for a longer duration than is necessary to address the circumstance justifying the use of reasonable force.

E. Training

The District may provide training to employees on the use of reasonable force and physical intervention techniques. If the District has provided that training to an employee, the employee must comply with that training.

F. Seclusion and Restraint

Employees must comply with Policy 5211 on Seclusion and Restraint of students and federal and state law. An employee's illegal use of seclusion or restraint may result in discipline, including discharge.

Legal authority: MCL 380.1307, 380.1307a-h, 380.1312

Date adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4204 Confidentiality of Student Information

Employees must maintain and protect the confidentiality of student information and student education records (as defined in Policy 5309) and recognize parent/guardian rights to student information about their minor child(ren).

Employees must not disclose to third parties confidential student information or records, medical information, performance records, or behavior records unless appropriately authorized. This Policy prohibits disclosure to employees who do not have a legitimate educational interest in the student record.

Disclosure is appropriately authorized with a written release from the parent/guardian or student 18 years or older in accordance with the Family Educational Rights and Privacy Act (FERPA), the Individuals with Disabilities Education Act (IDEA), implementing regulations, and state law.

Employees who receive a subpoena seeking disclosure of student records or other confidential information must immediately notify the Superintendent or designee. Employees must not speak with an attorney who does not represent the District about a student without approval from the Superintendent or designee.

Legal authority: 20 USC 1232g, 1415(b); 34 CFR 99; MCL 380.1136; MCL 600.2165

Date adopted:

Date revised:



DEXTER COMMUNITY SCHOOLS

Series 4000: District Employment

4200 Employee Conduct and Ethics

4205 Hiring and Background Checks

The District is committed to prohibiting unlawful discrimination in its hiring practices consistent with Policy 4101. Hiring decisions are based on qualifications, skills, knowledge, abilities, education, certifications/licenses, experience, demeanor, and other criteria the Board may deem relevant. In making hiring decisions, the Board or designee will consider enrollment, operational requirements, financial needs, and the District's best interests.

A. Advertising and Posting

Vacancies may be posted on a designated website or other location and distributed to appropriate employee groups or relevant professional associations. The posting may outline general duties, qualifications, pay range, work experience, and hours. Vacancies may be posted for at least **5** calendar days unless a different time period is specified in a collective bargaining agreement. Applications must be submitted to the central office unless otherwise designated. The District may establish an online application process. Postings will comply with applicable collective bargaining agreements.

B. Hiring

The Board will determine the hiring process for the Superintendent. For all other positions, the Superintendent or designee will determine the process to consider and interview qualified applicants. The Superintendent or designee is authorized to hire non-exempt staff, temporary, and substitute employees. Teachers, Non-Teaching Professionals, ~~Supervisors~~, and Administrators that the Superintendent or designee recommends for hire are subject to Board approval.

The District will not consider an applicant for employment unless the applicant provides the District with the following:

1. written consent for the criminal records division of the Michigan State Police to conduct the criminal history check required by Revised School Code Section 1230 and the criminal records check required by Revised School Code Section 1230a;
2. a signed statement that complies with Revised School Code Section 1230b(1); and
3. other required application materials.

Falsification or misrepresentation of credentials, qualifications, references, or application materials will be grounds for disqualification or discipline, including discharge.



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C. Background Checks for Employees, Contractors, and Volunteers

1. The District will conduct a background check on a selected applicant upon an offer of employment or before a person is assigned to regularly and continuously work under contract in any of its schools. The Superintendent or designee will receive and review the results of the background check before the District employs or allows the person to regularly and continuously work under contract in any of its schools, unless otherwise permitted by law.
2. “Regularly and continuously work under contract” means any of the following:
 - a. to work at school on a more than intermittent or sporadic basis as an owner or employee of an entity that has a contract with the District to provide food, custodial, transportation, counseling, or administrative services or to provide instructional services to pupils or related and auxiliary services to special education pupils;
 - b. to work at school on a more than intermittent or sporadic basis as a person under a contract with the District to provide food, custodial, transportation, counseling, or administrative services, or to provide instructional services to pupils or related and auxiliary services to special education pupils.
3. “School” means in a classroom, elsewhere on District property, or on a school bus or other school-related vehicle.
4. The background check will include:
 - a. a criminal history check pursuant to Revised School Code Section 1230;
 - b. a criminal records check pursuant to Revised School Code Section 1230a;
 - c. an unprofessional conduct check pursuant to Revised School Code Section 1230b; and
 - d. if a certification is required for the position, such as a teaching certificate or administrator certificate, District verification that the person’s certification is valid.

The background check may include any other matters the District deems relevant, such as verifying references, school transcripts, and prior employment, as may be permitted by law.

If the criminal history check report, criminal records check report, or any other report discloses that the person has been convicted of a listed offense as defined in MCL 28.722, and the District verifies the conviction using public records, the District must not employ the person or allow the person to regularly and continuously work under contract in any of its schools. If any of the reports disclose that the person was convicted of a felony as defined in MCL 761.1, and the felony is not a listed offense, and the District verifies the conviction



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using public records, the District must not employ the person or allow the person to regularly and continuously work under contract in any of its schools unless the Superintendent and the Board each specifically approve the employment or assignment in writing.

Employment offers are contingent on the Superintendent's or designee's review of the background check results.

All the information the District obtains via the criminal history check report, criminal records check report, or any other report that discloses that the person has been convicted of a listed offense will be maintained pursuant to 4205-AG-1.

5. Confidentiality

All the information the District obtains via the criminal history check report, criminal records check report, or any other report that discloses that the person has been convicted of a listed offense are to be considered confidential and will not be released except pursuant to 4205-AG-1(C)(5). Violation of confidentiality is a misdemeanor punishable by a fine up to \$10,000.

Notification from the Michigan Department of Education or Michigan State Police about a District employee's criminal conviction is exempt from FOIA for the first fifteen (15) days until the information is verified. Once verified, only information regarding physical or sexual abuse may be released. The employee may release the information with written authorization.

D. Other Post-Offer Considerations

The District will not make disability-related medical inquiries or inquire about an applicant's disability-related requested accommodation(s) until after a conditional job offer is made, consistent with Policy 4105. Based on the physical and mental demands of a position, an examination and/or drug test may be required following a conditional offer of employment. The examination will be performed by a health care provider identified by the Superintendent or designee at the District's expense.

Legal authority: MCL 28.722; MCL 380.1230, 380.1230a, 380.1230b; MCL 761.1

Date adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4206 Employment Contracts

Professional Staff, Administrators/Supervisors, and the Superintendent, as defined in Policies 4401, 4501, and 4601, will be employed pursuant to an individual employment contract and any applicable collective bargaining agreement. Non-Exempt Staff, as defined in Policy 4301, will be employed at-will unless an applicable collective bargaining agreement or individual employment contract specifies another standard of employment security.

Employment contracts will comply with applicable laws and regulations. The President or Superintendent or designee, as applicable, should consult with Board legal counsel about contract terms and requirements to ensure compliance with state and federal law.

A. Authority

The President is authorized to execute the Superintendent's contract on behalf of the Board upon Board approval of the contract. Teacher contracts must be approved by the Board and signed on behalf of the District by a majority of the Board, the President and Secretary, or the Superintendent or designee. The Superintendent is authorized to execute employment contracts for Non-Exempt Staff and temporary and substitute employees on the Board's behalf or upon Board approval, where necessary.

B. General Requirements

Individual employment contracts required or permitted under this Policy may contain at least the following, as applicable to the category of employment:

1. employee name;
2. term of employment;
3. annual salary or hourly rate;
4. merit pay and annual evaluation for teachers and required administrator;
5. job title;
6. number of work days and general hours of work;
7. certification and licensing requirements;
8. benefits (health insurance, leave time, etc.);
9. reduction in force and recall;
10. discipline, discharge, and transfer during the contract term;



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11. ~~Optional:~~ a provision prohibiting an Administrator from engaging in conduct involving moral turpitude and a provision allowing the Board to void the contract if the Administrator violates the moral turpitude provision;
12. date and employee signature;
13. date and signature of authorized District representative; and
14. other terms as necessary to serve the District's interests or that are legally required.

C. Specific Requirements

Professional Staff, Administrator, and Superintendent contracts must comply with the following, as applicable:

1. Superintendent

The contract term will not exceed 5 years, as required by Revised School Code Section 1229.

2. Administrators

For Administrators subject to Revised School Code Section 1229, the contract term will not exceed 3 years and the contract will automatically terminate if the Administrator does not hold the required certification. The Administrator will not have tenure in the administrative position.

The Superintendent or designee will ensure that Administrator contracts are consistent with any applicable collective bargaining agreement. The term "Administrator" includes instructional Supervisors and Directors.

3. Non-Instructional Supervisors or Directors

Unless otherwise required by law, Non-Instructional Supervisors or Directors are not required to hold an Administrator certificate and may be subject to an individual employment contract for up to 3 years.

4. Professional Staff

The Superintendent or designee will ensure that all Professional Staff contracts are consistent with any applicable collective bargaining agreement. Individual teacher contracts will comply with Revised School Code Section 1231. If a teacher seeks appointment to an extracurricular position, the District may enter into a separate written contract for the extracurricular position.

D. Collective Bargaining Agreements

The Board, with the Superintendent or designee, will determine who will represent the Board in labor negotiations. The designated negotiator(s) may sign tentative



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agreements during bargaining; however, the final agreement is subject to ratification by the Board. Collective bargaining agreements may be reviewed by legal counsel before bargaining begins.

Legal authority: MCL 380.11a(3), 380.601a(1), 380.623(1)(b), 380.634, 380.1229, 380.1231, 380.1246

Date adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4208 Applicant and Employee Criminal Arrest, Charge, Conviction

A. Criminal Charge

If an applicant or employee is charged with any felony or crime listed in Revised School Code Section 1535a(1) or 1539b(1), or a substantially similar crime in another jurisdiction, the person must report to MDE and to the Superintendent that the person has been charged with that crime. The person will abide by all reporting requirements in Revised School Code Section 1230d. The reports to MDE and the Superintendent must be made within 3 business days after being charged with the crime. Failure to appropriately report will result in a referral to law enforcement and possible discipline, including discharge.

B. Tenured Teacher Salary Pending Criminal Charge

If criminal charges are pending against a tenured teacher, the Board may act to: (a) suspend the teacher from active performance of duty; (b) proceed on tenure charges filed against the teacher; and (c) place the teacher's salary in an escrow account. Health or life insurance benefits, or both, may be discontinued during the suspension at the Board's option.

Before placing a tenured teacher's salary in an escrow account, the Board must provide the teacher with: (a) notice of tenure charges; (b) an explanation of the District's evidence; and (c) an opportunity to respond to the charges, either in writing or in person.

If an administrative law judge issues a preliminary decision and order to reinstate the teacher or for payment of salary lost by the teacher during the suspension, the Board will release the money in the escrow account to the teacher.

C. Employee Criminal Convictions

An employee convicted of a "listed offense," as defined in MCL 28.722, whether a felony or misdemeanor, will be discharged after appropriate due process. An employee convicted of a felony that is not a listed offense may only continue employment with the written approval of the Superintendent and the Board. An employee convicted of a misdemeanor that is not a listed offense may be discharged, in the Board's discretion, consistent with law and the applicable collective bargaining agreement or individual employment contract.

D. Tenured Teacher Salary Upon Criminal Conviction

If a teacher is convicted of a felony that is not a listed offense or a misdemeanor that is a listed offense, the Board may discontinue the teacher's salary effective on



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the conviction date. If the teacher is convicted of a felony that is a listed offense, the Board will discontinue the teacher's salary effective on the conviction date.

- E. This Policy does not limit the Board's or designee's discretion to proceed with employee discipline, including discharge, before completion of any criminal proceedings.

Legal authority: MCL 38.103; MCL 380.1230, 380.1230a, 380.1230d, 380.1230g, 380.1535a(1), 380.1539b(1)

Date adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4209 *Prohibition Against Abortion Referrals and Assistance*

A District official, Board member, or District employee shall not refer a student for an abortion or assist a student with obtaining an abortion. This prohibition does not apply to a person who is the parent or legal guardian of that student.

If a parent/guardian of a student enrolled in the District believes that a District official, Board member, or District employee has violated this Policy, the parent/guardian may file a complaint with the Superintendent, who will investigate the complaint and, within 30 calendar days after the date of the complaint, provide a written report of his/her finding to the complainant and to the Superintendent of Public Instruction in accordance with state law. If a violation is substantiated, the Board or designee will discipline that person in accordance with the law, Board Policy, and any applicable collective bargaining agreement or individual employment contract. See Policy 2303. The Superintendent or designee will take corrective action to ensure that there is no further violation.

Legal Authority: MCL 380.1507; MCL 388.1766, 388.1766a

Date Adopted:

Date Revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4210 *Drug and Alcohol Free Workplace; Tobacco Product Restrictions*

A. General

Employees serve as role models to students at school and in the community. Employee substance abuse constitutes a threat to the physical and mental well-being of employees and students and significantly impedes job performance and effectiveness.

The District maintains a drug and alcohol free workplace. In addition, to the extent permitted by law, the District strives to maintain a tobacco product free workplace.

B. Definitions

1. "Illicit substance" means any consumable alcohol; illegal drugs, including but not limited to those substances defined as "controlled substances" pursuant to federal or state law; marihuana; anabolic steroids, human growth hormones or other performance-enhancing drugs; and substances purported to be illegal, abusive, or performance-enhancing (i.e., "look-alike" drugs). This definition also includes any other substance used by an employee as an intoxicant.
2. "District premises" means District buildings, facilities, or other District property which is owned, leased, or used for a District purpose or District-owned vehicles or vehicles used for a District purpose.
3. "District purpose or function" means a District-sponsored or District-approved activity, event, function or other activity performed by an employee under the District's jurisdiction, which is within the scope of employment, duties, or job description.
4. "Tobacco product" means a form of tobacco intended to be inhaled, chewed, or placed in a person's mouth.
5. "Under the influence" means the use or misuse of an illicit substance or other intoxicant (including over-the-counter and prescription medication) by an employee that in any degree impairs, negatively affects, or tends to deprive that person of any physical or mental capacity normally possessed and required to perform job responsibilities.
6. "Reasonable suspicion" means specific, contemporaneous, and articulable observations concerning an employee's behavior, speech, appearance, and odor that suggests the employee is under the influence of an illicit substance.

C. Standards of Conduct



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Employees are prohibited from the following conduct on District premises or at a District function:

1. manufacturing, selling, soliciting, possessing, using (including application, injection, inhalation, or ingestion), dispensing, or distributing any illicit substance;
2. being under the influence as defined in this Policy;
3. misusing over-the-counter and prescription medications;
4. manufacturing, selling, soliciting, dispensing, or distributing any tobacco product; or
5. using a tobacco product on District premises, ~~except:~~
 - a. ~~at outdoor areas including, but not limited to, an open air stadium, on Saturdays, Sundays, and other days on which there are no regularly scheduled school hours, or~~
 - b. ~~after 6 p.m. on days during which there are regularly scheduled school hours;~~

Violating these standards will subject an employee to discipline, including discharge.

If a reasonable suspicion exists that an employee is under the influence, the Superintendent or designee may direct the employee to submit to a drug test or breathalyzer. If the employee refuses, the employee may be subject to discipline, including discharge, based on the District's observations.

D. ~~Optional:~~ Reporting Requirements for Transportation Employees Subject to Omnibus Transportation Employee Testing Act

An employee subject to the Omnibus Transportation Employee Testing Act must notify the Superintendent or designee of any criminal drug conviction for a violation occurring in the workplace no later than 5 calendar days after that conviction. Upon receiving notice of an employee's conviction of a criminal drug violation occurring in the workplace, the Board or designee must take appropriate action within 30 calendar days.

Legal authority: 20 USC 7101 et seq.; 41 USC 8101 et seq.; 42 USC 12101 et seq.; Schedules I-V of Chapter 13 of the Controlled Substances Act, 21 USC 812; 29 USC 701 et seq.; MCL 37.1211; Schedules 1-5 of the Michigan Uniform Controlled Substances Act, MCL 333.7201 et seq.; MCL 380.11a, 380.601a; MCL 436.1101 et seq.; MCL 750.473.

Date adopted:



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Date revised:



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4200 Employee Conduct and Ethics

4211 *Alcohol and Controlled Substances for Transportation Employees Subject to the Omnibus Transportation Employee Testing Act*

A. General

Employees subject to the Omnibus Transportation Employee Testing Act, as amended (OTETA), must be mentally and physically alert at all times while on duty. This Policy establishes an alcohol and controlled substances testing program for such District employees (both regular and substitute) who perform safety-sensitive functions as mandated by OTETA.

The Superintendent or designee will comply with OTETA and implement an alcohol and controlled substances testing program consistent with OTETA.

B. Definitions

1. "Controlled Substance" means any drug or substance, the possession or use of which is prohibited under federal or state law, or any drug that is being used illegally (e.g., a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity). For purposes of this Policy, marihuana is a Controlled Substance.
2. "Covered Employee" means an employee (including a substitute) who operates or maintains a commercial motor vehicle in interstate or intrastate commerce and is subject to the commercial driver's license requirements.
3. "Illegal Drug" means any drug or substance, including marihuana, the possession or use of which is unlawful pursuant to federal or state law or local ordinance.
4. "Safety-Sensitive Function" means all tasks associated with the operation or maintenance of District vehicles.
5. "While on Duty" means the time from which the Covered Employee begins to work or is required to be in readiness for work until the time the Covered Employee is relieved from work and all responsibility for performing work.

C. Standards of Conduct

Compliance with conduct standards set forth in Policy 4210, as well as with this Policy's testing procedures, is mandatory. Disciplinary sanctions, including discharge, may be imposed on a Covered Employee for violating this Policy.

Failure to comply with testing procedures by a Covered Employee includes:



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1. refusing to take a test, failing to appear to take a test, failing to provide a specimen or a sufficient specimen (absent adequate medical justification), failure to remain at the testing site until completion of the testing process, or failure to sign a test consent form;
2. failure to cooperate in the testing process;
3. in the case of direct observation or monitored collection of a Controlled Substances test, failure to permit observation or monitoring of the Covered Employee's provision of a specimen; or
4. engaging in evasive testing actions intended to compromise the validity of the test results, including switching, substituting, adulterating, or otherwise compromising test samples.

D. Authorized Use of Prescription and Over-the-Counter Medication

A Covered Employee using a prescription that has been prescribed for the Covered Employee by a health care provider or an over-the-counter medication is responsible for being aware of any potential effects the medication may have on his/her ability to safely perform his/her duties.

E. Consequences for Violating Standards of Conduct

After determining that a Covered Employee violated 1 or more of the conduct standards for alcohol or Controlled Substances, the Covered Employee will be:

1. immediately removed from any duty which involves the performance of a Safety-Sensitive Function; and
2. subject to discipline, including discharge.

F. Voluntary Requests for Alcohol or Substance Abuse Evaluation, Counseling, or Treatment

A Covered Employee who voluntarily requests to participate in alcohol or substance abuse evaluation, counseling, or treatment through the District before being tested or being requested to be tested will be referred to a substance abuse professional to determine what assistance, if any, the Covered Employee needs in resolving problems associated with alcohol misuse or Controlled Substance use.

A request for evaluation, counseling, or treatment following the performance of a Safety-Sensitive Function will not preclude discipline for substantiated misconduct or other inappropriate behavior. The District will not impose a disciplinary sanction under this Policy solely because a Covered Employee has made a voluntary admission of alcohol or Controlled Substance abuse, consistent with the Policy.



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The District will allow a Covered Employee who has self-identified as an abuser of alcohol or another substance sufficient opportunity to seek evaluation and treatment.

Where a Covered Employee has self-identified, the District will require that employee to undergo return-to-duty testing for alcohol and Controlled Substances and may also require follow-up testing.

The District is not required to pay for voluntary evaluation, counseling, or treatment; or to pay an employee for time spent in a voluntary evaluation, counseling, or treatment program.

G. Testing for Alcohol or Controlled Substances

Alcohol or Controlled Substances testing will be administered as follows:

1. Pre-Employment/Pre-Duty Testing

Before employment or the first time a Covered Employee performs a Safety-Sensitive Function, he/she must receive from a medical review officer a test result verified as negative. If a pre-employment test is positive or the pre-employment alcohol test result indicates a blood alcohol concentration of 0.02 or greater, the applicant will not be hired.

2. Post-Accident Testing

As soon as practicable following an accident, but no later than 8 hours (alcohol test) or 32 hours (controlled substances test), testing will be conducted on each Covered Employee involved in the accident if the accident resulted in loss of human life or a citation was issued for a moving traffic violation arising from the accident. A Covered Employee who is subject to post-accident testing must remain readily available for testing or, if not available, will be deemed to have refused to submit to testing.

3. Return-to-Duty Testing

A Covered Employee may be required to undergo testing with a verified negative result before returning to duty in compliance with OTETA.

4. Follow-Up Testing

A Covered Employee identified by a substance abuse professional as needing assistance associated with alcohol misuse or use of a controlled substance, and who has returned to duty involving the performance of a safety-sensitive function, is subject to unannounced testing (consisting of at least 6 tests) over the first 12 months after the Covered Employee's return to duty as directed by a substance abuse professional.



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5. Reasonable Suspicion Testing

A Covered Employee will undergo testing as a result of reasonable suspicion that the Covered Employee has violated the conduct standards for alcohol or Controlled Substances based on specific, contemporaneous, articulable observations about the appearance, behavior, speech, or body odors of the Covered Employee while, just before, or just after performing a Safety-Sensitive Function.

The supervisor or person who made the reasonable suspicion determination shall not conduct the test on the Covered Employee.

A written record of the observations leading to a reasonable suspicion test must be made and signed by the supervisor or person who made the observations. This record must be made within 24 hours after the observed behavior or before the results of the test are released, whichever is earlier.

6. Random Testing

Each year, random testing will be used at the rate of 20% (alcohol) and 50% (controlled substances) of the average number of active Covered Employees subject to testing.

H. Recordkeeping

The District will maintain a Covered Employee's alcohol or controlled substance testing records and results separate from the employee's personnel file in a secure location with restricted access. Record retention will be for periods and in a manner required by applicable federal regulation.

I. Confidentiality

Except as expressly authorized by law or regulation, neither the District nor any person or agency contracting with the District for alcohol or controlled substance testing services will release information about a Covered Employee's test results without the Covered Employee's written consent.

J. Dissemination

The Superintendent or designee is responsible for distributing this Policy and other educational materials pertinent to federal regulations to all Covered Employees. These materials will include:

1. the categories and classifications of District employees who are Covered Employees subject to this Policy;
2. the identity of those persons designated by the District to answer questions about this Policy and applicable regulations;



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3. information about the Safety-Sensitive Functions performed by Covered Employees to make clear what period of the work day the employee must be in compliance with this Policy and applicable regulations;
4. specific information about conduct prohibited by the Policy and applicable regulations;
5. identification of the circumstances under which a Covered Employee will be tested for alcohol and/or Controlled Substances;
6. identification of the procedures that will be used to test for alcohol and Controlled Substances, to protect a Covered Employee, to safeguard the validity of test results, and to ensure that those results are attributed to the correct employee, including post-accident information and procedures;
7. a requirement that Covered Employees submit to alcohol and Controlled Substances testing, together with an explanation of what constitutes a refusal to submit to alcohol or Controlled Substances testing and the attendant consequences to the Covered Employee;
8. identification of the consequences for a Covered Employee's violation of this Policy, including removal from performing safety sensitive functions;
9. identification of the consequences for a Covered Employee found to have an alcohol concentration of .02 or greater but less than .04;
10. information about the effects of alcohol and Controlled Substances use on a person's health, including signs and symptoms of alcohol or Controlled Substances abuse and available methods of intervention;
11. the requirement that identified personal information collected and maintained by the District to implement this Policy and applicable regulations will be reported as required by law; and
12. information about additional District Policies (including Policy 4210) on the possession and use of alcohol and Controlled Substances, including the consequences for violation of those Policies. The information will indicate that additional Policies are based upon the District's authority independent of federal regulations requiring alcohol and Controlled Substances testing of Covered Employees.

The Superintendent or designee shall ensure that each Covered Employee signs a statement certifying receipt of this Policy and the above materials.

Legal Authority: 49 USC 31301 et seq., and its promulgated regulations; MCL 257.1849; MCL 380.11a, 380.601a

Date adopted:



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Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4212 *Employee Assistance Program*

The District may require an employee with performance difficulties due to substance abuse, as a condition of continued employment, to receive confidential assistance for a wide range of personal and work-related concerns. Assistance may include participation in a substance abuse assistance or rehabilitation program (Program) consistent with approved leave time, an individual employment contract, Policy, and applicable collective bargaining agreements.

The employee's health benefits plan may cover the cost of enrolling the employee in the Program. If the employee's health benefits plan does not cover the cost, the District will not be responsible for the cost to the extent permitted by law.

Seeking assistance or rehabilitation does not affect the District's authority to implement discipline, including discharge, for inappropriate conduct.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4213 *Anti-Nepotism*

A. General

Employment decisions motivated by nepotism, as defined below, are prohibited to avoid conflicts of interest, favoritism, and lost productivity. Employment decisions will be based on qualifications, experience, and other legitimate business reasons. This Policy applies to all categories of employment including regular, temporary, and part-time classifications.

B. Definitions

1. "Nepotism" means favoritism in the workplace based on a relationship with a relative or significant other.
2. "Relative" means a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, niece, nephew, or corresponding in-law, step, or adopted relative.
3. "Significant others" means (1) persons engaged to be married, (2) persons involved in a romantic or personal relationship, or (3) persons who are cohabitating.

C. Employment Decisions

The District may employ relatives and significant others in the absence of nepotism. In making employment decisions, including hiring, placement, supervision, directing work, promoting, compensating, evaluating, and disciplining employees who are a relative or significant other, an employee should:

1. disclose the existence of any relationships subject to this Policy to the Superintendent or designee;
2. avoid conflicts of interest, as defined in Policy 4201, and any appearance of a conflict of interest; and
3. avoid favoritism and any appearance of favoritism.

An employee's relative or significant other should not be hired to work in any position in which the Board or designee concludes a conflict of interest or the appearance of a conflict of interest may exist. Relatives and significant others are permitted to work at the District provided one does not report directly to, supervise, evaluate, or manage the other. The Superintendent or designee, or the Board, as applicable, may make exceptions to this Policy.



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Supervisors and subordinates who become relatives or significant others while employed may be subject to transfer, reassignment, or other action based on the need for compliance with this Policy.

Legal authority: MCL 380.11a, 380.601a

Date adopted:

Date revised:



DEXTER COMMUNITY SCHOOLS

Series 4000: District Employment

4200 Employee Conduct and Ethics

4214 *Outside Activities and Employment*

A. General

An employee's duties to the District take precedence over other outside obligations while performing District duties or during work hours. An employee may not engage in other activities that adversely impact school employment or operation or that interfere with the employee's duties.

Except as otherwise provided in these Policies, an employee may secure additional employment, participate in business ventures, and serve as a volunteer. Such activities must not interfere with an employee's ability to carry out the employee's responsibilities, to serve as a role model in the community, or adversely impact the District's reputation.

Employees must communicate with a supervisor before engaging in outside activities where a conflict of interest (as defined in Policy 4201) or the appearance of a conflict of interest or impropriety may exist.

B. Conduct Standards

Employees must fulfill their duties without conflict from outside employment or activities. Unless the Superintendent or designee grants written authorization, employees may not engage in the following outside activities:

1. provide private services, lessons, tutoring, or coaching for students assigned to the employee for additional remuneration;
2. conduct personal business during assigned duty hours;
3. represent, either expressly or by implication, that the District sponsors, sanctions, or endorses a non-District related activity, solicitation, or other endeavor;
4. sell, solicit, or promote the sale of goods or services to students or parents/guardians when the employee's relationship with the District is used to influence the sale or may be reasonably perceived as attempting to influence the sale;
5. sell, solicit, or promote the sale of goods or services to employees over whom the employee has supervisory or managerial responsibilities in a manner that the subordinate employee could reasonably perceive as coercive;



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6. use employee, student, or parent/guardian information in connection with the solicitation, sale, or promotion of goods or services or provide that information to any person or entity for any purpose; or
7. use District personnel, facilities, resources, equipment, technology, property, or funds for personal financial gain or business activity.

C. Intellectual Property

Intellectual property includes written or artistic works, instructional materials, textbooks, curriculum, software, inventions, procedures, ideas, innovations, systems, programs, or other work product created or developed by an employee in the course and scope of performing District employment duties or during work hours, or derivative to District intellectual property, whether published or not. Such intellectual property will be the exclusive property of the District. The District has the sole right to sell, copy, license, assign, or transfer any and all right, title, or interest in and to that intellectual property.

Legal authority: 17 USC 101 et seq.; MCL 15.321 et seq., 15.401 et seq.; MCL 380.11a, 380.601a, 380.1805(1)

Date adopted:

Date revised:



DEXTER COMMUNITY SCHOOLS

Series 4000: District Employment

4200 Employee Conduct and Ethics

4215 District Technology and Acceptable Use Policy

The Board provides students, employees, volunteers, and other authorized users access to the District's technology resources, including its computers and network resources, for educational and other District purposes, in a manner that encourages responsible use. Any use of technology resources that violates federal and state law is prohibited.

Employees have no expectation of privacy when using the District's technology resources. Information and records on the District's network may be subject to disclosure under the Freedom of Information Act, and the District may monitor or access employees' electronic files, as deemed necessary.

Employees must not use District technology resources to record students, parents/guardians, or District personnel or to record a non-public meeting, unless performed for a legitimate educational purpose. The recording must be authorized by a supervisor or Policy. Unauthorized recording or dissemination of a recording may be subject to discipline, including discharge.

Employees must not use a password other than their own to access District technology resources unless authorized by a supervisor. Employees must protect their password(s) from being used by others. An employee will be responsible for any misuse if the employee failed to adequately secure their password(s).

District technology resources are provided for District-related services. Employees must minimize personal use of District technology resources and are prohibited from using those resources when doing so interferes with the employee's job responsibilities or District operations.

Employees must not permit students to engage in non-instructional computer games, movies, videos, and activities during the work or school day, unless authorized by a supervisor.

Employees must not download unauthorized software or applications.

Employees must immediately notify the District's technology department of any unauthorized access to, misuse of, or interference with the District's technology resources.

Employees must abide by Policy 3116 pertaining to District Technology and Acceptable Use, including complying with the Children's Internet Protection Act and executing an Acceptable Use Agreement.

Legal authority: 47 USC 254; MCL 397.606

Date adopted:



DEXTER COMMUNITY SCHOOLS

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4216 *Personal Communication Devices*

“Personal communication devices” include employee-owned cell phones, computers, tablets, or any other device that enables an employee to access the internet or engage in communications through an application, social media, or any other communication method. Employee use of personal communication devices during the work day, including school-sponsored activities, and to conduct school-related business, is limited as follows:

- A. except in emergencies, an employee’s use of personal communication devices shall not interfere with instructional activities or work-related duties. Employees taking an authorized break may use personal communication devices in a manner that does not disrupt the District’s operations or violate the confidentiality of students or others;
- B. employees shall not use personal communication devices to access inappropriate content or engage in unlawful activities while on duty, on District property, or attending a District-related event;
- C. employees must not use personal communication devices to inappropriately communicate with other employees, students, and parents/guardians;
- D. employees must ensure that the District’s records and files, including confidential student information, are only maintained on District-provided technology and that confidentiality is maintained. District records and files must not be stored on a personal communication device;
- E. employees recognize that when a personal communication device accesses the District’s network, the employee’s use may become subject to the District’s Acceptable Use Policy;
- F. employees may not use their personal communication devices to record communications or images during the work or school day or at a school-sponsored event other than a public performance or sporting event, unless the employee has received permission from the Superintendent or designee. Dissemination of any recording is prohibited unless the Superintendent or designee approves that action in writing; or
- G. unauthorized recording of communications or images of students, parents, co-workers, or non-public meetings is prohibited ~~[Optional; unless there is an educational purpose to do so.]~~ and may result in discipline, including discharge.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted:



DEXTER COMMUNITY SCHOOLS

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4217 Social Media

Employee use of social media while on District property, during work hours, or while using District-owned devices must not interfere with District educational purposes or work performance and must not be used in any manner that violates this Policy, Policy 4201, or federal or state law.

“Social media” refers to any publicly accessible internet-based service that enables a user to share communications, images, or videos with others or participate in social networking. Social media includes blogs and social networking sites.

While using social media on or off duty, an employee must:

- A. not engage in criminal activity;
- B. make clear that the employee’s views or endorsement of political candidates and political parties are their own, not the District’s, as applicable;
- C. refrain from using a District email address to register on social networks, blogs, or other online tools for personal use;
- D. engage in appropriate communications with students, parents/guardians, and District stakeholders and community members;
- E. maintain student privacy and not disclose confidential student information;
- F. report to the appropriate administrator(s) any behavior or activity which endangers student or staff security, safety, or welfare; and
- G. refrain from engaging in behavior that disrupts or adversely impacts the efficacy of the District’s operations.

Employee use of social media in violation of this Policy detracts from the District’s educational mission, adversely impacts the District, and may result in discipline, including discharge.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4218 *Employee Dress and Appearance*

Employee attire conveys an important image to students and the community. Employees must maintain professional dress and appearance, including appropriate hygiene, cleanliness, and grooming.

Employees must, at a minimum, dress in accordance with the student dress code.

A. Administrators, Professionals, Paraprofessionals, and Office Employees

Administrators, professionals, paraprofessionals, and office employees must dress in business casual attire except as otherwise appropriate to their individual assignments. Attire must not distract other employees or students from the learning environment or pose a safety risk. Employees shall not dress in a manner that expresses partisan or political speech unless expressly permitted by law, a collective bargaining agreement, or approved in writing by a building administrator.

The building administrator may temporarily suspend all or a portion of the dress code when other factors support a lower dress expectation for employees (e.g., designated “casual days” or “spirit days”).

B. Food Service, Custodial, Maintenance, Mechanic, and Transportation Employees

Subject to any applicable collective bargaining agreement, food service, custodial, maintenance, mechanic, and transportation employees must dress in attire appropriate to the work the employee is performing and will not pose a safety risk to the employee or others.

Closed-toe shoes are required. Steel-toed shoes may be required for custodians, maintenance, and mechanics. The District reserves the right to require uniform clothing as may be appropriate.

C. Enforcement

The Superintendent or designee has the discretion to make determinations about appropriate staff dress and appearance. Any violation of this Policy may result in discipline, including discharge.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4219 Attendance

Regular, reliable, and in-person attendance is an essential job function for employees, unless the Superintendent or designee approves the absence in writing. Employee absences or tardiness negatively impact the education of students and may impose unnecessary burdens on coworkers. Employees will be held accountable for adhering to their assigned schedule. Any deviation from an employee's assigned schedule must be approved in advance by the employee's supervisor or designee.

Consistent with any applicable collective bargaining agreement or individual employment contract, an employee must report absences as directed by the employee's supervisor or designee. The Superintendent or designee reserves the right to request verification for absences if reasonable grounds exist to believe that an employee is misusing leave, has misrepresented the reason(s) for the employee's absence, or a pattern of absenteeism exists. When possible, leave must be requested in advance per an applicable collective bargaining agreement, individual employment contract, employee handbook, Policy, or law.

An employee who violates this Policy may be subject to discipline, including discharge.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4220 *Use or Disposal of District Property*

Employees are prohibited from using District property for personal use ~~Optional:~~ **unless the Superintendent or designee approves the use in advance.** Employee use of District property will be consistent with Policies 3304 and 4214.

After use, District property must be immediately returned to the appropriate location or department. The property must be returned in the same condition it was in at the time of acquisition. The employee is responsible for the cost of repair or replacement if the employee negligently or intentionally damages the District's property.

Employees may not dispose of District property without the supervisor's written approval. Employees may not take possession of discarded District property without written approval from the Superintendent or designee.

State law regulates the disposal, removal, or refusal to return District books, papers, or records. Retention and disposal of District books, papers, or records must conform with the State of Michigan's Records Retention and Disposal Schedule for Michigan Public Schools.

An employee who violates this Policy may be subject to discipline, including discharge, and civil and criminal prosecution.

Legal authority: MCL 380.11a(3), 380.601a; MCL 399.811; MCL 750.491

Date adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4221 Employee Speech

As role models, employees must exercise sound judgment in their interactions with students, parents/guardians, and members of the community and maintain a high degree of professionalism and objectivity. Employees must act within the scope of their respective duties and responsibilities.

A. Curriculum, Instruction, and Controversial Topics

During instruction and discussion of controversial issues, employees must follow these guidelines:

1. the issues discussed must be relevant to the curriculum and be part of a planned educational program;
2. students and parents/guardians must have free access to appropriate materials and information for analysis and evaluation of the issues;
3. employees must allow discussion of a variety of viewpoints so long as that discussion does not substantially disrupt the educational environment;
4. the topic and materials used must be within the students' range, knowledge, maturity, and competence;
5. employees must obtain pre-approval from the building principal before instructing students about sensitive or controversial issues; and
6. employees must not advocate partisan causes, sectarian religious views, or self-propaganda of any kind during school or school-related functions. Employees may express a personal opinion as long as students are encouraged to reach independent decisions.

Employees who are unsure of their obligations must confer with their building principal or supervisor.

B. Speech on Matters of Public Concern

The District respects and supports its employees' right as citizens to exercise free speech in a responsible manner.

Free speech rights are not absolute and are subject to restriction when the employee is acting within the course and scope of their employment.

When speaking as a citizen on a matter of public concern, an employee must not make written, verbal, online, or nonverbal statements that cause a substantial disruption to the school environment, violate federal or state law, or otherwise



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violate these Policies. An employee's right as a citizen to comment upon matters of public concern must be balanced against the District's interest in promoting the efficiency of the public services it performs through its employees.

Employees do not speak on behalf of the District or a school unless specifically authorized by the Board or Superintendent.

Legal authority: U.S. CONST. amend. I; Const 1963, art I, § 5

Date adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4222 Unauthorized Work Stoppage and Strikes

Employees are prohibited from engaging in a strike. A strike is the concerted failure to report for duty, the willful absence from a person's position, the stoppage of work, the refusal to perform or volunteer for duties that had been performed in the past, or the abstinence in whole or in part from the full, faithful, and proper performance of the employment duties for the purpose of inducing, influencing, or coercing a change in employment conditions, compensation, or the rights, privileges, or obligations of employment.

Employees who violate this Policy may be subject to discipline, including discharge, and financial penalties under the Public Employment Relations Act.

The District is prohibited from engaging in a lock-out, unless operations have been ceased, in whole or in part, due to a strike in violation of this Policy.

Legal authority: MCL 423.201, 423.202

Date adopted:

Date revised:



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4200 Employee Conduct and Ethics

4223 Resignation

The Superintendent or designee is authorized to immediately accept an employee's verbal or written resignation on the Board's behalf. When the Superintendent or designee accepts a resignation from an Administrator, ~~Supervisor~~, Director, Teacher, or Non-Teaching Professional, the Superintendent or designee will notify the Board of the resignation at its next meeting. The Superintendent or designee may notify the Board of Non-Exempt Staff resignations.

The Board may accept a Superintendent's ~~verbal or~~ written resignation.

A resignation is effective on the date of its acceptance or on a subsequent effective date specifically reflected in the offer of resignation and its acceptance.

Except as otherwise provided by law, a resignation is irrevocable upon acceptance.

Employees, other than teachers, must generally provide 30 days' advance written notice before resigning.

Teachers must provide written resignation notice at least 60 days before September 1, unless the Superintendent or designee consents to less advance notice. Otherwise, the Board may revoke the teacher's tenure rights as provided by the Teachers' Tenure Act.

Legal authority: MCL 38.111; MCL 380.11a(3)(d), 380.601a

Date adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4224 Personnel Files and Payroll Information

A. Contents

The District will maintain accurate and up-to-date personnel files. A personnel file will include the physical or electronic records kept by the District that identify an employee, to the extent that the record is used or has been used for, or may affect or be used for, that employee's qualifications for employment, hire, promotion, transfer, compensation, or discipline. Personnel files may be electronically stored, in whole or in part, by the District in a secure manner.

The District will not suppress or remove information about unprofessional conduct from a personnel file as required by Revised School Code Section 1230b, regardless of any contrary term in any applicable collective bargaining agreement, individual employment contract, resignation agreement, severance agreement, or other agreement.

B. Payroll Records

The District will record and maintain the following payroll information for all employees:

1. name and social security number;
2. address, including zip code;
3. birth date;
4. sex;
5. occupation;
6. time and day when work week begins;
7. hours worked each day and work week;
8. hourly pay rate;
9. total daily or weekly straight-time earnings;
10. total overtime earnings for each work week;
11. all additions to or deductions from wages;
12. total wages paid each pay period; and
13. date of payment and pay period covered by the payment.



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C. Employee Review

Employees may request to review their personnel file at a reasonable and mutually agreed upon time, with or without union representation. A central office employee will be present during the review. Employees requesting a copy of the personnel file may be charged a fee.

If there is a disagreement with information contained in a personnel file, the District and the employee may mutually agree to remove or correct that information, unless it concerns substantiated unprofessional conduct. If the District does not agree to remove or amend the information, the employee may submit a written statement explaining the employee's position (not exceeding 5 sheets of 8-1/2" x 11" paper). The written statement will be included if the information is disclosed to a third party.

D. Third Party Disclosure

Personnel file contents may be subject to disclosure under the Freedom of Information Act (FOIA). Certain documents in a personnel file may be subject to mandatory or permissible disclosure exemptions under FOIA. Disclosure of other personnel file information may be specifically prohibited or limited by state and federal statute. Before releasing information in response to a FOIA request for documents within an employee's personnel file, the District will review those documents to identify permissible and mandated disclosure exemptions.

Criminal history checks, unprofessional conduct checks, drug test results, confidential personal references, medical information, and other confidential information will be maintained in a separate, secure file.

Absent an employee's written consent or authorization, the District will not release an employee's discipline records to a third party, pursuant to a FOIA request or otherwise, unless the District has provided the employee with notice via first class mail to the employee's last known address, or another consented form of communication, which will be mailed on or before the day on which the information is released. Discipline more than 4 years old will not be disclosed unless the employee has executed a written release to disclose the records or as otherwise permitted by law, including Revised School Code Section 1230b.

Legal authority: MCL 15.231 et seq.; MCL 380.1230b; MCL 408.931 et seq.; MCL 423.501 et seq.

Date adopted:

Date revised:



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Series 4000: District Employment

4200 Employee Conduct and Ethics

4228 *No Expectation of Privacy*

Employees have no expectation of privacy in connection with their use of District property and equipment. The District reserves the right to search District property, equipment, and technology issued or provided for the employee's use during the employee's District employment, including but not limited to the employee's office, desk, files, computer, or locker. Inspections may be conducted at any time at the District's discretion. A search of an employee's personal effects will comply with federal and state constitutional protections, laws, and regulations.

Date adopted:

Date revised:



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Series 4000: District Employment

4300 Non-Exempt Staff

4301 Definition

“Non-exempt staff” may include transportation, custodial, maintenance, food service, clerical, and paraprofessional employees and other employees who do not meet an exemption under the Fair Labor Standards Act or the Michigan Improved Workforce Opportunity Wage Act. The term does not include “exempt” professional staff, administrators, ~~supervisors~~, or the Superintendent (as defined in Policies 4401, 4501, and 4601). Non-exempt staff are employed at-will and their employment may be altered or terminated at any time with or without cause, unless governed by a collective bargaining agreement or individual employment contract containing a different standard of employment security.

Optional: Unless otherwise provided by a collective bargaining agreement or individual employment contract, non-exempt staff will be subject to a probationary period of 1 work year.

Legal authority: 29 USC 201 et seq.; MCL 380.11a(3), 380.601a; MCL 408.934a

Date adopted:

Date revised:



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Series 4000: District Employment

4300 Non-Exempt Staff

4302 Employee Pay, Including Minimum Wage and Overtime

Non-exempt staff will receive hourly compensation at a rate not less than the hourly minimum wage required by federal or state law, whichever is greater. Wages will be paid for all hours worked, including for training time required by the District.

Non-exempt staff will receive overtime compensation at a rate of 1.5 times his/her regular hourly rate for work more than 40 hours in a work week, unless a higher rate is established through a collective bargaining agreement or other written agreement covering the non-exempt staff member. Paid leave time (e.g., vacation, sick, or personal days) will not count as hours worked for overtime compensation, unless otherwise stated in a collective bargaining agreement or individual employment contract.

Overtime work must be pre-approved by a supervisor and properly recorded.

If the non-exempt staff member is compensated at multiple hourly wage rates during a work week, the overtime rate will be based on a weighted blend (by hours worked at each wage rate) of the wage rates earned by the employee in the applicable work week.

Collective bargaining agreements and individual employment contracts may provide for additional overtime compensation.

Legal authority: 29 USC 201 et seq.; MCL 408.931 et seq.

Date adopted:

Date revised:



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Series 4000: District Employment

4300 Non-Exempt Staff

4304 *Employee Timekeeping Responsibilities*

Non-Exempt Staff must record all hours worked in compliance with District procedures. Non-Exempt Staff will be compensated for authorized recorded hours worked, including preliminary and subsequent work activities and overtime. Timekeeping records must reflect actual time worked to ensure accurate payment of wages.

Substantiated falsification or misrepresentation of hours worked may result in discipline, including discharge.

Legal authority: 29 USC 201 et seq.; MCL 408.471 et seq.

Date adopted:

Date revised:



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Series 4000: District Employment

4300 Non-Exempt Staff

4305 Michigan Paid Medical Leave Act (MPMLA)

A. General

Eligible Non-Exempt Staff may accrue and use paid leave as provided by the MPMLA. Applicable provisions of a collective bargaining agreement, individual employment contract, or handbook, which exceed the rights provided to Non-Exempt Staff under the MPMLA, remain in place.

This Policy does not apply to employees exempt from the overtime requirements of the Fair Labor Standards Act (e.g., employees meeting the FLSA's definition for the professional, administrative, or executive exemptions).

~~[Optional: If a collective bargaining agreement with an effective date before March 29, 2019 is in effect, the MPMLA does not apply to Non-Exempt Staff subject to that collective bargaining agreement until either: (a) the collective bargaining agreement's expiration date, or (b) the execution of a successor agreement, whichever is earlier. The MPMLA does not preempt or override the terms of a collective bargaining agreement in effect before March 29, 2019.]~~

B. Definitions

1. Benefit year: the 12-month period from July 1 to June 30. ~~[Optional: may adjust 12-month period]~~
2. Family member:
 - a. biological, adopted, or foster child, stepchild or legal ward, or a child to whom the eligible employee stands *in loco parentis*.
 - b. biological parent, foster parent, stepparent, or adoptive parent or legal guardian of an eligible employee or an eligible employee's spouse, under the laws of any state, or a person who stood *in loco parentis* when the eligible employee was a minor child.
 - c. grandparent, grandchild, and biological, foster, or adopted sibling.
3. All other MPMLA-defined terms apply to this Policy.

C. Eligibility

A newly hired Non-Exempt Staff member may not use accrued MPMLA leave until 90 calendar days after the staff member's start date, unless otherwise provided in a collective bargaining agreement, individual employment contract, or employee handbook.



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A staff member is not eligible under the MPMLA if the member:

1. is “exempt” from the FLSA’s overtime compensation requirements;
2. is employed by the District for fewer than 25 weeks in a calendar year for a job scheduled for 25 weeks or fewer;
3. worked, on average, fewer than 25 hours per week during the immediately preceding calendar year;
4. is subject to Improved Workforce Opportunity Wage Act Section 4b (i.e., an employee who is under age 20 and working as a trainee or is less than age 18);
5. is a variable hour employee as defined in 26 CFR 54.4980H-1;
6. is employed by a “temporary help firm” as described in Michigan Employment Security Act Section 29(1)(l); or
7. meets any other exclusion in MPMLA Section 2(e).

D. Accrual of MPMLA Leave

~~[Choose Option 1 or 2:]~~

[Option 1 (earn as you go): An eligible Non-Exempt Staff member will accrue MPMLA leave at a rate of 1 hour for every 35 hours worked. An eligible Non-Exempt Staff member begins accruing MPMLA leave on March 31, 2019 or the member’s start date, whichever is later.

- ~~[Option: An eligible Non-Exempt Staff member may not accrue more than 1 hour of MPMLA leave in a calendar week.]~~
- ~~[Option: An eligible Non-Exempt Staff member may only accrue and use up to 40 hours of MPMLA leave in a single benefit year.]~~
- ~~[Option: An eligible Non-Exempt Staff member will not carry over more than 40 hours of accrued MPMLA leave to a new benefit year.]~~

~~(select any or all sub-options above)]~~

~~[Option 2 (front loading): An eligible Non-Exempt Staff member will receive at least 40 hours of paid medical leave at the beginning of a benefit year or a pro-rated amount based on the Non-Exempt Staff member’s start date. This paid medical leave consists of all paid leave time (e.g., vacation days, personal days, sick days, and other paid time off) that can be used for the purposes described below. Paid medical leave will not carry over from one benefit year to the next unless authorized in the relevant collective bargaining agreement, individual employment contract, or handbook.]~~

E. Qualifying Circumstances



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An eligible Non-Exempt Staff member may use accrued MPMLA leave for the staff member or the staff member's family member(s) for the following reasons:

1. mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or preventative medical care;
2. for a victim of domestic violence or sexual assault, any related medical care or counseling for physical or psychological injury or disability, victim services or legal services, judicial proceedings, or relocation related to or resulting from the domestic violence or sexual assault; or
3. for closure of an eligible Non-Exempt Staff member's primary workplace by order of a public official due to a public health emergency; for a Non-Exempt Staff member's need to care for a child whose school or place of care has been closed by order of a public official; or due to a determination by health authorities that the presence of an eligible Non-Exempt Staff member or family member in the community would jeopardize the health of others due to exposure to a communicable disease whether or not the eligible Non-Exempt Staff member or family member has actually contracted the communicable disease.

F. Use of MPMLA Leave

When requesting MPMLA leave, an eligible Non-Exempt Staff member must comply with the notice, procedure, and documentation requirements in an applicable collective bargaining agreement, individual employment contract, handbook, or as customarily required by the District. Upon District request, the Non-Exempt Staff member has 3 days to provide sufficient documentation substantiating eligibility for MPMLA leave.

In cases of domestic violence or sexual assault, sufficient documentation includes any of the following:

- a police report indicating that the eligible Non-Exempt Staff member or family member was a victim of domestic violence or sexual assault;
- a signed statement from a victim and witness advocate affirming that the eligible Non-Exempt Staff member or family member is receiving services from a victim services organization; or
- a court document indicating that the eligible Non-Exempt Staff member or a family member is involved in legal action related to domestic violence or sexual assault.

All health, sexual assault, and domestic violence information and documentation received from a Non-Exempt Staff member about MPMLA leave remains



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confidential and will not be disclosed, except to the staff member, with the staff member's written permission, or as and to the extent required by law.

Failure to comply with notice procedures for document requests to support the MPMLA leave may result in discipline, including discharge, or ineligibility for MPMLA leave.

Unless otherwise provided in an eligible Non-Exempt Staff member's collective bargaining agreement, individual employment contract, or handbook:

- MPMLA leave must be used in **hour** [~~Choose one: hour / day~~] increments;
- a Non-Exempt Staff member using MPMLA leave will not receive overtime pay, holiday pay, or bonuses for MPMLA leave time;
- upon discharge or other separation from employment, an eligible Non-Exempt Staff member automatically loses accrued MPMLA leave; and
- accrued MPMLA leave that is not used before a Non-Exempt Staff member's discharge or any other separation from employment will have no monetary value.

G. Notice and Recordkeeping

The District will provide notice of the MPMLA by displaying in a conspicuous location in each of its buildings the MPMLA poster created by the Michigan Department of Licensing and Regulatory Affairs.

The District will retain records of each Non-Exempt Staff member's accrual and use of MPMLA leave for not less than 1 year.

Legal authority: MCL 408.934b, 408.961 et seq.

Date adopted:

Date revised:



DEXTER COMMUNITY SCHOOLS

Series 4000: District Employment

4300 Non-Exempt Staff

4306 *Assignment and Transfer*

The Board authorizes the Superintendent or designee to assign and transfer Non-Exempt Staff to meet identified District needs, including curricular, fiscal, personnel management, or other operating reasons. The Superintendent's or designee's authority includes assignment, transfer, and the addition or removal of Non-Exempt Staff member's duties and responsibilities. In exercising authority pursuant to this Policy, the Superintendent or designee will comply with the applicable collective bargaining agreement or individual employment contract.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted:

Date revised:



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Series 4000: District Employment

4300 Non-Exempt Staff

4307 *Performance Evaluation*

The Superintendent or designee will determine the frequency of evaluations for Non-Exempt Staff not covered by a collective bargaining agreement that addresses evaluation frequency.

Unless an evaluation tool is specified in a Non-Exempt Staff member's collective bargaining agreement, the Superintendent or designee may select an evaluation tool that serves the District's best interests.

Non-Exempt Staff covered by a collective bargaining agreement or individual employment contract will be evaluated using the procedures and criteria set forth in that agreement.

Legal authority: MCL 380.11a(3), 380.601a

Date adopted:

Date revised:



DEXTER COMMUNITY SCHOOLS

Series 4000: District Employment

4300 Non-Exempt Staff

4308 *Reduction and Recall of Non-Exempt Staff*

The Board, in its sole discretion, may determine that a reduction in force of a Non-Exempt Staff member is appropriate due to curricular, fiscal, personnel management, or other operating conditions. A reduction in force may consist of a reduction of hours or personnel. Reductions in force and recalls are subject to Board approval.

A. Staff Subject to a Collective Bargaining Agreement or Individual Employment Contract

If the Board determines that a reduction of Non-Exempt Staff governed by a collective bargaining agreement or individual employment contract is necessary, the Superintendent will implement a reduction in force in conformance with the applicable agreement(s).

B. Non-Exempt Staff Not Subject to a Collective Bargaining Agreement or Individual Employment Contract Containing Reduction and Recall Provisions

1. Reduction in Force

The Superintendent or designee will make reduction in force recommendations to the Board. The Superintendent's or designee's recommendation to the Board may consider the following criteria for reduction, which are not in order of priority or weight:

- a. programs and services to be offered;
- b. employee qualifications, abilities, skills, and education;
- c. federal, state, and local funding;
- d. employment experience that is relevant to an assignment;
- e. federal and state laws or regulations that may mandate certain employment practices;
- f. special or advanced training that would be of present or future value to the District;
- g. the organizational and educational effect caused by a reduction of Non-Exempt Staff member(s);
- h. formal and informal evaluation of Non-Exempt Staff performance by a supervisor;
- i. length of service with the District and within a classification; and



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- j. any other criteria that are rationally related to providing effective support services and operation of or administration of the District, such as discipline record and compliance with attendance Policies and procedures.

2. Notification

Notice will be provided as follows:

- a. Before the Board considers a reduction in force, the Superintendent or designee will notify, in writing, each affected non-exempt staff member that the Superintendent or designee is recommending a reduction in force or hours that would affect the non-exempt staff member and the date and time of the Board meeting at which the Board will consider the reduction in force.
- b. After the Board's decision on reduction in force, the Superintendent or designee will provide written notice of the Board's action to the affected non-exempt staff member(s).
- c. A non-exempt staff member who is subject to a reduction in force must, during the period which the member is eligible for recall, provide the District with an accurate residential address, email address, and phone number and report any subsequent change in the employee's contact information. Failure to maintain current contact information may be deemed a waiver of recall rights.
- d. The District may allow a laid off non-exempt staff member to be included on the District's list of substitutes at the Superintendent's or designee's discretion. If the District uses a laid off non-exempt staff member as a substitute, remuneration will be determined by the District or an applicable collective bargaining agreement.

C. Recall

A Non-Exempt Staff member subject to a reduction in force as described above will have preferred rights to recall to employment for a period of 12 months commencing on the date that the District implemented the reduction in force. The Non-Exempt Staff member will be recalled to any position within the member's classification. Recall decisions will be based on the criteria specified in subsection B.1 of this Policy.

A Non-Exempt Staff member who declines an offer of recall to a position comparable to that held at the time of layoff or for which he/she is otherwise qualified will be removed from the recall list and will forfeit any further employment rights with the District.

A Non-Exempt Staff member must respond within 10 days after the date the District sent notice of recall. Failure to do so may be deemed a waiver of recall rights.

Legal authority: MCL 380.11a(3), 380.601a



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Date adopted:

Date revised:



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Series 4000: District Employment

4300 Non-Exempt Staff

4309 *Discipline and Termination*

A. Discipline

The Superintendent or designee may discipline non-exempt staff for behavior warranting discipline, as determined by the Superintendent or designee, provided the discipline is not for an unlawful reason. Off-duty conduct may result in discipline if it adversely affects the District and is not a legally protected activity. Before discipline is imposed, the Non-Exempt Staff member will be provided notice of the alleged inappropriate behavior and an opportunity to respond to the allegations.

A Non-Exempt Staff member governed by a collective bargaining agreement or individual employment contract will be disciplined consistent with the procedures and standards specified within that agreement.

A Non-Exempt Staff member who reasonably believes an investigatory interview may result in discipline may bring a representative consistent with Policy 4108.

The Superintendent or designee will record discipline in writing, if warranted. Written discipline will be placed in the Non-Exempt Staff member's personnel file. The Non-Exempt Staff member may submit a written rebuttal letter consistent with Policy 4224.

Consistent with Revised School Code Section 1230b, unprofessional conduct will not be suppressed or removed from a personnel file.

B. Termination

A Non-Exempt Staff member is employed at-will and subject to discharge by the Superintendent or designee, with or without cause, provided the discharge is not for an unlawful purpose, unless a collective bargaining agreement, individual employment contract, law, Policy, or handbook provides otherwise.

Legal authority: MCL 380.1230b(6); MCL 423.501 et seq.; *NLRB v J. Weingarten, Inc.*, 420 US 251 (1975)

Date adopted:

Date revised:



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Series 4000: District Employment

4400 Professional Staff

4401 Definition

A. General

Professional Staff primarily perform work that requires advanced knowledge or work that is intellectual in nature, consistent with the FLSA's definition of "professional." The Professional Staff member's area of expertise is related to learning or comes from prolonged course of study, including teachers and Non-Teaching Professionals, but excluding Administrators/Supervisors (as defined under Policy 4501) and the Superintendent (as defined under Policy 4601).

B. Teachers

Teachers are professional persons who provide or direct instruction to students and must be appropriately qualified and certified for the assigned teaching position, consistent with federal and state law and District Policies. Each teacher shall maintain required qualifications and certification as a condition of that teacher's continued employment.

A classroom teacher employed by the District must: (1) have a valid Michigan teaching certificate or authorization to teach under Revised School Code Section 1233b; and (2) be assigned by the District to deliver direct instruction to students as a teacher of record.

A teacher must promptly notify the Superintendent or designee, in writing, if the teacher's certification or authorization expires, is revoked, or nullified. Failure to provide this written notice, whether willfully or negligently, may result in discipline, including discharge.

C. Non-Teaching Professionals

Non-Teaching Professionals are "other Professional Staff" who are not teachers and who meet the professional exemption under the FLSA, such as counselors (i.e., those counselors who are not certified teachers), social workers, teacher consultants, behavior specialists, speech pathologists (i.e. who are not certified teachers), physical or occupational therapists, nurses, and psychologists. A Non-Teaching Professional is not required by law to hold a teaching certificate or authorization for the assigned duties. Each Non-Teaching Professional must be qualified and certified as required by the Board or federal and state law. Each Non-Teaching Professional must maintain those qualifications and certifications as a condition of that person's continued employment.

A Non-Teaching Professional must promptly notify the Superintendent or designee, in writing, if the person's certification, license, or endorsement expires, is revoked,



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or nullified. Failure to provide this written notice, whether willfully or negligently, may result in discipline, including discharge.

Legal authority: 29 USC 201 et seq.; MCL 38.81 et seq.; MCL 380.1231, 380.1233, 380.1233b, 380.1236, 380.1237

Date adopted:

Dated revised:



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Series 4000: District Employment

4400 Professional Staff

4406 *Professional Improvement Sabbaticals*

The Board may, in its sole discretion and consistent with Revised School Code Section 1235 and any applicable collective bargaining agreement, approve a Professional Staff member's paid or unpaid leave of absence for the purposes of pursuing professional improvement (i.e., a sabbatical) or any other similar circumstance. A Professional Staff member seeking a leave of absence must apply in writing to the Superintendent or designee for presentation to the Board at least 60 days in advance. The leave of absence will be consistent with any applicable collective bargaining agreement or individual employment contract. If necessary, the Board will negotiate a letter of agreement with the appropriate bargaining unit to approve a Professional Staff Member's paid or unpaid leave of absence for the purposes of pursuing professional improvement or any other similar circumstance.

Legal authority: MCL 380.1235

Date adopted:

Date revised:



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4500 Administrators/~~Supervisors~~

4501 Definition

An Administrator, ~~Supervisor, or~~ Director performs duties meeting the administrative or executive exemptions under the Fair Labor Standard Act. Administrators, ~~Supervisors,~~ and Directors report to the Superintendent or designee.

A. Administrators

Administrators manage, supervise, and oversee District curriculum, instructional programs, and instructional services. As a condition of continued employment, Administrators must hold and maintain certificates, licenses, credentials, and qualifications (collectively, the "Certification") as set by the Board or required by law, including Revised School Code Sections 1246 and 1536.

1. "Administrator" includes the building principal, assistant principal, assistant superintendent, and any other person whose primary responsibility is administering instructional programs, as well as the position of "chief business official" as defined in Revised School Code Section 1246.
2. If an Administrator's Certification expires, is nullified, or is revoked, the Administrator must immediately notify the Superintendent or designee, in writing.
3. Administrators will be subject to individual employment contracts not to exceed 3 years and may be governed by a collective bargaining agreement.
4. Administrators are subject to Revised School Code Section 1229(2) for purposes of non-renewal.

B. Non-Instructional ~~Supervisors or~~ Directors

Non-Instructional ~~Supervisors or~~ Directors include managerial personnel who are not Administrators within the definition of this Policy and who have the authority to direct, recommend, hire, discipline, and discharge personnel they supervise, including transportation, custodial, maintenance, or food service personnel. Non-Instructional ~~Supervisors or~~ Directors may be provided individual employment contracts not to exceed 3 years and may also be governed by a collective bargaining agreement.

Legal authority: MCL 380.1229, 380.1246, 380.1536

Date adopted:

Date revised:



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4500 Administrators/~~Supervisors~~

4502 *Assignment and Transfer*

Consistent with an applicable collective bargaining agreement or individual employment contract, the Superintendent or designee is authorized to assign or transfer an Administrator, ~~Supervisor~~, or Director to another Administrator, ~~Supervisor~~, or Director position and realign duties and responsibilities. The compensation will be commensurate with duties and responsibilities established by the Board.

Legal authority: MCL 380.11a(3), 380.601a, 380.653

Date adopted:

Date revised:



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Series 4000: District Employment

4500 Administrators/~~Supervisors~~

4505 Reduction and Recall

The Board will determine the appropriate level and number of Administrators, ~~Supervisors~~, and Directors necessary for curricular, fiscal, and other operating conditions.

The Board may determine that a reduction of administrative and supervisory personnel is warranted based on the Superintendent's or designee's recommendation.

The Superintendent or designee will first identify the recommended areas where reductions in the District's administrative and supervisory structure can best be accomplished consistent with the realization of District goals and objectives.

The Superintendent or designee will consider the following in making recommendations for the reduction and recall of Administrators, ~~Supervisors~~, or Directors within the approved administrative structure: relevant experience, performance, disciplinary history, evaluations, qualifications, certification, relevant contract language, and other factors deemed relevant.

In implementing a reduction or recall, the Superintendent or designee may effectuate assignments and transfers as specified in Policy 4502.

The Board will consider and act on the Superintendent's or designee's recommendation(s) in open session.

If an Administrator selected for layoff has successfully completed a probationary period under the Teachers' Tenure Act, acquired tenure as a classroom teacher with the District, and maintained a valid teaching certificate on file with the District, the Administrator will be considered for placement to a teaching position for which the Administrator is properly certified and qualified consistent with the Teachers' Tenure Act and Policies 4402 and 4405.

An Administrator, ~~Supervisor~~, or Director on layoff status may be eligible for recall to a vacant Administrator, Supervisor, or Director position for which that person is certified and qualified for a period of [] [Choose one: months / years] 1 year after the reduction in force was approved by the Board. An Administrator, ~~Supervisor~~, or Director rated effective or highly effective will receive priority for recall to a vacant Administrator, ~~Supervisor~~, or Director position for which that person is otherwise qualified over an Administrator, ~~Supervisor~~, or Director rated minimally effective or ineffective.

Legal authority: MCL 38.71 et seq.; MCL 380.11a, 380.601a, 380.1249, 380.1249b, 380.1532

Date adopted:

Date revised:



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Series 4000: District Employment

4500 Administrators/~~Supervisors~~

4506 Discipline

The Superintendent or designee may discipline Administrators, ~~Supervisors~~, or Directors for misconduct, violations of contract, Policy, or law, or other inappropriate behavior. Off-duty conduct may result in discipline if it adversely impacts the District and is not otherwise a legally protected activity. This Policy does not cover termination of an Administrator, ~~Supervisor~~, or Director, which is addressed in Policy 4507.

Before discipline is imposed, the Administrator, ~~Supervisor~~, or Director will be provided an opportunity to respond to the allegation(s).

An Administrator, ~~Supervisor~~, or Director governed by a collective bargaining agreement or individual employment contract may be disciplined consistent with applicable procedures and standards in that agreement. An employee who is subject to an investigatory interview that may result in discipline or who reasonably believes an investigatory interview may result in discipline may bring a representative consistent with Policy 4108.

If the Superintendent or designee concludes, by a preponderance of the evidence, that the conduct in question has been substantiated and that discipline is warranted, the Superintendent or designee may discipline the employee so long as the basis for the discipline follows the standard(s) identified in the employee's applicable collective bargaining agreement or individual employment contract. If the employee is not subject to a collective bargaining agreement or individual employment contract, the Superintendent or designee may implement discipline for any lawful reason. The disciplinary action may be considered in the employee's performance evaluation. Written discipline will be placed in the employee's personnel file.

A suspension without pay may be imposed as a disciplinary consequence, consistent with the Fair Labor Standards Act, for infractions of safety rules of major significance or infractions of workplace conduct rules, such as rules prohibiting unlawful harassment, workplace violence, drug or alcohol use, or for infractions of state or federal laws. Disciplinary deductions may only be made in full-day increments and must be imposed pursuant to a written Policy applicable to all employees.

Evidence of substantiated unprofessional conduct cannot be suppressed or removed from a personnel file consistent with Revised School Code Section 1230b.

The Teachers' Tenure Act shall apply if an Administrator's tenure rights are implicated by the disciplinary action.

[Optional: Discipline that results in 5 days or more of lost compensation may be reviewed by the Board.]



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Legal authority: 29 CFR 541.602(b)(5); MCL 380.11a, 380.601a, 380.653, 380.1230b, 380.1249, 380.1249b; MCL 423.209

Date adopted:

Date revised:



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Series 4000: District Employment

4500 Administrators/~~Supervisors~~

4507 Termination

For purposes of this Policy, “termination” refers to a proposed action to discharge or permanently discontinue the employment of an Administrator, ~~Supervisor~~, or Director during the term of an individual employment contract. Non-renewal at contract expiration is not a termination under this Policy and is addressed in Policy 4508.

Unless otherwise provided by an applicable collective bargaining agreement or individual employment contract, an Administrator, ~~Supervisor~~, or Director may be terminated for any lawful reason. Off-duty conduct may result in termination if it adversely impacts the District and is not a legally protected activity.

The Superintendent or designee will provide written charges in support of the recommendation for discharge and notice of the Board hearing date, time, and location, to the Administrator, ~~Supervisor~~, or Director in advance of a Board meeting on the charges. The employee may request a hearing in closed session, but the Board’s decision on the termination recommendation must be made in open session. If the employee requests a hearing, the employee has the right to bring legal counsel or another representative of the employee’s choice (at the employee’s expense) to hear and contest the evidence supporting the termination recommendation and to submit evidence in support of the employee’s retention.

The Board resolution or written correspondence identifying the reason(s) for the Board’s decision on termination will be placed in the employee’s personnel file.

If the employee holds tenure rights as a classroom teacher and the District seeks to terminate those tenure rights, the District will comply with the Teachers’ Tenure Act.

Legal authority: MCL 38.71 et seq.; MCL 380.1229(2), 380.1229(3)

Date adopted:

Date revised:



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Series 4000: District Employment

4500 Administrators/~~Supervisors~~

4508 Administrator Non-Renewal

A. Administrators Subject to Revised School Code Section 1229(2)

Administrator contract non-renewal may be subject to Revised School Code Section 1229(2) depending on the person's responsibilities, duties, and certification. If the non-renewal of an Administrator is subject to Revised School Code Section 1229(2), this Policy shall be implemented consistent with that statute.

"Non-renewal" is an action to discontinue an employment contract at contract expiration. Termination during the term of an existing employment contract is addressed in Policy 4507.

If Revised School Code Section 1229(2) applies, the non-renewal of an Administrator's individual employment contract must be preceded by a notice to the employee that the Board is considering non-renewal. Written notice of consideration of non-renewal must be given to the Administrator at least 90 calendar days before the expiration date of the Administrator's contract. The Administrator will be provided notice of the Board meeting at which the consideration of non-renewal will be reviewed and may request an open or closed session, where appropriate. The Board must act in open session on the recommendation to consider non-renewal.

The Superintendent or designee will notify the Administrator of the Board's decision to consider non-renewal, including a written statement of the reason(s). The employee may request to meet with a majority of the Board to discuss the reason(s) in open or closed session, where appropriate. The meeting with the majority of the Board to discuss the reason(s) it is considering non-renewal must take place following notice to the administrator of the consideration of non-renewal and before any action of non-renewal.

There must be a minimum of 30 calendar days between the time that the administrator is provided written notice that the Board is considering non-renewal, including a statement of the reason(s) for consideration of non-renewal, and the Board's action to renew or non-renew the administrator's individual employment contract. The resolution and notice of non-renewal must be provided to the administrator not less than 60 calendar days before the expiration date of the administrator's individual employment contract.

If the non-renewal is based on a reduction in personnel and not for a performance reason, the Board's review and action must take place in open session.



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If the employee holds tenure rights as a classroom teacher and the District seeks to terminate those tenure rights, the District will comply with the Teachers' Tenure Act.

B. Non-Renewal of a ~~Supervisor or~~ Director

A ~~Supervisor's or~~ Director's contract may be non-renewed in accordance with the applicable individual employment contract or collective bargaining agreement. Absent any contractual guidance, recommendation of non-renewal will be presented to the Board at least **30** calendar days before the contract expiration, stating the reason(s) for the recommendation. Advance written notice of the recommendation, the time, date, and location of the Board meeting, and option for closed session deliberation will be provided to the ~~Supervisor or~~ Director.

Legal authority: MCL 380.1229

Date adopted:

Date revised:



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Series 4000: District Employment

4600 The Superintendent

4601 General

A. Employment

Except in limited circumstances as otherwise allowed by law, the Board will employ a Superintendent as the District's chief administrative officer who will report to the Board. The Superintendent's individual employment contract will not exceed 5 years. The Superintendent will maintain appropriate certification, as well as comply with continuing education requirements, as a condition of continued employment. The Superintendent must immediately notify the Board if his or her certification expires or is nullified or revoked.

B. Duties and Responsibilities

The Superintendent will regularly advise the Board on significant legal, educational, financial, and other school-related developments affecting the District and the Board and will demonstrate exemplary leadership and knowledge of contemporary educational philosophy and effective practices.

The Superintendent will ensure compliance with requirements imposed by federal and state law, Policy, and governmental authorities with jurisdiction over Michigan schools. The Board delegates to the Superintendent the general power and authority to do the following, within Board-approved Policy and budgetary parameters:

1. direct curriculum and take actions to maximize student safety, welfare, and educational opportunities;
2. ~~[Option: Suspend students up to 59 days and expel students consistent with Policy 5206];~~
3. ensure compliance with student disciplinary standards and procedures;
4. accept all employee resignations on the Board's behalf;
5. make other employment decisions consistent with these Policies, specifically including the right to hire, recall, transfer, assign, direct, discipline, and recommend or impose termination, as applicable;
6. develop and implement recruitment, application, and selection procedures to fill vacancies for Non-Exempt Staff, Teaching Professionals, Non-Teaching Professionals, Administrators, Supervisors, and Directors and to make hiring recommendations to the Board for approval, if applicable;



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7. manage District grounds, buildings, property, and equipment and make determinations about their use, maintenance, improvements, purchases, and repairs in accordance with law;
8. temporarily close one or more of the District's schools or programs or alter the school day when the Superintendent determines that the action is necessary for the health and safety of students and staff;
9. maintain adequate supplies and materials for students and staff;
10. consult with outside advisors, attorneys, auditors, and others in the best interests of the District;
11. negotiate collective bargaining agreements and other contracts, subject to Board review and ratification;
12. serve as the Board's spokesperson and community liaison;
13. develop, recommend, and implement cooperative programs and services with other public and private entities that will promote attainment of District goals and objectives;
14. implement Board policies and supervise the District's day-to-day operations;
15. take action in circumstances not authorized by Board action or Policy when required to effectively run the District's day-to-day operations, to respond to a lawful order, or to implement rules to protect health and safety. The Superintendent should (1) inform the Board of the action taken and the need for expedited action; and (2) report the action to the Board during the first meeting following the action;
16. draft administrative guidelines and forms which are consistent with these Policies or the law to effectively run the District's operations; and
17. take action as permitted or required by law or as authorized by Board action or Policy.

C. Fiscal Management

The Superintendent, in consultation with other District personnel, will prepare and present to the Board a proposed annual District budget for the upcoming fiscal year. Budget adoption and amendments will be subject to Board approval. The Superintendent will furnish the Board with all information requested by the Board for proper consideration of the proposed budget. After the proposed budget is adopted by the Board at a public hearing held in compliance with the Budget Hearings of Local Government Act, the Superintendent, in consultation with the individual acting in the capacity of the District's business official, will oversee and control budget expenditures to ensure compliance with the budget adopted by the Board.



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Legal authority: MCL 141.411 et seq.; MCL 380.11a, 380.601a, 380.653, 380.654, 380.1229(1), 380.1229(4), 380.1246, 380.1536

Date adopted:

Date revised:



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Series 4000: District Employment

4600 The Superintendent

4602 *Hiring*

The Board will determine and select the best candidate to serve as the Superintendent, based on qualifications, experience, and demonstrated capabilities. The Board may enlist professional consultants, employees, community members, or others to assist with the recruitment and selection process.

Qualified candidates will possess and maintain certifications, permits, and approvals required by federal and state law for the office of Superintendent. The hiring process will comply with the Michigan Open Meetings Act.

Before hiring the selected candidate, an offer of employment will be conditioned on successful completion of a background check as described in Policy 4205.

The Board should consult with legal counsel when drafting the Superintendent's employment contract.

The Superintendent's employment contract shall not exceed five years in duration. If a Superintendent vacates the position before a new Superintendent is selected, the Board shall appoint an interim Superintendent to oversee operations until a new Superintendent is selected. Hiring decisions shall be based on qualifications, skills, knowledge, abilities, education, certifications/licenses, experience, demeanor, and other criteria the Board may deem relevant.

Legal authority: MCL 15.261 et seq.; MCL 380.1229(1), 380.1536

Date adopted:

Date revised:



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Series 4000: District Employment

4600 The Superintendent

4603 *Performance Evaluation*

Performance evaluations for the Superintendent are an essential element of providing quality educational services and measuring job performance and effectiveness. This Policy does not diminish the Board's authority or ability to either terminate the Superintendent's employment during the term of the Superintendent's employment contract or to non-renew the Superintendent's contract at its expiration.

The Board will ensure that the Superintendent is evaluated based on a performance evaluation system described in Revised School Code Sections 1249 and 1249b and the individual employment contract. The evaluation may include, where appropriate or required by law, the following components:

- A. a year-end annual evaluation by the Board, unless the Superintendent qualifies for a biennial evaluation, provided that this does not limit the Board's right to conduct more frequent evaluations where deemed appropriate by the Board;
- B. an improvement plan if the Superintendent is evaluated as minimally effective or ineffective, or at the Board's discretion;
- C. student growth and other considerations as required by law;
- D. an overall effectiveness rating of highly effective, effective, minimally effective, or ineffective;
- E. dismissal of a Superintendent rated ineffective on 3 consecutive year-end evaluations;
- F. a tool approved by the MDE, a modified tool (if posting requirements are met), or a local evaluation tool adopted in compliance with Revised School Code Sections 1249 and 1249b;
- G. website posting of required information pertaining to the evaluation tool;
- H. providing appropriate training for Board members; and
- I. other components that the Board deems relevant, important, or in the District's best interests.

The Board, in its discretion, may provide periodic scheduled feedback about the Superintendent's performance.

Legal authority: MCL 380.11a, 380.601a, 380.1249, 380.1249b

Date adopted:



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Date revised:



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Series 4000: District Employment

4600 The Superintendent

4604 *Absence/Incapacity*

If the Superintendent is physically or mentally incapacitated or if there is reason to believe that the Superintendent is unable to perform the duties of the position, pursuant to the Superintendent's individual employment contract and in accordance with federal and state law, the District may require the Superintendent to provide medical information or undergo a physical examination or psychological assessment to determine the Superintendent's ability to perform the duties of the position.

The Superintendent is a key employee as defined under the Family Medical Leave Act (FMLA), whose FMLA leave is limited to 12 weeks (60 work days). See Policy 4106.

If the Superintendent is incapacitated and has not requested leave or if there is reason to believe that the Superintendent cannot perform the duties of the position, the President, after consulting with legal counsel, may place the Superintendent on paid administrative leave pending review by the entire Board. The Superintendent's placement on paid administrative leave will be temporary while the Board determines appropriate action.

The President, subject to review and approval by the entire Board, may appoint a certified and qualified person as the acting Superintendent until the Superintendent can return or a successor is hired.

To promote accountability, where the Superintendent takes leave authorized by the Superintendent employment contract or District Policy, the Superintendent will notify the President and will maintain contemporaneous absence records.

Legal authority: 42 USC 12112; 29 CFR 825.312; MCL 380.1229

Date adopted:

Date revised:



DEXTER COMMUNITY SCHOOLS

Series 4000: District Employment

4600 The Superintendent

4605 *Gifts and Donations*

A. Accepting Gifts or Donations on Behalf of the District

The Superintendent or designee is authorized to accept donations on behalf of the Board in accordance with Policy 3303. Donations may not be accepted by a particular school or department without express permission from the Board or Superintendent or designee.

B. Accepting Personal Gifts

The Superintendent shall not solicit or accept anything of value for the Superintendent's direct or indirect personal benefit that may influence or reasonably be perceived to influence decision making or otherwise create an actual or perceived conflict of interest.

C. Gift Giving with Public Funds

Public funds may be used to purchase a plaque, medal, trophy, or other award for recognition of an employee, volunteer, or pupil if the purchase does not exceed statutory monetary limits; except, funds shall not be used to purchase alcoholic beverages, jewelry, fees for golf, or any item which is illegal, as consistent with and permitted by Policy 3205.

Legal authority: MCL 380.11a(3), 380.634, 380.1814

Date adopted:

Date revised:



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4600 The Superintendent

4606 *Discipline and Termination*

The Board may discipline or discharge the Superintendent in conformance with the procedures and standards set forth in the Superintendent's individual employment contract with the Board. Where there is reason to believe that the Superintendent has engaged in conduct, performance, or behavior that warrants discipline, the President has the authority to place the Superintendent on paid administrative leave after consultation with legal counsel and pending investigation and further Board action.

If the President receives a complaint against the Superintendent that warrants review at a Board meeting, the Board may convene in open session or closed session at the Superintendent's request, to consider the complaint.

When considering whether discharge or a long-term unpaid disciplinary suspension is appropriate, the Board will provide the Superintendent with advance written notice of disciplinary charges and an opportunity for a hearing at a Board meeting. The Superintendent may request closed session consideration of the complaint or charges. If the Board is considering discharge or a long-term unpaid disciplinary suspension of the Superintendent, and the Superintendent requests a hearing, the Superintendent has the right to bring legal counsel (at the Superintendent's expense) to hear and contest the evidence supporting the discharge or long-term suspension and to submit evidence opposing the discipline.

If the Board concludes, by a preponderance of the evidence, that discharge or a long-term unpaid disciplinary suspension is warranted, the Board may discharge or suspend the Superintendent so long as the basis follows the standards identified in the Superintendent's employment contract. If the Superintendent's individual employment contract does not include a discipline provision, the Board may implement discipline for any lawful reason. Written discipline will be placed in the Superintendent's personnel file.

A suspension without pay may be imposed as a disciplinary consequence, consistent with the FLSA, for infractions of safety rules of major significance or infractions of workplace conduct rules, such as rules prohibiting unlawful harassment, workplace violence, drug or alcohol use, or for infractions of state or federal laws. Disciplinary deductions may only be made in full-day increments and must be imposed pursuant to a written Policy applicable to all employees.

The Superintendent's discharge will not negate residual rights that the Superintendent may have acquired under the Teachers' Tenure Act. Tenure charges seeking the Superintendent's discharge may be issued if appropriate.

Evidence of substantiated unprofessional conduct cannot be suppressed or removed from a personnel file consistent with Revised School Code Section 1230b.



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If the Superintendent fails to comply with certification, permit, or continuing education standards as required by law, the Superintendent's contract terminates immediately.

Legal authority: 29 CFR 541.602(b)(5); MCL 15.268(a); MCL 380.11a(3)(d), 380.601a, 380.1230b

Date adopted:

Date revised:



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Series 4000: District Employment

4600 The Superintendent

4607 *Non-Renewal*

The Board may, in its discretion, non-renew the Superintendent's individual employment contract effective at the end of the contract term. The Board must provide written notice of the non-renewal to the Superintendent at least 90 days before the contract expires, as provided by Revised School Code Section 1229(1). Failure to provide at least 90 days' advance written notice of non-renewal will result in extending the Superintendent's contract for an additional 1-year period.

Legal authority: MCL 380.1229(1)

Date adopted:

Date revised: