



# **BROWNSVILLE INDEPENDENT SCHOOL DISTRICT**



## **EMPLOYEE HANDBOOK**

**2023- 2024**



# EMPLOYEE HANDBOOK

## ACKNOWLEDGEMENT FORM

2023 - 2024

Dr. Jesús H. Chavez  
Superintendent of Schools

### EMPLOYEE NAME (LEGAL NAME)

<b>▲ LAST:</b> (As listed on social security card)	<b>FIRST:</b>	<b>MIDDLE:</b>

<b>▲ EMPLOYEE NO.</b> (Available on check stub) Note: <u>Must</u> provide employee number	<b>▲ OFFICIAL JOB TITLE</b>
	<b>▲ LOCATION NAME</b> (i.e. Campus Name / Food Services / Transportation / Maintenance, etc.)

### I hereby acknowledge my responsibility to the following information:

\_\_\_\_\_ The latest edition of the BISD Employee Handbook can be accessed on the  
Initials district's website at [www.bisd.us/](http://www.bisd.us/).

The information outlined in this handbook is a guide to and a brief explanation of district policies and ***is subject to change at any time***. I understand that changes in district policies may supersede, modify, or eliminate the information summarized in this handbook. The entirety of all District policies may be viewed online. Additionally, I understand that no modifications to contractual relationships or alterations of at-will employment relationships are intended by this handbook.

**I accept responsibility for reading and abiding by the changes, contacting my supervisor or the appropriate department if I have questions or concerns or need further explanation.**

This handbook is neither a contract nor a substitute for the official *District Policy Manual* and is not intended to guarantee continued employment. Rather, it is a guide to and a brief explanation of district policies.

**I understand that I have an obligation to inform my supervisor or Human Resources of any changes in personal information, such as name change, phone number and current address.**

<b>EMPLOYEE SIGNATURE</b>	<b>DATE</b>

**NOTE:** Sign and date this form immediately and return to your principal / department administrator. Administrators will forward the original form for each employee to the Human Resource Department.

BISD does not discriminate on the basis of race, color, national origin, sex, religion, age, disability or genetic information in employment or provision of services, programs or activities.

BISD no discrimina a base de raza, color, origen nacional, sexo, religion, edad, incapacidad o información genética en el empleo o la disposición de servicios, programas o actividades.

# Employee Handbook

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## Disclaimer

**DISCLAIMER – This Employee Handbook is intended to serve as a general explanation and guide of the Brownsville ISD Policies and Procedures that may affect our employees. Brownsville ISD reserves the right to revise this Employee Handbook in whole or in part at any time, with or without notice. The official Policies and Procedures of the Brownsville ISD shall be the official governing documents and shall take precedence in the event of any conflict between Brownsville ISD Policy and this Employee Handbook. No employee may rely on or otherwise interpret a statement by a supervisor, manager or department head as constituting a change in policy. This Employee Handbook is not a contract, either expressed or implied, nor does it guarantee employment for any specific duration.**

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# CHAPTER 1

## General Information

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all district policies and procedures are included. This book is not an exhaustive treatment of the law nor is it intended to substitute for advice of an attorney and does not replace the school district's board adopted policy manual, which contains all official policies that govern the operation of the district and your employment in the district. Suggestions for additions and improvements to this handbook are welcome and may be sent to the **Human Resource Department**.

This handbook is neither a contract nor a substitute for the official district policy manual. Nor is it intended to alter the at-will status of non-contract employees in any way. Nor is it intended to alter the at-will status of non-contract employees in any way. Rather, it is a guide to and a brief explanation of district policies and administrative procedures related to employment. District policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. For more information, employees may refer to the policy codes that are associated with the handbook topics, or confer with their immediate supervisor. Policy manuals are located at your Administrator's office, campus or library and /or are available for employee review during normal working hours. An electronic copy of this manual is available on the District's web site at [www.bisd.us](http://www.bisd.us)

## The District

The Brownsville Independent School District (BISD) serves over 36,000 students, mostly Hispanic and low socio-economic; in a unique international community setting at the southernmost tip of Texas. The District is the largest employer in South Texas. The District is proud to have developed magnet programs within the District's high school campuses. These programs attract students interested in Engineering Professions, Medical and Health Professions, Fine Arts and Teaching, International Business and Criminal Justice. Academically, both the Southern Association of Colleges and the Texas Education Agency (TEA) have accredited Brownsville Public Schools.

## BISD Mission Statement

### **Policy: AE**

Brownsville Independent School District, will graduate students who are prepared to excel in higher education and successfully pursue career opportunities in a changing global society by maximizing resources to ensure equitable opportunities for all students.

## Board of Trustees

### **Policies: BA, BB series, BD series and BE series**

Texas law grants the Board of Trustees the power to govern and oversee the management of the district's schools. The Board is the policy-making body within the district and has overall responsibility for the curriculum, school taxes, and the annual budget, employment of the superintendent and other professional staff, and facilities. The Board has complete and final control over school matters within limits established by state and federal law and regulations.

The Board of Trustees is elected by the citizens of the district to represent the community's commitment to a strong educational program for the District's children. Trustees serve without compensation, must be registered voters, and must reside in the district. A written notice of regular and special meetings will be posted on the District's website and posted at the Main Administrative Office at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place and subjects of each meeting. In emergencies, a meeting may be held with a one-hour notice.

Regular Board meetings are scheduled once a month. All meetings are open to the public. Special meetings may be called when necessary. In certain circumstances, Texas law permits the Board to go into a closed session from which the public and others are excluded. Closed session may occur for such things as discussing prospective gifts or donations, real-property acquisition, certain personnel matters including employee complaints, security matters, student discipline, or consulting with attorneys regarding pending litigation.

# CHAPTER 2

## Employment

State and federal laws require certain information to be disseminated to school District employees. In some cases, the law specifically requires that employees be given copies of policies or notices; in other cases, notices must be posted; and yet in others, conveying the information – in staff meetings, employees’ handbooks or staff newsletters – may suffice.

## Equal Employment Opportunity

### **Policies: DAA, DIA**

In its efforts to promote nondiscrimination and as required by law, The Brownsville Independent School District does not discriminate against any employee or applicant for employment because of race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age, disability, military status, genetic information or on any other basis prohibited by law. Additionally, the District does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant’s job qualifications, experience, and abilities.

In accordance with Title IX, the District does not discriminate on the basis of sex and is prohibited from discriminating on the basis of sex in its educational programs or activities. The prohibition against discrimination extends to employment. Inquiries about the application of Title IX may be referred to the District’s Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

The District designates and authorizes the following employee as the Title IX Coordinator for employees to address concerns or inquiries regarding discrimination based on sex, including sexual harassment: The Superintendent or Maricela Franco, the District’s Title IX Coordinator at (956) 698-0210. Reports can be made at any time and by any person, including during non-business hours, by mail, email, or phone. During district business hours, reports may also be made in person.

The District designates and authorizes the following employee as the ADA/Section 504 Coordinator for employees for concerns regarding discrimination on the basis of a disability: The Superintendent or Maricela Franco, ADA/Section 504 Coordinator for Employees at (956) 698-0210.

Information on the ADA 504 process may be found on-line under the heading Medical Information at: <https://www.bisd.us/departments/curriculum-instruction-human-resources/human-resources/medical-information>

## Employment Procedures

### Vacancy Announcements

#### **Policy: DC**

Announcements of job vacancies by position and location are posted on a regular basis on the District’s website.



Current district employees may apply for any vacancy for which they have appropriate qualifications. All advertised positions shall be posted for no fewer than ten school days. All positions on the administrative and professional salary schedule shall be advertised within the District and may be advertised outside the District unless otherwise directed by the Board.

#### New Position

With regard to new positions, the appropriate administrator must prepare a job description. The new position will be evaluated and assigned a pay grade by the Human Resource Department prior to the job being advertised, employment tendered or salary established. New positions must be classified in the pay system and have a job description prior to hiring new employees.

#### Employment Application

**Policy: DC & Administrative Procedures**

The Brownsville Independent School District relies upon the accuracy of information contained in the employment application as well as the accuracy of other data presented through the hiring process and employment.

It shall be the responsibility of the applicant to furnish accurate information, and any falsification of either information or credentials shall be cause for dismissal or refusal to employ. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the district's exclusion of the individual from further consideration from employment, or if the person has been hired, termination of employment.

#### Employment Reference Check

**Policy: Administrative Procedures**

To ensure that individuals who join the Brownsville Independent School District are well qualified and have a strong potential to be productive and successful, it is the practice of the Brownsville Independent School District to check the employment references of all applicants.

The Human Resource Department will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates and position(s) held.

#### Interview

**Policy: DC**

Only qualified applicants shall be granted interviews. An interview is a prerequisite for employment and may be conducted in person, by video tape, by computer interaction, or by telephone.

#### Principal's Approval

**Policy: DK**

The principal of a campus shall approve all teacher and staff appointments for the campus from a pool of applicants selected by the District or of applicants who meet the hiring requirements established by the District based on criteria developed by the principal after informal consultation with the faculty. The Superintendent has final placement authority for a teacher transferred because of enrollment shifts or program changes. *Education Code 11.202; Atty. Gen. Op. DM-27 (1991)*

## Pre-Employment Inquires & Medical Examination

### **Policy: DBB**

The District shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of a disability, except as provided below. However, the District is permitted to make pre-employment inquiries into the ability of an applicant to perform job-related functions, such as asking an applicant to describe or demonstrate how, with or without reasonable accommodation the applicant will be able to perform job-related functions. *42 U.S.C. 12112 (c) (2); 29 CFR 1630.14(a)*

The District may require a medical examination (and/or inquiry) after an offer of employment has been made to a job applicant and prior to the beginning of employment duties and may condition the offer on the results of such examination (and/or inquiry), provided all entering employees in the same job category are subjected to such an examination (and/or inquiry) regardless of disability. The results of an employment entrance medical examination shall be used only to determine the applicant's ability to perform job-related functions. *42 U.S.C. 12112(c) (3); 29 CFR 1630.14(b)*

A medical examination may be required of any employee when in the judgment of the immediate supervisor and after consultation with the Superintendent or designee, the employee's condition interferes with the ability to perform job-related functions or may pose a direct threat to the health or safety of the employee or others. The District may designate a physician to perform the examination, and in that case, shall pay the cost of the examination.

**Bus Drivers:** A person shall not drive a school bus unless he or she is physically qualified to do so. Each school bus driver shall undergo and successfully complete an annual physical examination in compliance with the requirements of 37 TAC 14.12. The results of the examination shall be noted on the form published by the U.S. Department of Transportation in 49 CFR Part 391.41. A driver shall not operate a school bus unless he or she has on his or her person the original or photographic copy of the medical examiner's Certificate 391.43 stating that the driver is physically qualified to drive a commercial motor vehicle. *Trans. Code 521.022; 37 TAC 14.12*

## Reporting of Valid Positive Results

### **Policy: DHE**

The District is required by federal safety regulations to conduct alcohol and drug testing of an employee who holds a commercial driver's license and shall report the following information to the Department of Public Safety:

1. A valid positive result on an alcohol or drug test and whether the specimen producing the result was a dilute specimen.
2. "Valid positive result" means an alcohol concentration of 0.04 or greater on an alcohol confirmation test, or a result at or above the cutoff concentration levels listed in 49 CFR 40.87 on a formation drug test.
3. "Dilute Specimen" means a specimen with creative and specific gravity values that are lower than expected for human urine.
4. A refusal to provide a specimen for an alcohol or drug test.
5. An adulterated specimen or substituted specimen, as defined at 49 CFR 40.3, on an alcohol or drug test.

For purposes of this requirement, the term “employee” includes applicants for employment subject to pre-employment testing. *Trans. Code 644.251-644.252; 29 CFR 40.3*

#### Form I-9

The Brownsville Independent School District is committed to employing U.S. citizens and non-citizens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin. Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed the I-9 form with Brownsville Independent School District within the past three years, or if their previous I-9 is no longer retained or valid.

The Form I-9 helps employers to verify individuals who are authorized to work in the United States. Each new employee, hired after November 6, 1986, is required to complete Section One of the Form I-9 when they start work. The District will review the documents establishing each employee’s identity and eligibility to work and will properly complete Section 2 of the form. The District must retain original I-9 forms for three years after the date of hire, or one year after the date employment ends, whichever is later. The forms should be stored separately from other personnel files.

#### Recertification of Employment Authorization

**Policy: DC**

At the time of hire, all employees must complete the Employment Eligibility Verification Form (Form I-9) and present documents to verify identify and employment authorization.

Employees whose immigration status, employment authorization, or employment authorization have expired must present new documents that show current employment authorization. Employees should file the necessary application or petition sufficiently in advance to ensure that they maintain continuous employment authorization. Employees should file the necessary application or petition sufficiently in advance to ensure that they maintain continuous employment authorization or valid employment authorization documents. Contact the Human Resources Department if you have any questions regarding reverification of employment authorization. Failure to verify employment authorization may result in termination.

#### Certification and Licenses

**Policy: DBA, DF**

Professional employees whose positions require SBEC certification or professional license are responsible for taking actions to ensure their credentials do not lapse. Employees must submit documentation that they have passed the required certification exam and/or obtained or renewed their credentials to the Human Resources Department in a timely manner. Employees licensed by the Texas Department of Licensing and Regulations (TDLR) must notify the Brownsville ISD Human Resources Department when there is action against, or revocation of, their license.

A certified employee’s contract may be voided without Chapter 21 due process and employment terminated if the individual does not hold a valid certificate or fails to fulfill the requirements necessary to renew or extend a temporary certificate, emergency certificate, probationary certificate, or permit. A contract may also be voided if SBEC suspends or revokes certification because of an individual’s failure

to comply with criminal history background checks. Contact the Human Resources Department if you have any questions regarding certification or licensure requirements.

## Nepotism

### **Policy: DBE**

In cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment. A relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. The nepotism prohibitions do not apply to appointment or employment of a substitute teacher.

## Supervisory Capacity

### **Policy: DK**

District employees in a supervisory capacity shall not be permitted to supervise other employees at the assigned work location if the employees are related as defined in DBE (LEGAL) by consanguinity (blood) kinship or by affinity (marriage) kinship.

## Board Members

Except as provided by policy, a public official may not appoint a person to a position that is to be directly or indirectly compensated from public funds or fees of office if:

The person is related to the public official by consanguinity (blood) within the third degree or by affinity (marriage) within the second degree; or

The public official holds the appointment or confirmation authority as a member of a local board and the person is related to another member of the board by blood or marriage within a prohibited degree. *Gov't Code 573.002, 573.041; Atty. Gen. Op. JC-0184 (2000)*

The nepotism prohibitions do not apply to the appointment of a person to a position if the person is employed in the position immediately before the election or appointment of the public official to whom the person is related in a prohibited degree and that prior employment is continuous for at least:

- Thirty days, if the public official is appointed; or
- Six months, if the public official is elected.

## Retirees

### **Policy: DBE**

A teacher who has retired from a full-time, certified teacher position has broken his or her employment with the District and does not qualify for the continuous-employment exception to the nepotism laws.

## Superintendent

If, under the employment policy [see DC], the Board delegates to the Superintendent the final authority to select District personnel:

- The Superintendent is a public official for purposes of the nepotism prohibitions only with respect to a decision made under that delegation of authority; and

- Each member of the Board remains subject to the nepotism prohibitions with respect to all District employees.

For purposes of this provision, a person hired by the District before September 1, 2007, is considered to have been in continuous employment and is not prohibited from continuing employment with the District subject to the abstention requirements. *Education Code 11.1513(f); Atty. Gen. Op. GA-123 (2003) [See BBFA]*

**Affinity**

Two persons are related to each other by affinity if they are married to each other or if the spouse of one of the persons is related by consanguinity to the other person. Divorce or the death of a spouse terminates relationships by affinity created by a marriage unless a child of the marriage is living. If a child of the marriage is living, the marriage is considered to continue until the youngest child of that marriage reaches the age of 21. This provision applies to a Board member or officer of the District only until the youngest child of the marriage reaches the age of 21 years. A husband and wife are related to each other in the first degree by affinity. *Gov't Code 573.024*

**Consanguinity**

**Policies: DBE & DK**

Two persons are related to each other by consanguinity (blood) if one is a descendant of the other or if they share a common ancestor. An adopted child is considered to be a child of the adoptive parents for this purpose. *Gov't Code 573.022*

There is no distinction under the nepotism statute between half-blood and full-blood relations. Thus, half-blood relationships fall within the same degree as those of the full-blood. *Atty. Gen. Op. LO-90-30 (1990)*

The following illustrations depict the relationships that violate the nepotism law.

**Consanguinity (Blood) Kinship**

First Degree	Parent	Child		
Second Degree	Grandparent	Grandchild	Sister / Brother	
Third Degree	Great Grandparent	Great Grandchild	Aunt / Uncle	Niece / Nephew

**Affinity (Marriage) Kinship**

**Policies: DBE & DK**

The Board member or supervisor’s spouse is the prospective employee.

**(Marriage) Kinship**

OR

Board member or supervisor’s spouse is prospective employees:

OR

Prospective employee's spouse is the Board member or supervisor's ...

First Degree

Parent	Child
--------	-------

Second Degree

Grandparent	Grandchild	Sister / Brother
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**NOTE:** The spouses of two persons related by blood are not by that fact related. The affinity chart supposes only one affinity relationship between the Board member/supervisor and prospective employee through either of their spouses.

### Employment after Retirement

Individuals receiving retirement benefits from the Teacher Retirement System (TRS) may be employed under certain circumstances on a full- or part-time basis without affecting their benefits, according to TRS rules and state law. Detailed information about employment after retirement is available in the TRS publication *Employment after Retirement*. Employees can contact TRS for additional information by calling 800-223-8778 or 512-542-6400. Information is also available on the TRS website at [www.trs.texas.gov](http://www.trs.texas.gov). At this time the District will consider recommending hiring "Retired" individuals for certified critical shortage fields and/or areas of need.

### Contract and Non-Contract Employees

#### **Policy: DC Series**

The following will provide a general description of the employment arrangements used by the District. State law requires the district to employ all full-time professional employees in positions requiring a certificate from the State Board for Educator Certification (SBEC) and nurses under probationary, term, or continuing contracts. Employees in all other positions are employed at-will or by contract that is not subject to the procedures for nonrenewal or termination under Chapter 21 of the Texas Education Code.

#### Probationary Contracts

Nurses and full-time professional employees new to the district and employed in positions requiring SBEC certification must receive a probationary contract during their first year of employment. Former employees who are hired after at least a two-year lapse in district employment also may be employed by probationary contract. Probationary contracts are one-year contracts.

Each of the following persons shall be employed under a probationary contract when the person is employed by the District for the first time or if the person has not been employed by the District for two consecutive school years subsequent to August 28, 1967:

- Principal
- Supervisor
- Classroom Teacher
- Counselor

- Other full-time professionals required to hold a certificate under Education Code Chapter 21, Subchapter B.
- Nurse

### Maximum Probationary Contract Period

**Policy: DCA**

A probationary contract may be renewed for two additional one-year periods, for a maximum permissible probationary contract period of three school years, except that the probationary period may not exceed one year for a person who has been employed as a teacher in public education for at least five of the eight years preceding employment by the District.

*Exception*

A probationary contract period may be extended beyond the third consecutive year of employment if, during the third year of the probationary period, the Board determines that it is doubtful whether a term contract should be given. If the Board makes such a determination, the District may make a probationary contract for a term ending with the fourth consecutive school year. *Education Code 21.102*

A probationary contract may not be for a term exceeding one school year.

### Grounds for Termination of a Probationary Contract

**Policy: DFAB**

A probationary contract employee may be terminated at the end of the contract period if the Board determines that such termination will serve the best interests of the District. Before any probationary contract employee is terminated, the Board shall give the employee notice of its decision to terminate the employment not later than the 10th day before the last day of instruction required under the contract. The Board's decision to terminate a probationary employee at the end of a contract period is final and may not be appealed. *Education Code 21.103(a)*

### Continuing Contracts

**Policies: DC, DCC, DFD, DFCA, DFE, DFAC, DFCA**

Any District employee hired under a continuing contract prior to February 20, 1996, shall remain on a continuing contract until the employee relinquishes the contract. Policies relating to employment by educator term contract [see DCB and the DFB series] do not apply to employees on continuing contracts.

### Term Contracts

**Policies: DC, DCB, DFBB, DFE, DFE & DFBA**

A term contract must be in writing and include the terms of employment prescribed by Education Code Chapter 21, Subchapter E; the Board may include other provisions in a term contract that are consistent with that subchapter. Each term contract is subject to the approval of the Board.

Full-time professionals employed in positions requiring certification and nurses will be employed by term contracts after they have successfully completed the probationary period. The terms and conditions of employment are detailed in the contract and employment policies. All employees will receive a copy of their contract. Employment policies can be accessed online or copies will be provided upon request.

## Grounds for Dismissal of a Term Contract

### **Policies: DFBA & DFBB**

The Board may terminate a term contract and discharge a term contract employee at any time for: (1) Good cause as determined by the Board; or (2) A financial exigency that requires a reduction in personnel. *Education Code 21.211(a)*

Before any term contract employee is dismissed for good cause, the employee shall be given reasonable notice in writing of the charges against him or her and an explanation of the District's evidence, set out in sufficient detail to fairly enable the employee to show any error that may exist. *Cleveland Bd. of Educ. v. Loudermill, 105 S. Ct. 1487 (1985)*

Any employee may be dismissed for good cause before the completion of the term fixed in the contract. Good cause includes failure to comply with special conditions of employment.

## Nonrenewal Reasons

### **Policy: DFBB**

Before making a decision not to renew a term contract, the Board shall consider the most recent evaluations if the evaluations are relevant to the reason for the Board's action. *Education Code 21.203 (b)* [See DNA]

Not later than the 10th day before the last day of instruction in a school year, the Board shall notify in writing each term contract employee whose contract is about to expire of its proposal to renew or not renew the contract.

The recommendation to the Board and its decision not to renew the contract under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age.

**Note:** District Policy DFBB provides examples for proposed nonrenewal of an employee's term contract and may be accessed on the District web site at [www.bisd.us](http://www.bisd.us) (Policy On-Line).

## Noncertified Professional and Administrative Employees

### **Policies: DC & DCE**

Employees in professional and administrative positions that do not require SBEC certification (such as non-instructional administrators) are employed by a one-year contract that is not subject to the procedures for nonrenewal or termination under the Texas Education Code.

The Board retains final authority for employment and dismissal, based on the Superintendent's recommendations, of non-contractual personnel whose positions are on the Special Assignment/Administrative salary schedule.

## Paraprofessional and Auxiliary Employees

### **Policy: DCD**

All paraprofessionals and auxiliary employees, regardless of certification, are employed at-will and not by contract. Employment is not for any specified term and may be terminated at any time by either the employee or the District.



## Breaks for Expression of Breast Milk

### **Policies: DEAB & DG**

The district supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided.

A reasonable amount of break time will be provided when the employee has a need to express milk. For nonexempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with their supervisor to discuss their needs and arrange break times.

The Providing Urgent Maternal Protections of Nursing Mothers Act (PUMP Act) requires an employee to notify the district if they believe the district is out of compliance in providing breaks for a nursing mother. The employee must give the district 10 days to come into compliance before making any claim of liability against the district. An employee with concerns should contact Human Resources at 956-548-8031.

## Pregnant Workers Fairness Act

The Pregnant Workers Fairness Act (PWFA) provides consideration of accommodations to employees who have known limitations related to pregnancy, childbirth, or related medical conditions. An employee seeking a PWFA accommodation should contact Human Resources at 956-548-8031 to begin the interactive process.

## Criteria for Personnel Decisions

### **Policy: DAB**

The Board establishes objective criteria for decisions regarding the hiring, dismissal, reassignment, promotion, and demotion of District personnel. These criteria are not rank-ordered and may be considered in whole or in part in making such decisions. [See DAB]

The Board prefers that all classified personnel who occupy positions requiring contact with school children, other District personnel, and the public as a whole, be bilingual (English/Spanish). The Board prefers that all employees have a minimum of GED or high school diploma.

# CHAPTER 3

## Employment Practices

### Personnel Records

#### **Policies: DBA & GBA**

The District maintains current and complete personnel records of all employees according to TEA rules and guidelines and local administrative requirements. It is the responsibility of each employee to promptly notify the District of any changes in personal data. Names, personal mailing addresses and telephone numbers must be accurate and current at all times. If any personal data has changed, you must contact the Human Resource Department.

Most district records, including personnel records, are public information and must be released upon request. Employees may choose to have the following personal information withheld:

- Address
- Phone Number, including personal cell phone number
- Emergency contact information
- Information that reveals whether they have family members
- Personal email address

To request copies of records from your file, you must complete a form at the Human Resource Department. The order shall be filled within twenty-four to forty-eight hours. In addition, the first ten (10) copies are complimentary, and thereafter, a fee will be charged for each copy.

### Change of Personal Data

When an employee has a change of personal data, including a change of name, address, or telephone number, the employee **must** complete and submit a “Change of Personal Data Form” with the correct information to the Human Resource Department through Talent Ed (Records).

### Outside Employment

#### **Policy: DBD**

Employees are required to disclose in writing to their Administrator/Principal any outside employment that may create a potential conflict of interest with their assigned duties and responsibilities or the best interest of the district. Supervisors will consider outside employment on a case-by-case basis and determine whether it should be prohibited because of a conflict of interest.

The Administrator/Principal shall ascertain whether the outside employment will interfere with the employee’s ability to carry out his or her regular assignment and essential job functions. At any time an employee’s performance level becomes unacceptable, outside employment shall be reviewed along with other factors.

An employee shall also disclose in writing to his or her immediate supervisor any private tutoring of District students for pay.

## Absenteeism and Tardiness

While absences may occur for legitimate reasons such as sickness or important personal problems, false or unrealistic excuses are not acceptable. Employees who will be late or absent are expected to call as far in advance of starting time as possible, to state why they will be absent and when they will return to work. This provides the principal/administrator time to take necessary steps to rearrange work assignments or secure a substitute where applicable. Every employee is expected to report an absence from work in accordance with the rules and procedures in effect at his/her school/department. Failure to adhere to established reporting rules and procedures may result in disciplinary action up to and including termination.

The following guidelines will be used for handling excessive absences or tardiness. In determining whether an employee has been absent or tardy an excessive number of times, the following definitions will apply:

**Tardiness:** Any employee arriving ten (10) minutes after his/her scheduled starting time will be considered a tardy.

**Excessive Tardiness:** Any three (3) occurrences of tardiness within a thirty (30) day period.

**Absence:** Any employee who is not present at his/her work assignment during any scheduled work period will be considered absent for that period.

**Excessive Absenteeism:** Excessive absenteeism and turnover are expensive, disruptive, and places an unfair burden upon other employees. Any three (3) separate occurrences of absence within a thirty (30) day period will be considered excessive. The supervisor shall review reasons for absences. The supervisor may issue a written notice outlining concerns and/or a conference may be requested.

## Assignments, Hours, Reassignments and Schedules

Due to the staggered starting times and differences in the length of school days at different campuses, and the District's desire to have flexible work hours, it is difficult to have a standard workday or work week.

Employees will work a minimum of 40 hours per week (unless on a reduced work schedule.) **Employees are not permitted to work before or after their calendar year without prior written approval from the Superintendent or the Human Resource Director as the Superintendent's designee.** All requests must be made in advance and may require Board approval. A copy of the request must be submitted to the Director for Human Resource Department.

**Administrators cannot change work calendars without authorization from the Superintendent or the Human Resource Director as the Superintendent's designee.**

All personnel are employed subject to assignment and reassignment by the Superintendent or designee when the Superintendent determines that the assignment or reassignment is in the best interest of the District. Reassignment shall be defined as a transfer to another position, department, or facility that does not necessitate a change in the employment contract. Any change in an employee's contract shall be in accordance with policy DC.

Campus assignments and reassignments must be approved by the principal at the receiving campus except when reassignments are due to enrollment shifts or program changes. The principal's criteria for approval of campus assignments and reassignments shall be consistent with District policy regarding equal employment opportunity and with staffing patterns approved in the District and campus plans. [See BQ series] In exercising their authority to approve assignments and reassignments, principals shall work cooperatively with the central office staff to ensure the efficient operation of the District as a whole.

Subject to the Board-adopted budget and compensation plan and in harmony with employment contracts, the Superintendent shall determine required work calendars for all employees. [See DC, EB]

Work schedules and daily time schedules within the guidelines set out in this section, including lunch breaks and, if applicable, rest breaks, are determined by the principal/administrator in charge within his/ her discretion with final determination by the Superintendent or designee, and are subject to change at any time at the discretion of the principal/administrator.

All Classified personnel shall adhere to the following guidelines:

Position	Work Days Are to Be Eight (8) Full Hours of Actual Work	Work Week Starts
Clerical Technical	8 Hours of actual work and a minimum of ½ hour to a maximum of one hour for lunch. This lunch break shall be duty free and may be taken on or off the campus/ department if agreed to in advance with the school principal/ administrator.  *Some teacher aides may eat lunch with the students, which is part of the actual workday and requires compensation.	<i>Workweek is from Saturday 12:00 a.m. through Friday at 11:59 p.m.</i>
Manual Technical	8 Hours of actual work. Lunch break may be a minimum of ½ hour with no maximum limit. The unlimited lunch break for some employees may be due to a split work schedule. Lunch is duty free and may be taken on or off the campus/ department if agreed to in advance with the school principal/ administrator.	<i>Workweek is from Saturday 12:00 a.m. through Friday at 11:59 p.m.</i>

### Classified Employees

Classified or support employees will work a minimum of 40 hours per week (unless on a reduced work schedule). All employees will follow a work schedule (includes a minimum 30-minute duty-free uninterrupted lunch except for 10:00 p.m.-6:00 a.m. shift.) The Fair Labor Standards Act prohibits non-exempt employees from working more than 40 hours per week without overtime compensation.

### Elementary and Middle School

Teachers, teacher aides, nurses, librarians and counselors will be on duty a minimum of 7-1/2 hours per day (includes 30-minute duty-free uninterrupted lunch) and should be available periodically to attend staff meetings, a maximum of 2-1/2 hours per week. Staff development and parent conferences are not to be considered as part of the time allocated for staff meetings. This additional time will be scheduled by the appropriate principal or program director.

## High School

Teachers, teacher aides, nurses, librarians and counselors will be on duty a minimum of 7-3/4 hours per day (includes 30-minute duty-free uninterrupted lunch) and should be available periodically to attend staff meetings, a maximum of 2-1/4 hours per week. Staff development and parent conferences are not to be considered as part of the time allocated for staff meetings. This additional time will be scheduled by the appropriate principal or program director.

## Departments

Department professional personnel will work a minimum of 40 hours with office hours from 8:00 a.m. to 5:00 p.m. A daily one-hour lunch will not count as part of the 8 hours.

## Supplemental Duties

**Policies: DC, DEA, DK and DL**

Non-contractual supplemental duties for which supplemental pay is received may be discontinued by either party at any time. An employee who wishes to relinquish a paid supplemental duty may do so by notifying the Superintendent or designee in writing. Paid supplemental duties are not part of the District's contractual obligation to the employee, and an employee shall hold no expectation of continuing assignment to any paid supplemental duty. Supplemental duty assignments are at-will and do not provide property rights to continuation. At any time the employee may resign or the district may terminate the supplemental duty and the pay associated with the supplemental duty. Pay may be prorated if an employee does not complete the assignment.

## Breaks, Meal Periods and Rest Periods

**Policy: DK (Regulation)**

There are no state laws regulating breaks and rest periods. The option to allow an employee to take a break or rest period is left entirely to the discretion of the principal or administrator. If authorized, breaks should be a maximum of 15 minutes, up to twice a day. Teacher aides generally are not given breaks or rest periods.

Brownsville Independent School District follows strict federal guidelines when it comes to meal periods. According to the *Fair Labor Standards Act (FLSA)*, which is a federal statute concerning minimum wages and payment of overtime, a meal period or rest period of less than twenty minutes may not be deducted from the hours an employee works. The time also may not be deducted if the employee is not entirely free from work responsibilities such as having to answer the phone during lunch breaks or during night shifts when only fifteen minutes are allowed for lunch. Otherwise, employees need not be compensated for time spent during a meal period, and mealtime may be deducted from time spent at work. Classified (non-exempt) employees must clock in and out for lunch (normally 30 minutes or 1 hour depending on job assignment).

## Performance Evaluations

**Policies: DN Series**

An evaluation of an employee's job performance is a continual process that focuses on improvement. Performance evaluation is based on an employee's assigned job duties and other job-related criteria. All employees will participate in the evaluation process with their assigned supervisor at least annually. Written evaluations will be completed on forms approved by the District. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy

of their written evaluation, participate in a performance conference with their supervisor, and have the opportunity to respond to the evaluation.

Each teacher will be appraised by a certified appraiser. If the certified appraiser is not the teacher's supervisor, the appraiser will be selected from the list of certified appraisers approved by the Board.

In accordance with 19 Administrative Code 150.1004, a teacher may request a second appraiser within ten working days of receiving a written observation summary or a written summative annual appraisal report. If a teacher requests a second appraisal, the following guidelines will be implemented:

- The teacher will request in writing a second appraisal to the campus principal and the Human Resources Department.
- The Human Resources Department will select a second appraiser from within the school, cluster, or district.
- The rating of the primary and second appraiser will be averaged for each Dimension in Domains I, II, III and/or Domain IV. The following scale will be applied to the T-TESS ratings: Distinguished = 5; Accomplished = 4; Proficient = 3; Developing = 2; and Improvement Needed = 1.

Upon receiving a report, a nursing review committee may review a nurse's nursing services, qualifications, and quality of patient care, as well as the merits of a complaint concerning a nurse, and a determination or recommendation regarding a complaint. A nurse may request, orally or in writing, a determination by the committee regarding conduct requested of the nurse believed to violate the nurse's duty to a patient.

## Staff Development

### **Policy: DMA**

Professional or staff development activities are organized to meet the needs of employees and the District. Professional Development for instructional personnel is predominantly campus-based, related to achieving campus performance objectives, addressed in the campus improvement plan, and approved by a campus-level advisory committee. Professional Development for non-instructional personnel is designed to meet the specific licensing requirements (e.g., bus drivers) and continued employee skill development.

**Individuals holding renewable SBEC certificates are responsible for obtaining the required training hours and maintaining appropriate documentation.**

## Employee Involvement

### **Policy: BQA, BQB**

At both the campus and district levels, Brownsville ISD offers opportunities for input in matters that affect employees and influence the instructional effectiveness of the district. As part of the district's planning and decision-making process, employees are elected to serve on district- or campus-level advisory committees. Plans and detailed information about the shared decision-making process are available in each campus office or Brownsville ISD website.

# CHAPTER 4

## Compensation and Benefits

### General Information

Employees are paid in accordance with administrative guidelines and an established pay structure. The District's pay plans are reviewed by the administration and adjusted as needed. All District positions are classified as exempt or non-exempt according to federal law. Professional and administrative employees are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as non-exempt and are paid an hourly wage or salary and receive overtime pay for each hour worked beyond 40 in a workweek. Refer to the Exempt/Non-Exempt Employees section of employee handbook for employment classifications.

Salaries and wages are reviewed on an annual basis and adjusted according to the budgeted amounts approved by the Board. Classroom teachers and full-time librarians will be paid no less than the minimum state salary schedule. Contract employees who perform extracurricular or supplemental duties may be paid a stipend in addition to their salary according to the District's extra-duty pay schedule. Certified employees will follow the Board Approved Employee Compensation Plan and established Administrative Guidelines in determining their pay. This applies to assignments of new hires, reassignments, promotions, demotions and voluntary transfers to lower pay grades. Employees should contact the Human Resource Department for more information about the District's pay schedules. Refer to board policies DEA, DEAA, and DEAB Legal and Local for all District policies and state and federal regulations governing employee pay practices.

### Annualized Compensation

**Policy: DEA**

The District shall pay all salaried employees over 12 months in equal monthly installments, regardless of the number of months employed during the school year. Salaried employees hired during the school year shall be paid in accordance with the pay cycle of the position.

### Employee Compensation Plan

The superintendent shall recommend an annual employee compensation plan for all District employees to the board for approval. The employee compensation plan may include wage and salary structures, stipends, benefits and incentive pay plans. The superintendent and designees shall administer the employee compensation plans consistent with board policies, the annual budget approved by the board and the administrative guidelines.

### Pay Structure

**Policy: DEA Regulation**

The pay structure for all personnel will be established and maintained by daily or hourly base rates to promote consistent treatment of employees who have different work-year periods. A pay range for each position will provide guidelines for minimum, midpoint, and maximum rates based on job worth. Employees will be paid within the range of daily rates established for the position assigned. Certified Employees will be paid according to the board adopted employee compensation plan.

Pay ranges and salary schedules are reviewed and adjusted periodically. Employee pay is adjusted based on the pay increase budget and guidelines approved by the board annually.

## Job Classification

**Policy: DEA Regulation**

All positions will be assigned to pay grades based on the level of skill, effort, and responsibility required of the job assignment. Job classifications or reclassifications for positions shall be based on an assessment of job requirements and comparability to other positions in the District.

## Pay Grades

**Policy: DEA Regulation**

Employee pay systems are designed and administered for the purpose of attracting and retaining qualified employees to achieve the goals of the District. The Human Resources Department is responsible for the maintenance and administration of employee pay systems. Teachers, Librarians and Counselors, will be paid according to a salary schedule that correlates salaries to total years of creditable service in education. Other district jobs will be assigned to a pay grade and range structure that sets the range of pay for the position. Jobs are assigned to pay grades on the basis of required job qualifications and skills; job duties and responsibilities defined by the District; and competitive job market rates for comparable jobs.

The District employee Compensation Plan includes:

- Teachers and Librarians
- Counselors
- Administrative - Professional Business Management
- Administrative - Professional Educator Program
- Professional Instructional Support
- Technology
- Police
- Clerical Administrative
- Instructional Support
- Manual Trades

## Exempt/Non-Exempt Employees

It is the intent of the Brownsville Independent School District to clarify employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at any time is retained by both the employee and the Brownsville Independent School District.

The Superintendent or designee shall determine the classification of positions or employees as "exempt" or "non-exempt" for purposes of payment of overtime in compliance with the Fair Labor Standards Act.

The following terms will be used to describe the classification of employees and their employment status:



Exempt	The District shall pay employees who are exempt from the overtime pay requirements of the Fair Labor Standards Act (FLSA) on a salary basis. The salaries of these employees are intended to cover all hours worked, and the District shall not make deductions that are prohibited under the FLSA. An employee who believes deductions have been made from his or her salary in violation of this policy should bring the matter to the District's attention, through the district's complaint policy (DGBA). If improper deductions are confirmed, the District will reimburse the employee and take steps to ensure future compliance with the FLSA.
Non-Exempt	Non-exempt employees may be compensated on an hourly basis or on a salary basis. Employees who are paid on an hourly basis shall be compensated for all hours worked. Employees who are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless the employee works more than 40 hours. A non-exempt employee shall have the approval of his or her supervisor before working overtime. An employee who works overtime without prior approval is subject to disciplinary action but shall be compensated in accordance with the Fair Labor Standards Act
Full-Time	Employees scheduled to work 40 hours or more per week who also receive District benefits.
Temporary-Substitute	Employees who are hired for a pre-established period. They may work a full-time or a part-time schedule. They are ineligible for District benefits and holiday/vacation pay, if applicable.

Substitute Workers

All substitute teachers, transportation workers, food service workers and custodians will be hired according to the District's Board approved Employee Compensation Plan. In the event that a substitute worker is hired as a full-time employee, then effective upon such placement the employee's salary shall be determined under the guidelines for a new hire, for the pay grade in which such employee is placed.

Temporary Employees

Temporary positions are defined as those positions that are established for less than the Board approved number of workdays per year for teachers and that are intended to be dissolved at the end of the assignment. Temporary positions of four and one-half months or more are non-contractual and with fringe benefits. Temporary positions of less than four and one-half months are non-contractual and do not include fringe benefits.

All temporary employees will be hired according to the District's Board approved Compensation Plan. In the event that a temporary worker is hired as a full-time employee, then effective upon such placement the employee's salary shall be determined under the guidelines for a new hire, for the pay grade in which such employee is placed.

***Experience as a substitute or temporary employee will not count towards years of experience if hired as a full-time Classified employee.***

Paraprofessional and Auxiliary Employees

Support employees are employed at will and receive notification of the required duty days, holidays, and hours of work for their position on an annual basis. Paraprofessionals and auxiliary employees are

not exempt from overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor and with final approval by the Superintendent.

### Professional Employees

Professional employees and academic administrators are exempt from overtime pay and are employed on a 10, 11, or 12-month basis, according to the hours and dates set by the District as they exist or may subsequently be amended.

## Salary Range Placement – Exempt and Non-Exempt Employees

New hire compensation for District positions is determined individually based on each person's job-related experience and salaries paid to peer employees in the same position with similar experience. The Human Resources Department is responsible for calculating new hire compensation based on the established Administrative Guidelines. With approval from the Superintendent, a starting salary may exceed the midpoint of the pay range and/or peer employees for a hard-to-fill key position. Former Brownsville ISD employees who return to the District will be placed at the appropriate pay level for the position in which they are newly hired. This may differ from the pay level and/or position they occupied at the time of their departure from the District. Experience as a substitute worker or a temporary employee will not count towards years of experience when a "new hire" is placed as a full-time Classified employee. A year shall be defined as a normal work year period but shall not be less than nine (9) months.

Job related experience means the experience being considered must have a direct relationship or a connection to the position of which the employee is being hired. Job related experience pay must not be offered to an applicant without first acquiring approval of the Superintendent or his designee.

## Paychecks

All professional and salaried employees are paid monthly. Hourly employees are paid semi-monthly. Paychecks will not be released to any person other than the district employee named on the check without the employee's written authorization.

## Automatic Payroll Deposit

BISD has 100% electronic Automatic Payroll Deposit Program in which their payroll checks are deposited directly to a specified bank or credit union. With automatic deposit, an employee's pay is immediately available on the pay date. Contact the payroll office at 956-548-8391 for more information about the automatic payroll deposit service.

An employee's payroll electronic statement contains detailed information including deductions, withholding information, and the amount of leave accumulated. It is **the employee's responsibility** to notify the Payroll Office immediately when the amount of a paycheck is in error. Failure to report any error in a timely fashion may result in future payroll adjustments.

Employees must submit a signed *Authorization Agreement for Direct Deposit Form* and return it to the Payroll Department. A personal check marked "VOID", or a preprinted deposit slip with the account number or a savings account card must be submitted in order to verify transit routing number and account number.

The Direct Deposit Authorization Form is effective immediately.

If more than one account is requested, the employee must designate the amount or percentage to be placed in each account. The net amount of your paycheck will be deposited into the employee's primary account.

The employee must notify the Payroll Department before closing any accounts at least seven (7) business days before payday for Monthly Hourly and Monthly Salaried employees and five (5) business days for Biweekly employees. If funds are rejected for an invalid or closed account, replacement checks will not be processed until seven (7) banking days after payday. The *Direct Deposit Authorization Form* must be submitted to the payroll department by the end of each month in order to be effective for the following month's payroll.

Overpayments.

Employees are not entitled to any funds the district overpays. An agreement between an employee and the district must be in place in order to deduct any overpayment from one or more paychecks if an overpayment occurs.

## Pay Dates

**Policy: DEA**

The payroll month for Certified Personnel runs from the first to the last day of the month. All professional employees are paid monthly on the 25<sup>th</sup>. If the 25<sup>th</sup> falls on a weekend or holiday, the District shall pay on the first business day before the 25<sup>th</sup>. Classified Personnel are paid monthly and bi-weekly, depending on their positions.

## Paycheck Statement

We make every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we promptly will make any correction that is necessary. Please review your electronic paycheck statement to make sure it is correct. If you believe a mistake has occurred or if you have any question, please contact the Payroll Department immediately. An employee's payroll statement contains detailed information including deductions, withholding information, and the amount of leave accumulated. Paycheck statements will not be released to any person other than the district employee named on the check without the employee's written authorization. Contact the Payroll Department at 956-548-8391 with questions regarding your statement, deductions and payroll amounts.

## Overtime Compensation

**Policies: DEAB, DEC**

The District compensates overtime for **non-exempt** employees in accordance with federal wage and hour laws. All employees are classified as exempt or non-exempt for purposes of overtime compensation. Exempt employees are ineligible for overtime compensation. Only non-exempt (hourly employees and paraprofessional employees) are entitled to overtime compensation. ***Non-exempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor.*** A nonexempt employee who works overtime without prior approval will be subject to disciplinary action up to and including termination.

Overtime is legally defined as all hours worked in excess of 40 hours in a workweek and is not measured by the day or by the employee's regular work schedule. Non-exempt employees that are paid on a

salary basis are paid for a 40 hour workweek and do not earn additional pay unless they work more than 40 hours.

Employees who must work beyond their normal schedule but less than 40 hours per week will be compensated in straight-time pay or equivalent time off in the same workweek. Employees must work more than 40 total hours in a week to earn overtime compensation. For the purpose of calculating overtime, a workweek begins at 12:01 a.m. Saturday and ends at midnight on Friday.

Employees may be compensated for overtime at time-and-a-half rate with direct pay. The Campus/Department Administrator will determine each employee's daily work schedule. All overtime must have prior approval of their immediate Administrator, the Funding Administrator and the Superintendent prior to any overtime worked.

### Compensatory Time

#### **Policy: DEA**

The Brownsville Independent School District has made the determination that employees will be paid overtime. There will be no approved compensatory time accruals.

### Promotions – Exempt and Nonexempt Employees

A promotion occurs when an employee is moved to a different job in a higher pay grade. Salary placement for an employee who is promoted to a job in a pay grade with a higher midpoint will follow the guidelines for placement of a new hire (with additional adjustments made as needed to achieve pay equity among peer employees) using the established Administrative Guidelines. Employees promoted internally will not be paid less than a new hire with similar experience. Promoted employees may receive at least a 3 percent salary increase (pending peer equity review) applied to the employee's base daily or hourly rate for the required duty days of the new assignment, less any stipends paid for supplemental duties. Base pay for teachers includes incentives paid for the teaching assignment, such as advanced degree, certification field, career ladder, etc., only when teachers are being promoted to another certified educator position. Coaching or other extracurricular stipends should not be included in base pay. If the current hourly or daily rate of pay is above the new grade maximum, no increase is given. Classified Employees that apply for another position outside of their current pay plan will be treated like a new hire and be paid at the minimum of their new pay grade. Additional compensation may be awarded if they have experience.

### Demotion to a Lower Grade/Voluntary Transfer

An employee who is demoted according to District procedures or who is transferred or reassigned at the employee's own request to a new position with a minimum hourly or daily rate that is less than the minimum hourly or daily rate of the employee's initial grade shall be treated in the following manner:

Contract employees (Exempt) – A reduction in pay as a result of a demotion will not be made during the current contract year, unless mutually agreed to by the employee and the district in writing and in consultation with a school attorney. Demotions that become effective during the contract term may result in a pay reduction for the following school year provided notice of the reduction is given to the employee before the penalty-free resignation date (i.e., 45 days before the first day of instruction for the next school year). Pay reductions for contract employees are made at the direction of the superintendent and may follow the same guidelines as pay reductions for noncontract employees.

Noncontract employees (Nonexempt) – Subject to approval by the superintendent, a reduction in pay for a demotion will be made effective with the new assignment to a lower pay grade. The employee’s base rate of pay (hourly or daily) may be reduced to the same percent of midpoint (rate divided by midpoint) in the lower pay range or by 5 percent per pay grade, whichever is less. However, the employee’s rate shall not be reduced below the minimum pay rate for the new grade. If the employee’s hourly or daily rate is above the maximum pay rate of the lower grade, the employee’s rate will be adjusted to the maximum of the lower grade.

In succeeding years, an increase shall be granted according to any increase approved by the Board. If the employee’s hourly or daily rate is above the maximum of the lower grade, the employee’s rate will remain unchanged, unless directed by the Board of Trustees. Future increases shall only be given for the amount of inflationary adjustments made to the total pay range unless otherwise authorized by the Board of Trustees.

### **Transfers**

Many factors, such as performance and experience, must be considered in promotions and transfers. However, principals and administrators are strongly encouraged to give every consideration to seniority provided all other criteria are met. The official transfer period takes place once a year at the end of the school year. Employees with the required qualifications for a position may request a transfer to another campus or department. A transfer request must be submitted by the employee online for both certified and classified employees, allowing 2 weeks to submit the request and a 2-week period to complete the transfer. All transfer requests will be coordinated by their respective Human Resource Department and must be approved by the receiving-supervisor. Receiving Principals/Administrators must request an Authority to Report to Work from the transferring employee prior to accepting them to the new campus/department.

As per Brownsville, Independent School District School Board Policy, all employees are subject to reassignment by the Superintendent of Schools. (DK Local)

### **Lateral Transfers**

#### **Policies: DC & DK**

Advertising of vacancies shall not be required for positions involved in lateral reassignments provided that:

1. The person(s) shall have the proper certification for the position(s); and
2. The jobs are in the same pay grade.

### **Involuntary Transfer to a Lower Pay Grade**

All employees shall be subject to assignment or reassignment by the Superintendent or designee. Involuntary transfers and reassignments will be made in accordance with the best interest of the District. When an employee is given an involuntary transfer or reassignment not resulting from a demotion to a new position with a minimum hourly or daily rate lower than the minimum of the employee’s initial grade, no hourly or daily rate reduction will occur for that first year. The employee will continue to work the same required number of days during that first year. The following year their pay and number of days will be commensurate with their assignment and the Board approved Compensation Plan. Future increases shall only be given for the amount of inflationary adjustments made to the total pay range unless otherwise authorized by the Board of Trustees. Future increases will be based on the midpoint of the new range.

All assignments are subject to re-assignment by the Superintendent if it is in the best interest of the school district.

#### Last In, First Out

When a reassignment due to enrollment shifts, staffing ratio changes or programmatic needs requires that a teacher (s) or staff member move from one campus to another, the Administrative Guidelines for Reassignment of Teachers/Staff will generally apply. These guidelines are reviewed annually and available in the Human Resource Department.

#### Biometric Time and Attendance System

All employees are required to use the biometric time and attendance system. The system will monitor time for all non-exempt employees and attendance for exempt employees. Employees who fail to adhere to the time and attendance requirements will be subject to disciplinary action, up to and including, termination.

If employee fails to clock in or out or report the absence, the correction must be done through the Timeclock Plus Missing Punch Form. <https://www.bisd.us/departments/business-and-operations/payroll/forms>

Missing Punch Form must be completed by employee, turned in to the timekeeper, and approved by administrator. Supporting documents (professional leave, jury duty certificate, etc.) must be submitted to the Payroll Department according to the corresponding payroll deadline.

Certified employees are required to clock in and out at their respective campus/department. Absences must also be reported through Request Manager (Web Clock) on Time Clock Plus and Smart-Find Express to request a substitute (If applicable).

#### Final Payment of Regular Wages

Upon resignation, termination, or retirement, final payment of regular wages will be made on the next available pay date after the employee's last working day. Payments by the end of the month can be made only with approval of the Chief Financial Officer (CFO) if notice is provided by the 10<sup>th</sup> day of the month in which employment ends and if all hours and absences are reported in writing by the employee's supervisor.

#### Time and Absences for Terminated Employees

All time and absences must be entered ten (10) working days prior to payday for those employees who have terminated employment with the District.

This requirement applies to all employees, especially the 220, 226 and 261 day employees. Failure of the campus/department to notify the Human Resources and Payroll Departments will result in an overpayment of the employee which the employee must pay back.

#### **CLASSIFIED**

Employees should not work any hours outside of their scheduled workday unless authorized by the Superintendent or his designee in advance. Do not start work early, finish work late, work during a meal

break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on Time Clock Plus Employees are prohibited from performing any “off-the-clock” work. “Off-the-clock” means work that you perform but fail to report on the District’s approved time and attendance system. If you believe your pay does not accurately reflect all hours worked, you should report your concerns to a supervisor, the Human Resource Department or Payroll Department immediately. The District will not allow any form of retaliation against individuals who report alleged violations.

Employees working overtime without prior approval are subject to disciplinary action up to and including termination.

### **CERTIFIED**

Administrators violating any of the provisions as stated by the Fair Labor Standards Act or in violation of District policy (DK) Regulation are subject to disciplinary action. Administrators permitting compensatory time are subject to disciplinary action.

### Payroll Deductions

#### **Policy: CFEA**

Automatic payroll deductions for the Teacher Retirement System of Texas (TRS) and federal income tax are required for all full-time employees. Medicare tax deductions also are required for all employees hired after March 31, 1986. Temporary, substitute and part-time employees who are not eligible for TRS membership must have their Social Security contributions deducted.

In addition to legally required deductions, the Board shall permit voluntary deductions for:

1. Approved Insurance Programs;
2. Annuities/deferred compensation programs;
3. Other cafeteria plan options authorized by the Internal Revenue Service; and
4. Child Support and Spousal Maintenance, if applicable
5. Delinquent Federal Education Loan payments, if applicable.

Employees also may request payroll deduction for payment of membership dues to professional organizations and higher education savings plans or prepaid tuition programs. Salary deductions are automatically made for unauthorized or unpaid leave.

All deductions are divided equally over the monthly and bi-weekly paychecks and initial insurance premiums which are collected in a lump sum to cover current and one future month. Voluntary deductions which may be authorized by employees in writing to the Payroll Department and/or the Employee Benefits & Risk Management Department include certain charitable contributions approved by the board, tax-sheltered annuities, and dues for Board recognized organizations.

Requests for new deductions or changes to existing deductions must be submitted in writing to Payroll Department by the corresponding payroll deadlines (<https://www.bisd.us/departments/business-and-operations/payroll/deadlines>) and/or Employee Benefits/Risk Management Department by the 1<sup>st</sup> for the mid-month paycheck and by the 10<sup>th</sup> for the end-of-month paycheck.

Employees may request additional voluntary salary deductions or change the amount(s) of those deductions in accordance with administrative procedures.

### Garnishment of Wages

#### **Policy: CFEA**

If the District is required by state or federal law to deduct from the current wages of an employee an amount garnished under a withholding order, the District may deduct monthly an administrative fee from the employee's disposable earnings in addition to the amount required to be withheld under the withholding order.

The administrative fee may not exceed the lesser of:

The actual administrative cost incurred by the District in complying with the withholding order; or \$10.  
*Civil Practice and Remedies Code 63.006*

#### Reimbursement upon Death Benefits

**Policy: DEC**

Upon the death of a person while employed by the District, any un-used portion of the local sick leave balance, up to 30 days, shall be reimbursed one time only at the daily rate of the employee. The employee's designated TRS beneficiary must request reimbursement within 60 days after the date of the death of the employee.

#### Reimbursement upon Retirement

**Policy: DEC**

Upon official retirement under the Teacher Retirement System, any unused portion of the local sick leave balance, up to 30 days, shall be reimbursed one time only at the employee's daily rate. The employee must request reimbursement within 60 days after the effective date of resignation from the District.

#### Travel Requests / Travel Expense Reimbursement

**Policy: DEE & Administrative Guidelines**

All employee travel arrangements must be made through the BISD Travel Department. The Travel Reservation Form and the Request for Professional Leave Form with the required signatures must be submitted to the BISD Travel Department at least 30 days prior to the date of travel. Lodging will be based on the rates listed on the GSA's website.

Before any travel expenses are incurred by an employee, the employee's supervisor and the Superintendent or his designee must give approval on the Request for Professional Leave Form. For approved travel, employees will be reimbursed meals for overnight travel according to the rates on the GSA's website. If the travel site is not listed on the GSA's website, meals will be reimbursed up to the standard maximum rate as stated on the GSA's website. Meals will be prorated when the travel date is less than a full day and the first and last calendar day of travel is calculated at 75 percent. Meal receipts will not be required when using Local Funds (165 & 199), but for all other funds, the meal expenses will be reimbursed for actual cost. As such, receipts will be required before any reimbursement is made.

The District reserves the right to determine the most economical means of travel. For rental cars, the employee will use the following standard to determine the size of the vehicle:

- Four or less      - Standard Car / Sedan
- Five to Six        - Minivan

If a personal vehicle is used in lieu of rental car(s) to travel outside the Region One area, then the District will reimburse at the lower dollar amount between the rental car rate or the mileage reimbursement



rate. In-District and Out-of-District mileage reimbursements will be paid at the GSA rate per mile.

Other travel-related expenses that are listed on the approved Request for Professional Leave Form, such as parking fees, shuttle, etc., require original receipts for reimbursement.

### Prepayment Checks

Purchase Orders for Prepayment checks shall have the dates of the event and the date that the prepayment check is needed in order to allow the prepayment clerk sufficient time to process the payment requests. Prepayment checks for meals will only be issued when students are involved in the trip. Prepayments for registration fees will require the registration form and approved Request for Professional Leave Form. The School/Department is responsible for forwarding all prepayment original receipts to the Finance Department within (5) working days after the event.

The Superintendent may approve more than the state approved rate per individual when the travel is required by the District and is reasonable. If travel amounts exceed the rates authorized for state employees, the Campus/Department Administrator shall ensure that accounting records accurately reflect that no state or federal funds were used for the excess amounts.

## Benefits

### Annuities

An annuity by design provides payments at special intervals. Payment usually begins after retirement. Fixed annuities guarantee a certain payment amount and are considered a relatively safe investment.

Available for individual investors and those who wish to plan for a secure retirement, annuities are an important option to consider. The District uses third-party administrator, US OMNI to administer all individual plans. Employees wishing to withdraw or borrow against their individual account must contact their individual vendor and US OMNI at 1-877-544-6664. They will assist with processing the paperwork on behalf of the District. For more information please contact the Employee Benefits/Risk Management Office at 956-548-8061.

### Cafeteria Plan – Section 125

Employees may be eligible to participate in the Cafeteria Plan (Section 125) and under IRS regulations, must either accept or reject this benefit. This plan enables eligible employees to pay certain insurance premiums on a pre-tax basis (i.e. disability, accidental death and dismemberment, cancer, dental and additional term life insurance.) A third-party administrator handles employee claims made on these accounts.

New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis during the specified time period.

Through a Cafeteria Plan, an employee can customize his/her benefits package based on their individual priorities. In the broadest sense, a cafeteria plan allows an employee to choose between benefits, which are funded by employee dollars.

A participant cannot make any changes in their account(s) during the year unless the participant has a qualifying event as defined by the IRS. For more information on qualifying events, please contact the Employee Benefits Department at 956-548-8061.

Premium contributions are automatically deducted from employee salaries before taxes are taken out. Because their taxable income is reduced by the amount they contribute, employees pay less tax on the money they earn. Employees see a savings in their FICA, federal income taxes.

### Teacher Retirement System of Texas (TRS)

All personnel employed on a regular basis for at least four and one-half months are members of the Teacher Retirement System of Texas (TRS). Substitute's not receiving TRS service retirement benefits but who work at least 90 days a year are also eligible for TRS membership and to purchase a year of creditable service. TRS provides members with an annual statement of their account showing all deposits and the total account balance for the year ending August 31, as well as an estimate of their retirement benefits.

Employees who plan to retire under TRS should notify their respective Human Resource Department as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, Texas 78701-2698 or call 1-800-223-8778 or 512-542-6400. TRS information is also available on the Web at <https://www.trs.texas.gov/Pages/Homepage.aspx>.

### Unemployment Compensation Insurance

#### **Policy: CRF**

Employees who have been laid off or terminated through no fault of their own may be eligible for unemployment compensation benefits. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year or the summer months if they have employment contracts or reasonable assurance of returning to service.

### Health Insurance Benefits

#### **Policy: CRF**

Group health insurance coverage is available to all full-time employees. The district's contribution to employee insurance premiums is determined annually by the Board of Trustees. Detailed descriptions of insurance coverage, prices, and eligibility requirements are provided to all employees at the Employee Benefits Department or on their website.

The health insurance plan year is from January 1 through December 31<sup>st</sup> of each year. *New employees must complete enrollment forms within the first 31 days of employment.* Current employees must review and make changes to their insurance coverage during the annual open enrollment which normally takes place in August through mid-September. If you are a current employee you can generally only enroll during the Open Enrollment period. Employees should contact the Employee Benefits Department at 548-8061 for more information.

Employees requesting to insure eligible dependents, other than during the open enrollment period, must do so within 30 days of a qualifying event by submitting the application with the premium payment. Supporting documentation, such as birth certificates, marriage certificate, and divorce decree and adoption orders is required showing proof of relationship.

Dependent children are covered up to the age of 26.

Covered employees working fewer than 12 months each year, otherwise considered as still employed by the District, retain their coverage throughout the summer months.

Application for coverage through authorized insurance programs offered to District employees through Board policy is restricted to full-time employees who work a minimum number of hours per week in accordance with the contractual guidelines of each insurance program.

## **Group Health Insurance**

The District offers group health insurance, which may include more than one option to all eligible employees. The District makes a fixed contribution for the cost of the employee's health insurance.

To qualify for the two-employee premium health rate, both employees must be working for the District, be legally married to each other and live at the same residence. It is the BISD employee's responsibility to notify the BISD Employee Benefits Department of the request and the proper form must be filled out to accommodate and fulfil the request.

Coverage is available at employee expense for eligible dependents. If a spouse works with the District both employees are covered by the District.

It is the employee's responsibility to add or delete a dependent within the first 30 days of the qualifying event (birth, marriage, adoption, death, divorce, etc.).

To obtain the appropriate forms, contact the Employee Benefits / Risk Management office at (956) 548-8061.

## Marketplace Coverage (Options)

Under the Affordable Care Act, there will be a new way to buy health insurance: the Health Insurance Marketplace. To assist you to evaluate options for you and your family, notice will be provided to all current and new employees about the new Marketplace and the coverage provided to all full-time employee by the District.

The Marketplace offers "one-stop" shopping to find and compare private health insurance options. You may also be eligible for a new kind of tax credit that lowers your monthly premium. Open enrollment for health insurance coverage through the Marketplace begins in October for coverage starting in January. If you have an offer of health coverage from the district that meets certain standards, you will not be eligible for a tax credit through the Marketplace and may wish to enroll in your employer's health plan.

However, you may be eligible for a tax credit that lowers your monthly premium, or a reduction in certain cost-sharing if the district does not offer coverage to you at all or does not offer coverage that meets certain standards. If the cost of a plan from the district to cover you (and not any other member of your family) is more than 9.5% of your household income for the year, or if the coverage your employer provides does not meet the "minimum value" standard set by the Affordable Care Act, you may be eligible for a tax credit.

You may qualify to save money and lower your monthly premium, but only if your employer does not offer coverage or offers coverage that doesn't meet certain standards. The savings on your premium that you are eligible for depends on your household income.

If you purchase a health plan through the Marketplace instead of the accepting health coverage offered by your employer, then you may lose the employer contribution to the district's group coverage. Please keep in mind that the contribution the district makes for your health coverage is excluded from income tax; however, your payments through the Marketplace are made on an after-tax basis.

The Marketplace can help you evaluate your coverage options, including eligibility for coverage through the Marketplace and its cost. Please visit [HealthCare.gov](http://HealthCare.gov) for more information.

## Termination of Group Coverage

### **Policy: CRD**

Unless otherwise covered by provisions offered in policies DEC (LEGAL) and (LOCAL), coverage shall end on the last day of the month the employee terminates employment with the District.

An employee who resigns after the end of the school year is eligible to continue health insurance coverage until the plan anniversary date of August 31<sup>st</sup>. The district and the employee must continue its contributions during this time. As a result of this provision, most employees will have coverage during the summer months.

The period for which an employee on military leave may continue health insurance coverage has been extended by federal law from 18 to 24 months.

Employees resigning at the end of a school year, electing to receive their salary throughout the summer, shall continue to be retained as members of the group for the same period. Employees must notify the Employee Benefits Department of their decision to continue insurance or decline it at the time of resignation.

Coverage of qualified beneficiaries shall end on the earliest of the following dates:

1. The required period of coverage expires.
2. The district ceases to provide any group health plan to any employee.
3. Coverage ceases for failure to pay the premium.
4. The qualified beneficiary becomes covered under any other group plan.
5. The qualified beneficiary becomes entitled to Medicare benefits. *42 U.S.C. 300bb-2(2)*

District Policy DEB also addresses continuation of benefits that are available to survivors of District peace officers under certain conditions.

## Supplemental Insurance Benefits

### **Policy: CRD**

At their own expense, employees may enroll in supplemental insurance programs. Premiums for these programs can be paid by payroll deduction. Employees should contact the benefit plan providers directly.

## Other Insurance

Dental, cancer, accidental death and dismemberment, hospital confinement, and vision insurance policies are offered to permanent employees and dependents on a voluntary basis.

## Disability Insurance

Disability insurance is available to qualified employees through payroll deduction.

## Flexible Spending Accounts

As part of the District's benefits plan, we currently offer an employee-funded flexible spending account (FSA) to full-time employees hired on or before January 1 of a calendar year. Plan participants may elect an annual amount of flexible dollars to pay for eligible health care expenses, including medical or dental insurance deductibles, copayments and out-of-pocket costs for vision and other types of care.

The District allows employees to set up a Health Care Reimbursement Account and/or a Dependent Care Assistant Account. Each account will be credited with your contributions and will be reduced by any payment made on your behalf.

As per IRS guidelines, if eligible medical or dental expenses are less than the elected annual amount of flex dollars for that year, the balance will be forfeited.

### Group Life Insurance

The District provides all eligible employees with basic life insurance and accidental death and dismemberment. You are eligible on the first business day of the month if you are classified as a “full-time” employee with the District. You must be eligible for insurance and actively at work. You may be required to give the carrier proof of good health. If you have an FMLA leave from active work, which has been certified by the District, then for purposes of eligibility you will be considered to be actively at work. Your coverage will remain in force as long as you continue to meet the requirements as set forth in the FMLA.

Beginning on or after your 65<sup>th</sup> birthday, the amount of coverage decreases by percentage based on your age.

Additional Life insurance coverage is available to eligible employees and dependents. Policies include accidental death and dismemberment benefits.

### COBRA – Consolidated Omnibus Budget Reconciliation Act

This section contains important information about your rights to continue your health care coverage. Upon termination from the District for any reason other than gross misconduct, reduction in hours of employment which includes Temporary Disability Leave, entitlement to Medicare, and loss of dependent child status, an employee may elect to continue group medical coverage at group rates as long as the employee pays the required monthly premium. Details on the conversion of any benefits will be discussed with you at the time of your termination by a personnel representative. You may, of course, request information on this subject at any time prior to actual termination.

COBRA insurance is a temporary continuation of a group plan with a maximum coverage period of 18 months. You will need to find replacement coverage (temporary or permanent) before it expires.

Certain former employees, retirees, spouses, former spouses, and dependent children have the right to temporarily continue health plan membership after losing their coverage eligibility as a result of certain qualifying events. If an employee is entitled to COBRA benefits, the health plan must give a notice within 14 days stating the right to choose to continue benefits provided by the plan. The employee will have 60 days to accept coverage or lose all right to benefits. The District provides COBRA options for your group health.

### HIPAA – The Right to Privacy

The privacy provisions of the federal law; Health Insurance Portability and Accountability Act of 1996 (HIPAA), apply to *health information created or maintained by health care providers who engage in certain electronic transactions*, health plans, and health care clearinghouses. Insured and self-funded Group Health Plans and health insurance carriers that offer group Health Insurance Coverage must comply with HIPAA’s pre-existing condition, special enrollment, and nondiscriminatory requirements. HIPAA also governs the privacy and security of health information and requires that claims information be exchanged in a standardized format.

For more information or to reach the Department of Health & Human Services you may contact: U.S. Department of Health & Human Services - 200 Independence Ave., S.W. Washington, D.C. 20201 Telephone: 202-619-0257 - Toll Free Number: 1-877-696-6775

A list, by subject, of Websites and public inquiry and publication phone numbers for popular topics: <http://www.hhs.gov/about/referlst.html>

Employee Consent for use and Disclosure of Protected Health Information (PHI)  
Texas Health & Safety Code Ann. § 181 *et seq.* (2002), specifically adopts privacy standards relating to: (i) an individual's access to his/her "protected health information" (PHI); (ii) amendment, or correction of PHI in records; (iii) uses and disclosures of PHI; and (iv) notice of privacy practices for PHI. Texas law applies additional constraints, more stringent than those in HIPAA, on uses and disclosures of PHI for several purposes, including marketing.

The District, as required by federal and state law, is dedicated to maintaining the privacy of each employee's identifiable health information. The District is also required by law to provide the employee with a notice of privacy practices concerning *Individually Identifiable Health Information* (IIHI). To find out more about what information is allowed by law to be disclosed contact: Employee Benefits / Risk Management Office at 956-548-8061.

### Women's Health and Cancer Rights

The law mandates that a medical program enrollee receiving benefits for a medically necessary mastectomy who elects breast reconstruction after the mastectomy, will also receive coverage for:

- ✓ Reconstruction of the breast on which the mastectomy has been performed.
- ✓ Surgery and reconstruction of the other breast
- ✓ Prosthesis
- ✓ Treatment of physical complications of all stages of mastectomy, including lymphedemas.

This coverage will be provided in consultation with the attending physician and the patient, and will be subject to the same annual deductibles and coinsurance provisions that apply for the mastectomy.

As noted, the Brownsville Independent School District's medical plan already includes this coverage. However, the law requires that each medical program enrollee be notified of this coverage.

### GINA

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits covered employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we ask that employees and health care providers do not provide any genetic information in any medical certification. "Genetic information", as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Additional Information – Fair Labor Standards Act

Copies of Wage and Hour Division publications may be obtained by contacting the nearest office of the Wage and Hour division listed in most telephone directories under U.S. Government, Department of Labor or by calling this toll-free number 1-866-4USWAGE.

## CHAPTER 5

### Leaves and Absences

The District offers employees paid and unpaid leaves of absence in times of personal need. Employees who have personal needs that require long leaves of absence should contact their immediate principal or supervisor and their appropriate HR Department. Employees who take unpaid leave of absence may continue their insurance benefits at their own expense. Health care benefits for employees on leave authorized under the Family and Medical Leave Act will be paid by the District as they were when they were working. Otherwise, the District does not make benefit contributions for employees who are on unpaid leave.

Employees must follow District, department or campus procedures to report or request any leave of absence and complete the appropriate leave request form. Any unapproved absences beyond accumulated or available paid leave shall result in deduction from the employee's pay. The leave request form may be found on-line at <https://www.bisd.us/departments/curriculum-instruction-human-resources/human-resources/medical-information>

Any employee who is absent more than (5) days because of personal illness or three (3) days for family illness must ***submit a medical certification from a qualified health care provider confirming the specific dates of the illness, the reason for the illness, and—in the case of personal illness—the employee's fitness to return to work. All employees that are out for more than (5) five consecutive days must submit a medical certification to HR Department and receive a clearance (Authority to report to work).***

The District may require medical certification due to an employee's historical pattern of absences within the last 12 months or when deemed necessary by the supervisor or superintendent. The District may also request medical certification when an employee requests leave under the Family and Medical Leave Act (FMLA) for the employee's serious health condition, a serious health condition of the employee's spouse, parent, or child, or military caregiver leave.

This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who expect to be absent for an extended period of more than five days should call Human Resource Department for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the district.

Leave shall be recorded by the hour for non-exempt employees (not in portions of an hour). All leaves and absences shall be requested on Time Clock Plus Request Manager. For certified personnel employees, sick leave is recorded in half and/or whole workdays. If an employee leaves the District before the end of the work year, the cost of any unearned leave days taken shall be deducted from the employee's final paycheck. Salaries and wages are reviewed on an annual basis and adjusted according to the budgeted amounts approved by the board.

#### State Sick Leave

Previously accumulated *state* sick leave is available for use and may be transferred to other school districts in Texas.



Sick leave may be used for the following reasons only:

- ✓ Employee illness;
- ✓ Illness in the employee's immediate family;
- ✓ Family emergency (i.e. natural disasters or life-threatening situations);
- ✓ Death in the immediate family;
- ✓ Active military service; or

### Local Sick Leave

**Policy: DEC**

All full-time personnel shall earn local sick leave at the rate of one-half equivalent workday for each 18 workdays of employment, concurrently with state leave, up to the local maximum of six equivalent workdays per year. All employees shall accumulate local sick leave without limit.

Local sick leave may be used for personal illness, illness or death in the immediate family, family emergency, or for first year care following the birth of an employee's son or daughter or the placement of a child with the employee for adoption or foster care.

Local sick leave is nontransferable to another district and shall be taken with no loss of pay as long as employee has leave available. Unused earned local sick leave shall be credited to an employee upon reemployment.

### Personal Leave

State law entitles all full-time employees to five days of paid personal leave per year. Personal leave is available for use at the beginning of the year. A day of personal leave is equivalent to the number of hours per day in an employee's usual assignment, whether full-time or part-time. There is no limit on the accumulation of state personal leave, and it can be transferred to other Texas school districts and is generally transferable to education service centers. Personal leave may be used for two general purposes: nondiscretionary and discretionary.

#### Nondiscretionary

Leave taken for personal or family illness, family emergency, a death in the family, or active military service is considered nondiscretionary leave. This type of leave allows very little or no advanced planning and may be used in the same manner as state sick leave.

#### Discretionary

Leave taken at an employee's discretion that can be scheduled in advance is considered discretionary leave. An employee wishing to take discretionary personal leave must submit a notice of the request three (3) days in advance of the anticipated absence to his or her principal or supervisor. The reasons for which personal leave may be used shall not be limited by the District. Discretionary personal leave will be granted on a first-come, first-served basis. The effect of the employee's absence on the educational program or department operations, as well as the availability of substitutes, will be considered by the principal or supervisor.

#### *Duration*

*Discretionary personal leave may not be taken for more than five (5) consecutive days, except in extenuating circumstances as determined by the Superintendent or designee.*

## Schedule Limitations

As per Administrative Guidelines, Discretionary leave shall not be allowed on the day before or after a school holiday, professional or staff development days, or the state-mandated assessment testing days. Exceptions can only be granted by the Superintendent. Employee will see a reduction in pay if they use discretionary leave on the days listed above and do not have written Superintendent's approval.

## Recording of Leave

### **Policy: DEC**

An employee may designate whether to use state sick leave accrued before May 30, 1995, state personal leave, local sick leave or non-working/vacation days. If no designation is made / recorded on Time Clock Plus, local leave shall be used first. All available leave must be used before an employee's pay is reduced.

The employee will be charged leave even if a substitute was not used. All used-unearned leaves will be deducted from your final salary paycheck if you terminate your job before the end of the year.

It is important to note that a uniform enforcement of a reasonable absence-control rule is not retaliatory discharge. For example, a District that terminates an employee for violating a reasonable absence-control provision cannot be liable for retaliatory discharge as long as the rule is uniformly enforced.

## Leave Availability

### **Policy: DEC**

Leave Proration. If an employee separates from employment with the district before his or her last duty day of the year, or begins employment after the first duty day, local sick leave and state personal leave will be prorated based on the actual time employed. When an employee separates from employment before the last duty day of the school year, the employee's final paycheck will be reduced by the amount of state personal leave the employee used beyond his or her pro rata entitlement for the school year.

## Assault Leave

### **Policy: DEC**

Assault leave provides extended job income and benefits protection to an employee who is injured as the result of a physical assault suffered during the performance of his or her job.

An incident involving an assault is a work-related injury, and should be immediately reported to the immediate supervisor. The supervisor will notify the human Resource Department.

An injury is treated as an assault if the person causing the injury could be prosecuted for assault or could not be prosecuted only because that person's age or mental capacity renders the person non-responsible for purposes of criminal liability.

An employee who is physically assaulted at work may take all the leave time medically necessary (up to two years) to recover from the physical injuries he or she sustained. At the request of an employee, the district will immediately assign the employee to assault leave. Days of leave granted under the assault leave provision will not be deducted from accrued personal leave and must be coordinated with workers' compensation benefits. Upon investigation the district may change the assault leave status and charge leave used against the employee's accrued paid leave. The employee's pay will be deducted if accrued paid leave is not available.

## Bereavement (Funeral) Leave

Use of state leave and/or local sick leave for death in the immediate family shall not exceed **five (5)** workdays per occurrence. The employee may be required to furnish documentation.

## Voluntary Transfer of Days

### **Policy: DEC (Legal) / Administrative Guidelines**

The District Voluntary Transfer of Local Days shall be established by voluntary donations for District staff, Local sick leave days are for the purpose of assisting a fellow employee who has a catastrophic illness or disability. The plan can also be established for the employee who has an immediate family member with a catastrophic illness or disability. The employee may participate in the voluntary transfer of days until he or she has used a cumulative lifetime total of 30 days as eligible. Any donated days will be transferred to the recipient upon approval from the Human Resources Department and the employee has exhausted all paid leave. Recipient will keep all donated days. Only Full-Time employees are eligible to receive and or transfer local days. Once an employee resigns, retires or is deceased, the employee is no longer eligible to participate in the Voluntary Transfer of Local Days Program. The voluntary transfer of local days cannot be used towards retirement payout.

### Definitions

**“Immediate Family”** – For the purpose of the Voluntary Transfer of Local Days, the definition of the immediate family shall be the same definition used for the Family and Medical Leave Act as delineated by DEC (LOCAL). Specifically:

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son-or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands in *locoparentis*.
3. Parent, stepparent, parent-in-law, or other individuals who stands in *loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law
5. Grandparent and grandchild
6. Any person residing in the employee’s household at the time of illness or death

For purposes of family and medical leave, the definition of family is limited to spouse, parent, son or daughter, and next of kin.

**“Employee”** – means a full-time employee of the Brownsville Independent School district.

**“Catastrophic illness”** – means an extended critical illness, surgery, injury, or temporary state of disability due to non-work-related injury or illness. It requires the services of a licensed medical practitioner for a prolonged period of time and an extended absence from work for treatment or recovery where the absence extends after the employee has exhausted all accumulated state personal and local sick leave, and non-working days. Pregnancies without serious complications are not considered to be catastrophic illnesses covered under the extended sick leave plan. The person, through a catastrophic illness, must be unable to perform the duties of his/her positions for an extended time.

**“Licensed Practitioner”** – means a person who is licensed to practice medicine within the United States.

**“Voluntary Transfer of Days Committee”** - means the committee appointed to administer the extended Transfer of Local Days. The committee shall be comprised of the Certified and Classified Human Resource Administrators, one (1) Human Resource Specialist, one (1) Human Resource Officer, one (1) Human Resource campus advisory representative, a Clerical Trades or Manual Trades employee, the Employee Benefits/Risk Management Administrator and a representative for Health Services. The committee chair shall appoint the clerical/manual trades members.

**School year** – For the purpose of this program, the school year is defined as July 1<sup>st</sup> through June 30<sup>th</sup>.

**Earned Sick Leave Days** – sick leave days are earned “at the rate of one-half equivalent workday for each 18 workdays of employment, concurrently with state leave, up to the local maximum of six equivalent workdays per year. All employees shall accumulate local sick leave without limit.” DEC (LOCAL)

#### Sick Leave Bank

The District has developed a Sick Leave Bank for the purpose of assisting a fellow employee who has a catastrophic illness or disability or for an employee who has an immediate family member with a catastrophic illness or disability. The bank is comprised of voluntary donations from sick leave bank members from their local sick leave days. District personnel shall maintain the sick leave bank from voluntary contributions of one (1) day annually per employee. Enrollment is held October 1<sup>st</sup> of each year. Use of the sick leave bank days will run concurrent with family and medical leave and temporary disability days. This sick leave bank shall not be considered an extension beyond available leaves as allowed for by District policy. Only employees who have donated are eligible to withdraw days from the bank. Sick leave bank days cannot be used towards Retirement payout.

An employee must first have used all state personal and local sick leave, and non-working days, if applicable, and been docked two (2) days of full pay deductions. Donated days shall be applied only to absences beyond the two full pay deductions. To qualify, the employee must have been absent with current personal or family catastrophic illness. The request shall be made within no more than two working days of learning of the need for extended leave. When the need for extended sick leave is not foreseeable, an employee shall provide notice to the District as soon as possible.

The sick leave bank has **not** been established for elective procedures or any procedure that could be scheduled at a time more compatible with work responsibilities without detriment to the employee’s health.

At the time of retirement, an employee may select, on a voluntary basis, to contribute up to ten days (10) that are in excess of the local unused sick leave days. In the event that a retiree chooses to return to BISD, the retiree waives all rights to those donated days except for eligibility as a full time active retiree with a catastrophic illness.

Membership in the Sick Leave Bank shall be automatically renewable each year. An employee wishing to discontinue membership shall make that request to the Human Resource Department, in writing, during the enrollment period of any given year. Eligibility to receive Sick Leave Bank days is limited to full-time employees who are contributors to the program.

Activation of bank days shall be in increments of twenty (20) days until the maximum eligible days are reached. A new Sick Leave Withdrawal Application must be filed for each subsequent activation of days. Days activated may be used intermittently.

Any employee discovered to be abusing or manipulating this program will automatically be barred from participation and may be subject to disciplinary action up to and including termination of employment with demand for restitution.

The number of donated days each individual employee shall be eligible to receive shall be determined by multiplying by five (5) the number of years a person has been employed in the District with a cumulative lifetime maximum of 110 days.

## Continuation of Health Insurance

### **Policy: DEC & Administrative Guidelines**

Employees on an approved leave of absence other than family and medical leave may continue their insurance benefits at their own expense. Health insurance benefits for employees on paid leave and leave designated under the FMLA will be paid by the district as they were prior to the leave. Otherwise, the district does not pay any portion of insurance premiums for employees who are on unpaid leave.

## FAMILY AND MEDICAL LEAVE ACT (FMLA)

The following text is from the federal notice, Your Employee Rights Under the Family and Medical Leave Act. Specific information that the district has adopted to implement the FMLA follows this general notice.

### What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons.

The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an **eligible employee** if *all* of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

How do I request FMLA leave?

Generally, **to request FMLA leave you must:**

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

What does my employer need to do?

- If you are eligible for FMLA leave, your employer **must**:
- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, **your employer must notify you in writing**:

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

Where can I find more information?

Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR



### *Military Family Leave Entitlements*

An eligible employee whose spouse, son, daughter or parent is on covered active duty or called to covered active duty status may use his or her 12 –week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status, or is on the temporary disability retired list. It also includes a family member who is a veteran with an illness or injury that occurs in the line of duty while on active duty and manifests itself before or after the service member became a veteran. The veteran must have been on active duty during the five years preceding the need for treatment, recuperation, or therapy.

***\*The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definitions of “serious health condition”.***

### *Definition of Serious Health Condition*

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement maybe met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit with a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.



## LOCAL PROCEDURES FOR IMPLEMENTING FAMILY AND MEDICAL LEAVE PROVISIONS

### **Policies: DEC & DECA**

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period from July 1 through June 30.

#### *Use of Paid Leave*

FML runs concurrently with accrued sick and personal leave, temporary disability leave, compensatory time, assault leave, and absences due to a work-related illness or injury. The district will designate the leave as FML, if applicable, and notify the employee that accumulated leave will run concurrently.

#### *Combined Leave for Spouses*

A husband and wife who are both employed by the district are limited to a combined total of 12 weeks of FML to care for a parent with a serious health condition; or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

#### *Continuation of Benefits and Job Restoration*

Eligible employees are entitled to continue their health care benefits under the same terms and conditions as when they were on the job and are entitled to return to their previous job or an equivalent job at the end of their leave. Under some circumstances, teachers who are able to return to work at or near the conclusion of a semester may be required to continue their leave until the end of the semester.

#### *Intermittent Leave*

When medically necessary or in the case of a qualifying exigency, an employee may take leave intermittently or on a reduced schedule. The district does not permit the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

#### *Fitness for Duty*

An employee that takes FML due to the employee's own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. When leave is taken for the employee's own serious condition, the certification must address the employee's ability to perform essential job functions. The district shall provide a list of essential job functions (e.g., job description) to the employee with the FML designation notice to share with the health care provider. Fitness for duty is not required when an employee returns to work following leave to care for a family member with a serious health condition; to care for a child following birth, adoption, or foster care placement; or for qualifying exigency leave.

#### *Military Service Family Leave*

##### **Policy: DECA**

An eligible employee is entitled to leave to care for an active duty military service member who incurs a serious illness or injury in the line of duty. The service member must be the employee's spouse, child, parent, or next of kin. An eligible employee may take up to 26 weeks on a one-time basis to provide care to a covered service member. Certification of the need for family military leave is required.

#### *Military Leave*

Any employee who is a member of the Texas National Guard, Texas State Guard, reserve component of the United States Armed Forces or a member of a state or federally authorized Urban Search and Rescue

Team will be granted a paid leave of absence without loss of any accumulated leave for authorized training or duty orders. An additional seven days of leave per fiscal year are available if called to state active duty in response to a disaster. In addition, an employee is entitled to use available state and local personal or sick leave during a time of active military service.

#### Reemployment after Military Leave

Employees who leave the District to enter into the United States uniformed services or who are ordered to active state military duty (Texas National Guard or Texas State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the District will be reemployed in the position they would have held if employment had not been interrupted or reassigned to an equivalent or similar position provided they can be qualified to perform the required duties. Employees returning to work following military leave should contact Human Resource. In most cases, the length of military service cannot exceed five years, and the employee must apply for reemployment with the period of time specified in law.

#### *Continuation of Health Insurance*

##### **Policy: DECB**

Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months. Employees should contact the Employee Benefits/Risk Management Department for details on eligibility, requirements, and limitations. [For additional policy information refer to policy DEC (Legal)]

#### Temporary Disability Leave

A temporary disability leave of absence is provided for each full-time employee for temporary disability in accordance with provisions of District policy DEC. The maximum length of temporary disability leave for regular full-time employees shall be 180 calendar days. Employees must apply for temporary disability leave on a District form after paid leaves are exhausted. The District may assign the employee to Temporary Disability upon the expiration of Family and Medical Leave. Temporary Disability leave runs concurrently with applicable paid leave and family and medical leave.

At 30-day intervals, an employee on temporary disability leave for his or her own serious health condition shall provide medical certification of the illness or disability and a functional assessment on a form provided by the District. The failure of the employee to provide medical certification at 30-day intervals shall constitute a violation of policy and neglect of duty, which are grounds for termination.

#### *Placement on Temporary Disability*

##### **Policy: DEC**

The Superintendent shall have authority to place an employee on temporary disability leave, as appropriate, when in the judgment of the Superintendent in consultation with the physician who has performed the medical exam; the employee's condition interferes with the performance of regular duties.

#### Non-Working Days

##### **Policy: DED**

Non-working days are sets of days in which staff do not work. Non-working days do not accumulate from year to year. To qualify for a non-working day an employee must work 220 or more days. Some employees may or may not qualify if in a campus setting, i.e., campus principal. The Superintendent

shall determine the number of duty days for each employee each year. It is the responsibility of the employee to verify their starting and ending dates.

An employee shall lose non-working days if not taken by August 31st. Non-working days will be governed by the following provisions:

At the beginning of each fiscal year (July 1), employees will be informed of the number of workdays as shown in the Employee Compensation Plan manual. For example: if the official 12-month school calendar, July 1-June 30, lists 237 possible working days, not counting days designated as holidays, the difference between the number of workdays on the official school calendar and the number of designated duty days for the employee determines the number of non-duty days for the year. These days may be taken at the discretion of the employee, subject to the approval of the department administrator.

Final settlement with employees who resign during the year will be made on the basis of payment of salary for the number of days actually worked during that year.

On August 31<sup>st</sup> any unused non-work days from the previous year will be lost unless the Superintendent extends the time.

#### Child Care Leave

**Policy: DEC**

All full-time employees may request a child care leave without pay for up to one academic year following the birth of an employee's son or daughter or the placement of a child with the employee for adoption, foster care, or legal guardianship. Father and mother may not take child care leave simultaneously. Child care leave shall run concurrently with family and medical leave and sick leave, when eligible.

#### Religious Observations

**Policy: DEC**

Leave may be granted by the Superintendent to employees for observance of their religious holidays not already covered by the school calendar. Requests for leave must be submitted at least five (5) working days prior to the first day of the leave.

#### Jury Duty

**Policy: DEC & DG**

The district provides paid leave to employees who are summoned to jury duty including service on a grand jury. The District will not discharge, threaten to discharge, intimidate, or coerce any regular employee because of juror or grand juror service or for the employee's attendance or scheduled attendance in connection with the service in any court in the United States. Employees who report to the court for jury duty may keep any compensation the court provides. An employee should report a summons for jury duty to his or her supervisor as soon as it is received and will be required to provide the district a copy of the Jury Duty Certificate to document the need for leave.

An employee may be required to report back to work as soon as they are released from jury duty. The supervisor may consider the travel time required and the nature of the individual's position when determining the need to report to work. A copy of the release from jury duty or documentation of time spent at the court may be required.

## Other Court Appearances

### **Policy: DEC**

Absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave. If accumulated leave time is not available, the employee may take leave without pay. Employees may be required to submit documentation of their need for leave for court appearances.

## Authority to Return to Work Letter

### **Policy: Administrative Guidelines**

All employees returning from a leave of absence for temporary disability, family and medical leave, transferring, being reassigned, or promoted must obtain an Authority to Report to Work letter from their respective Human Resource Department before reporting to their campus or department.

***An employee must obtain an Authority to Report to Work prior to reporting or returning to the campus. If the employee reports to work they shall be sent directly to the Human Resource Department to verify clearance to report.***

## Expiration of Available Leave

### **Policy: Administrative Guidelines**

Upon the expiration of all leaves for which an employee is eligible, if the employee has not returned to work, the District shall provide the employee with written notice that his or her leave has expired. The employee has ten calendar days within which to apply for any other leave for which the employee may be eligible, or to notify the District in writing that the employee is ready, willing, and able to return to work. A medical clearance showing that the employee is physically able to perform the essential functions of his or her position, given reasonable accommodations, if necessary, must be submitted.

An employee who does not apply for and receive approval of such additional leave, and who does not report and document his or her availability and fitness to return to work, within such ten-day period shall be deemed to have voluntarily resigned his or her employment with the District, effective immediately upon the expiration of the ten-day period designated in such notice, and shall be offered health benefits according to COBRA.

In the event that such employee shall subsequently apply for reemployment with the District, the fact that such employee had previously taken such leave, and the fact that such employee failed to return to work upon the expiration of such leave, shall not be grounds for denial of such new employment.

## Failure to Return to Active Duty

In the event that an employee on family and medical leave, on temporary disability leave, or who is receiving workers' compensation benefits fails to return to work within 30 calendar days after the effective date of the last medical certification on file, the District shall provide such employee with written notice that the medical certification in question has expired, and that the employee has ten calendar days within which to provide a current medical certification, or to notify the District in writing that the employee is ready, willing and able to return to work, accompanied by a medical clearance showing that the employee is physically able to perform the essential functions of his or her position, given reasonable accommodations, if necessary.

An employee who neither provides such current medical certification nor reports his or her availability to return to work within such ten-day period shall be deemed to have voluntarily resigned his or her employment with the District, effective upon the ten-day period designated, and shall be offered health benefits according to COBRA. [See DFAA, DFBA, and DFCA for termination of contract employees]

#### Non-Accrual of Vacation and Non-Working Days

**Policy: DED**

All classified and certified personnel who are eligible for vacation leave shall take paid vacation or unpaid nonworking days by August 31st of every year upon approval of their immediate supervisor. Paid vacation or unpaid nonworking days shall be earned according to the District formula and may not be accrued.

#### Vacation and Holiday Eligibility Criteria

**Policy: DED**

Eligible, full-time, nonprofessional employees shall receive paid holidays and paid vacation days after 60 days' employment on a pro rata basis according to the schedule approved annually by the Board of Trustees during the budget process. A continuing employee, who has a break in service due to an approved unpaid leave of absence and is reinstated later during the school term, shall earn a prorated number of vacation days based on the number of completed days he or she actually worked for that school term. Vacation days shall be paid as whole days only. No credit shall be given for partial days.

#### Workers' Compensation Benefits

Effective August 1, 2013, the District has adopted a Workers Compensation Section 504 Health Care Panel in accordance with Section 504.053(b) (2) of the Texas Labor Code. The District is committed to promoting a safe and healthy work environment. The program will consist of a selective provider panel of treating physicians, providers and medical specialists, all who are committed to providing you with the best medical care should a work-related illness or injury occur. Except in the case of an emergency, you will be required to obtain medical care from our 504 Provider Panel. Employees choosing workers compensation benefits may only visit a health care provider approved by the District, properly credentialed and listed on the District approved Provider Panel list.

An employee absent from duty because of a job-related illness or injury will be assigned to Family and Medical Leave or Temporary Disability Leave, if applicable. Contact Human Resource Department for more information. You can also find forms on Human Resource Department web page. They also may be eligible for workers' compensation weekly income benefits if the absence exceeds seven (7) calendar days. Employees are required to report an accident immediately to their Supervisor or Safety Coordinator. The Safety Coordinator shall submit the signed Employer's First Report of Injury document to the Employee Benefits Department upon completion Section 409.005, Texas Workers' Compensation Act requires an Employer's First Report of Injury or Illness (DWC Form-001 Rev. 10/05) to be filed with the Workers' Compensation Insurance Carrier no later than the eighth day after the receipt of notice of occupational disease, or the employee's first day of absence from work due to injury or death.

An employee choosing to use paid leave will not receive workers' compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-illness or injury

wage. If the use of paid leave is not elected, then the employee will only receive workers' compensation wage benefits for any absence resulting from work-related illness or injury, which may not equal his or her pre-illness or injury wage.

Upon depletion of paid leave benefits, expiration of family and medical leave, and temporary disability leave, as applicable, the employee receiving workers' compensation wage benefits will be offered health benefits under COBRA. (See page 32 Recommended)

*LABOR CODE - TITLE 5. WORKERS' COMPENSATION, SUBTITLE A. TEXAS WORKERS' COMPENSATION ACT, CHAPTER 415. ADMINISTRATIVE VIOLATIONS, SUBCHAPTER A. PROHIBITED ACTS, Sec. 415.008.*

*FRAUDULENTLY OBTAINING OR DENYING BENEFITS: ADMINISTRATIVE VIOLATION. (A) A person commits an administrative violation if the person, to obtain or deny a payment of a workers' compensation benefit or the provision of a benefit for the person or another, knowingly or intentionally: (1) makes a false or misleading statement; (2) misrepresents or conceals a material fact; (3) fabricates, alters, conceals, or destroys a document; or (4) conspires to commit an act described by Subdivision (1), (2), or (3). (B) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1162, Sec. 37(5), eff. September 1, 2011. (C) A person who has obtained an excess payment in violation of this section is liable for full repayment plus interest computed at the rate prescribed by Section 401.023. AND Failure to adhere to the Texas Workers' Compensation Act and the district's procedures may result in disciplinary action up to and including termination of employment with demand for restitution.*

# CHAPTER 6

## Resignations and Terminations

All resignations shall be submitted in writing to the Superintendent or their designee. The employee shall give reasonable notice and shall include in the letter a statement of the reasons for resigning. The Board delegates to the Superintendent the authority to accept resignations in accordance with the requirements of District policy. Once submitted and accepted, a resignation may not be withdrawn without consent of the Board or its designee.

Contract employees may not resign during the school year, after active duty has begun, without the consent of the Board or its designee.

### Resignation of Contract Employees

**Policy: DHB**

An educator employed under a probationary contract for the following school year, or under a term or continuing contract, may relinquish the position and leave District employment at the end of the school year without penalty by filing a written resignation with the Board or the Board's designee not later than the 45th day before the first day of instruction of the following school year. Employees must submit their resignation notice using the Talent Ed System (Employee Records) and fill out the form called Notice of Resignation / Retirement. Once submitted the E-Form is sent electronically to the appropriate offices for processing which includes approving, denying or requesting revisions.

Contract employees may resign at any other time only with the approval of the Superintendent or the Board of Trustees. Resignation without consent may result in disciplinary action by the State Board for Educator Certification (SBEC).

The principal is required to notify the superintendent of an educator's resignation within seven business days following an alleged incident of misconduct for any of the acts listed in Reports to Texas Education Agency on page 52. The superintendent will notify SBEC when an employee resigns and there is evidence to indicate that the employee has engaged in such misconduct.

If the resignation is submitted after the penalty-free resignation date established by law, acceptance is contingent on finding a suitable replacement.

### Resignation of Non-Contract Employees

**Policy: DFE & DHB**

Non-contract employees may resign their positions at any time. A written notice of resignation should be submitted to their immediate supervisor at least two weeks prior to the effective date. Employees are encouraged to include the reasons for leaving in the letter of resignation but are not required to do so.

The principal is required to notify the superintendent of a noncertified employee's resignation or termination within seven business days following an alleged incident of misconduct of abuse of a student, or was involved in a romantic relationship with or solicited or engaged in sexual conduct with a student or minor. The superintendent will notify TEA within seven business days of receiving a report

from a principal, or knew about an employee's resignation or termination following an alleged incident of misconduct described above.

### Dismissal or Nonrenewal of Contract Employees

**Policies:** DFAA, DFAB, DFBA, DFBB, DFCA, DFD, DFE

Employees on probationary, term, and continuing contracts can be dismissed during the school year or non-renewed at the end of the year according to the procedures outlined in district policies. Contract employees dismissed during the school year, suspended without pay, or subject to a reduction in force are entitled to receive notice of the recommended action, an explanation of the charges against them, and an opportunity for a hearing. The timelines and procedures to be followed when a suspension, termination, or nonrenewal occurs will be provided to in written notice when given to an employee.

Advance notification requirements do not apply when a contract employee is dismissed for failing to obtain or maintain appropriate certification or whose certification is revoked for misconduct.

Information on the time lines and procedures can be found in the District Policy DF series policies that are provided to employees or are available on-line.

The principal is required to notify the superintendent of an educator's termination within seven business days following an alleged incident of misconduct for any of the acts listed in Reports to Texas Education Agency on page 52. The superintendent will notify SBEC when an employee is terminated and there is evidence to indicate that the employee has engaged in such misconduct.

### Dismissal of Noncontract Employees

**Policies:** DCD & DP

Noncontract employees are employed at will and may be dismissed without notice, a description of the reasons for dismissal, or a hearing. It is unlawful for the District to dismiss any employee for reasons of race, color, religion, gender, national origin, age, disability, military status, genetic information, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights.

Noncontract employees who are dismissed have the right to grieve the termination. The dismissed employee must follow the District process outlined in this handbook and District policies when pursuing the grievance. (See Complaints and Grievances in this handbook and District Policy DGBA)

The principal is required to notify the superintendent of a noncertified employee's resignation or termination within seven business days following an alleged incident of misconduct of abuse of a student, or was involved in a romantic relationship with or solicited or engaged in sexual conduct with a student or minor. The superintendent will notify TEA within seven business days of receiving a report from a principal, or knew about an employee's resignation or termination following an alleged incident of misconduct described above.

At-will employees who are dismissed shall receive pay through the end of the last day worked.

A Recommendation for Termination must be submitted and approved by the Superintendent prior to releasing a full-time employee. A written recommendation on a District approved form shall be submitted for classified personnel to the Administrator for Classified Personnel for review. An employee may not be sent home, suspended or terminated without prior written authorization by the Superintendent. Upon obtaining the approval of the Superintendent, the Assistant Superintendent for Human Resources and/or their designee shall notify the employee of the termination action and of the employee's rights under the law and District policy.



## Discharge of Convicted Employees

### **Policy: DF**

The district shall discharge any employee who has been convicted of or placed on deferred adjudication community supervision for an offense requiring the registration as a sex offender or convicted of a felony under Title 5 Penal Code if the victim was a minor.

If the offense is more than 30 years before the date the person's employment began or the person satisfied all terms of the court order entered on conviction the requirement to discharge does not apply.

## Exit Interviews and Procedures

Every attempt will be made to conduct an exit interview for employees who leave employment with the District. These interviews shall be conducted in accordance with administrative procedures and will include information regarding recommendations for rehire.

Exit interviews will be scheduled for all employees leaving the district. Information on the continuation of benefits, release of information, and procedures for requesting references will be provided at this time. Separating employees are asked to provide the district with a forwarding address and phone number and complete a questionnaire that provides the district with feedback on his or her employment experience. All District keys, books, property, and equipment must be returned upon separation from employment.

## Reports to Texas Education Agency (TEA)

### **Policies: DF, DHB & DHC**

#### ***Certified Employees***

The dismissal of a certified employee must be reported to the Division of Investigations at TEA whenever the termination is based on a determination that the employee was involved in any of the following:

- Any form of sexual or physical abuse of a minor or any other unlawful conduct with a student or a minor
- Soliciting or engaging in sexual contact or a romantic relationship with a student or minor
- The possession, transfer, sale, or distribution of a controlled substance
- The illegal transfer, appropriation, or expenditure of district property or funds
- An attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit for the purpose of promotion or additional compensation
- Committing a criminal offense or any part of a criminal offense on district property or at a school-sponsored event
- A reported criminal history
- Violating assessment instrument security procedures.

The superintendent is also required to notify TEA when a certified employee resigns and there is reasonable evidence that would support a recommendation to terminate employment because of the conduct listed above.

The reporting requirements above are in addition to the superintendent's ongoing duty to notify TEA when a certified employee or an applicant for certification has a reported criminal history or engaged

in conduct violating the assessment security procedures under TEC §39.0301. “Reported criminal history” means any formal criminal justice system charges and dispositions including arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction that is obtained by a means other than the Fingerprint-based Applicant Clearinghouse of Texas (FACT).

***Non-Certified Employees***

The voluntary or involuntary separation of a noncertified employee from the District must be reported to the Division of Investigations at TEA by the superintendent if there is evidence the employee abused or otherwise committed an unlawful act with a student or minor, was involved in a romantic relationship with a student or minor, or solicited or engaged in sexual contact with a student or minor.

Reports Concerning Court-Ordered Withholding

**Policies: DF, DHB**

The District is required to report the termination of employees that are under court order or writ of withholding for child support or spousal maintenance to the court and the individual receiving the support (Texas Family Code § 8.210, 158.211). Notice of the following must be sent to the court and support recipient:

- Termination of employment not later than the seventh day after the date of termination;
- Employee’s last known address
- Name and address of the employee’s new employer, if known.

# CHAPTER 7

## Employee Conduct and Welfare

### Standards of Conduct

#### **Policy: DH**

All employees are expected to work together in a cooperative spirit to serve the best interests of the district and to be courteous to students, one another, and the public. Employees are expected to observe the following standards of conduct.

- Recognize and respect the rights of students, parents, other employees, and members of the community.
- Maintain confidentiality in all matters relating to students and coworkers.
- Report to work according to the assigned schedule.
- Notify their immediate supervisor in advance or as early as possible in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, tardiness, and failure to follow procedures for reporting an absence may be cause for disciplinary action up to and including termination.
- Know and comply with department and district policies and procedures.
- Express concerns, complaints, or criticism through appropriate channels.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use district time, funds, and property for authorized district business and activities only.

All district employees should perform their duties in accordance with state and federal law, district policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines, including intentionally making a false claim, offering false statements, or refusing to cooperate with a district investigation may result in disciplinary action, including termination. Alleged incidents of certain misconduct by educators, including having a criminal record, must be reported to SBEC not later than the seventh day the Superintendent knew of the incident. See Reports to the Texas Education Agency, page 52 for additional information.

### Scope and Sequence

#### **Policy: DG**

If a teacher determines that students need more or less time in a specific area to demonstrate proficiency in the Texas Essential Knowledge and Skills (TEKS) for that subject and grade level, the district will not penalize the teacher for not following the district's scope and sequence.

The district may take appropriate action if a teacher does not follow the district's scope and sequence based on documented evidence of a deficiency in classroom instruction. This documentation can be obtained through observation or substantiated and documented third-party information.

## Code of Ethics and Standard Practices

**All District employees must adhere to *The Code of Ethics and Standard Practices for Texas Educators*, adopted by the State Board for Educator Certification.**

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. This chapter shall apply to educators and candidates for certification. (19 TAC 247.1 (b))

### **1. Professional Ethical Conduct, Practices, and Performance**

**Standard 1.1** The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

**Standard 1.2** The educator shall not intentionally, knowingly or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

**Standard 1.3** The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

**Standard 1.4** The educator shall not use institutional or professional privileges for personal or partisan advantage.

**Standard 1.5** The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

**Standard 1.6** The educator shall not falsify records, or direct or coerce others to do so.

**Standard 1.7** The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

**Standard 1.8** The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

**Standard 1.9** The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

**Standard 1.10** The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

**Standard 1.11** The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

**Standard 1.12** The educator shall refrain from the illegal use or distribution of controlled substances and/or abuse of prescription drugs and toxic inhalants.

**Standard 1.13** The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

## **2. Ethical Conduct Toward Professional Colleagues**

**Standard 2.1** The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

**Standard 2.2** The educator shall not harm others by knowingly making false statements about a colleague or the school system.

**Standard 2.3** The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

**Standard 2.4** The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

**Standard 2.5** The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

**Standard 2.6** The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

**Standard 2.7** The educator shall not retaliate against any individual who has filed a complaint with the SBEC or provides information for a disciplinary investigation or proceeding under this chapter.

**Standard 2.8** The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

## **3. Ethical Conduct Toward Students**

**Standard 3.1** The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

**Standard 3.2** The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

**Standard 3.3** The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

**Standard 3.4** The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

**Standard 3.5** The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

**Standard 3.6** The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

**Standard 3.7** The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

**Standard 3.8** The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

**Standard 3.9** The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

- (i) the nature, purpose, timing, and amount of the communication;
- (ii) the subject matter of the communication;
- (iii) whether the communication was made openly or the educator attempted to conceal the communication;
- (iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
- (v) whether the communication was sexually explicit; and
- (vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

### Progressive Discipline for Contracted Employees

The District strives to provide contract employees with progressive discipline. Pursuant to state law, personnel employed under Chapter 21 of the Texas Education Code may be recommended for termination at any time For Cause or non-renewed in accordance with policy. Good Cause is determined by state law. Nothing contained within this Handbook shall be construed to alter, increase, decrease, distort, change, define, determine, and/or interpret the Good Cause or Non-renewal policy standards.

In the exercise of the progressive discipline process, the District's values of honesty, ethical behavior, and mutual respect should guide the content, presentation, and handling of all disciplinary situations and actions. Through a careful review process, the Superintendent intends to maintain objectivity, fairness, and consistency in the District's progressive discipline process.

Various types of disciplinary actions may be taken in order to help an employee assume responsibility and modify and correct unacceptable performance behavior or actions. The alternatives available may be dependent on the severity or recurring nature of the violation or behavior. Sufficiently serious misconduct, including criminal and gross or ethical misconduct, may justify Good Cause for a recommendation of immediate termination of employment.

The District reserves the right to move directly to a higher level of the progressive discipline process until sustained satisfactory performance or satisfactory behavior is achieved. No prior disciplinary action will be a prerequisite for another disciplinary action unless required by law. The progressive discipline process may be used according to the following step processes when appropriate in the judgment of the issuing administrator.

**Steps to progressive discipline may include the following:**

- An opportunity for the immediate supervisor to schedule a meeting with the employee to bring attention to the existing unacceptable performance conduct or behavior issue. The supervisor may prepare written documentation of the Step One meeting.
- A written warning and more formal documentation of the unacceptable actions or behavior. Management may outline the consequences for the employee of his or her continued failure to meet performance or behavior expectations.
- A growth plan may be issued that lists the required immediate and sustained corrective actions.
- A final written warning. The documentation may include copies of previous warnings, indicate specific areas in which the employee must improve, and specify the time period in which the employee must take the necessary and sustained improvements.
- Recommendation for termination of employment in accordance with policy and state law.

### Progressive Discipline for At-Will Employment

In the exercise of the progressive discipline process, the District's values of honesty, ethical behavior and mutual respect should guide the content, presentation, and handling of all disciplinary situations and actions. Through a careful review process the Superintendent intends to maintain objectivity, fairness and consistency in the District's progressive discipline process (see checklist below):

#### Verbal Warning Stage

- The supervisor should discuss the nature of the problem and describe the expectations
- The supervisor should clearly describe the required steps the employee must take to improve upon the problem and sustain the improvements.
- Within ten days of the meeting the supervisor shall prepare written documentation of the Step One Meeting.

#### Written Warning Stage

- Supervisor must provide more formal documentation of the unacceptable actions or behavior.
- Supervisor must outline additional disciplinary actions or behavior the employee may be subject to, up to and including termination should be included in the written warning.
- During the WRITTEN WARNING STAGE Meeting, the Supervisor shall meet with the employee to review
  - any additional incidents or information as well as prior relevant corrective action plans
- The Supervisor shall, in advance, coordinate with the Area or Assistant Superintendent about the situation and the next steps.
- Administration shall outline the consequences for the employee of his/her continued failure to meet performance or behavior expectations.

- Within ten days of the meeting the supervisor shall prepare written documentation of the WRITTEN WARNING meeting.
- A growth plan may be issued that lists the required immediate and sustained corrective actions.
- If a growth plan is issued, it must be issued within ten business days of the WRITTEN WARNING meeting.
- The employee shall always be asked to sign the warning documents to demonstrate that he or she had a discussion with the employee's supervisor.

#### Final Written Warning Stage

- If performance or attitude does not improve on a sustained basis, the Supervisor shall conduct a FINAL WRITTEN WARNING STAGE meeting with employee and the Human Resource Director.
- The employee shall be issued his/her final written warning during this meeting.
- The documentation in the written warning shall include
  - copies of previous warnings
  - indicate specific areas in which the employee was to address and improve upon
  - specify the time period in which the employee needed to improve
  - specify the time period in which the employee needed to take the necessary and sustained improvements.
- A growth plan may be issued that lists the required immediate and sustained corrective actions.
- If a growth plan is issued, it must be issued within ten business days of the FINAL WRITTEN WARNING meeting.
- The employee shall always be asked to sign the warning documents to demonstrate that he or she had a discussion with the employee's supervisor.

#### Recommendation for Termination Stage

- Supervisor shall provide a written letter to the Human Resource Director a recommendation for termination.
- Supervisor shall provide the Human Resource Director copies of supporting documentation
  - listing all actions taken to correct or modify the employee's actions performance
- The Human Resource Director shall review and approve the recommendation for termination.
- The District's Legal Counsel shall review and approve the recommendation for termination.
- The Superintendent shall review and approve the recommendation for termination
- At the termination meeting, the employee shall be informed of his/her appeal rights and procedures.
- If necessary, at the termination meeting, for security purposes, a security guard may be present.
- The employee shall always be asked to sign the warning documents to demonstrate that he or she had a discussion with the employee's supervisor.

All forms and information explaining this process is located on the Human Resource Website. Please click on link below for more information.

<https://www.bisd.us/departments/curriculum-instruction-human-resources/human-resources/forms>



## Dress Code: Minimum Standards of Professional Dress and Appearance

### Dress and Appearance

All employees will comply with these guidelines, which are minimum standards for professional dress and appearance, appropriate for the educational workplace environment. Employees will also adhere to dress standards established by their respective departments as appropriate for their job duties and profession. BISD reserves the right to determine at its discretion what is and is not appropriate workplace attire and to address issues as they arise.

### Purpose:

To define the image of professionalism required for BISD employees. To promote employee safety, comfort and a professional impression on our students and our community by portraying a positive image of our organization and mission.

### Guidelines:

BISD employees serve as role models for the students and as representatives of BISD organization. Consistent with these roles all employees, volunteers and substitutes shall dress professionally and appropriately.

## Dress Code and Grooming Guidelines 2023 – 2024

### Policy: **DH**

All employees' dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with the following standards of dress and hygiene. Teachers shall dress more conservatively than the students. Good personal hygiene is expected of all employees.

ATTIRE AND GROOMING FOR MEN	ATTIRE AND GROOMING FOR WOMEN
The following <b>are permissible</b> for men:	The following <b>are permissible</b> for women:
✓ Collared shirts, polo style shirts, sport shirts, and guayaberas (shirt tails tucked in)	✓ Dressy blouses and shirts
✓ Neatly-trimmed mustaches/beards and sideburns	✓ Sleeveless dresses and blouses (if undergarments are not exposed)
✓ Hair shall be neatly groomed	✓ Dressy capris
✓ Dress shoes, casual shoes, boots, canvas shoes	✓ Dressy slacks
✓ Undergarments are to be worn at all times.	
The following <b>are prohibited</b> for men:	The following <b>are prohibited</b> for women:
▪ Plain, collarless t-shirts of any color	▪ Clothing that is strapless, having spaghetti straps, bare midriff, cut-out backs, or having provocative/low necklines
▪ Muscle shirts or sleeveless t-shirts	▪ Dresses/skirts that are more than 2" above the knee cap
	▪ Dress/skirts with slits on side, rear or front exposing 2" above the knee cap
	▪ Leggings in lieu of pants; (including spandex)
	▪ Denim jeans of any color
	▪ Warm-ups and windbreaker suits
	▪ See-through apparel
	▪ Distracting hairstyles and/or hair color
	▪ Flip flops, slippers, or Crocs style shoes
	▪ Attire shall not be tight/binding
	▪ Tattoos (body art) shall not be visible
	▪ Body piercings shall not be allowed, other than on ears in a reasonable amount
<b>Exceptions:</b>	
<ul style="list-style-type: none"> <li>❖ Spirit Day and/or College Awareness Day will be limited to one day per week as designated by the Principal. Additional days will require approval from the Superintendent or Superintendent Designee. On those designated days, denim jeans, tennis shoes or athletic shoes may be worn only if accompanied by a spirit shirt and/or a college awareness shirt. Denim clothing shall be clean and neat, with no holes, no extreme fading, frayed hems, or worn-out look and not multi-toned.</li> <li>❖ Physical Education staff may choose to wear appropriate attire, approved by Administration, during the physical education period.</li> <li>❖ Teachers who have lab or shop courses may wear aprons, smocks, or overalls during the instructional period, since this attire may be deemed necessary for safety purposes.</li> <li>❖ Auxiliary employees in maintenance, custodial, transportation, food service, and positions requiring uniforms are exempted from the general guidelines, but shall comply with dress and grooming guidelines specified by their supervisors in the department handbook.</li> </ul>	

BISD reserves the right to determine at its discretion what is and is not appropriate workplace attire and to address issues as they arise.

## Discrimination, Harassment and Retaliation

### **Policies: DIA & DH**

Employees shall not engage in prohibited harassment, including sexual harassment, of other employees, unpaid interns, student teachers, or students. While acting in the course of their employment, employees shall not engage in prohibited harassment of other persons, including board members, vendors, contractors, volunteers, or parents. A substantiated charge of harassment will result in disciplinary action up to and including termination.

Individuals who believe they have been discriminated or retaliated against or harassed are encouraged to promptly report such incidents to the campus principal, supervisor, or appropriate district official which includes the Title IX Coordinator, ADA/Section 504 Coordinator, and the Superintendent. If the campus principal, supervisor, or district official is the subject of a complaint, the complaint should be made directly to the Superintendent or his designee. A complaint against the Superintendent may be made directly to the Board. The District's policy shall be distributed annually to employees. Employees may access District Policy DIA (LOCAL) at the following link: <http://www.tasb.org/policy>.

## Harassment of Students

### **Policies: DH, DHB, FFG, FFH, FFI**

Sexual and other harassment of students by employees are forms of discrimination and are prohibited by law. Romantic or inappropriate social relationships between students and district employees are prohibited.

Employees who suspect a student may have experienced prohibited harassment are obligated to report their concerns to the campus principal or other appropriate district official. All allegations of prohibited harassment or abuse of a student will be reported to the student's parents and promptly investigated. An employee who knows of or has reasonable cause to believe that child abuse or neglect occurred must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See below *Reporting Suspected Child Abuse* for additional information.

All employees are responsible for being aware of District policies governing harassment of students. Policies DF and FFH are included in the Appendix of this handbook.

The definition of solicitation of a romantic relationship as per District Policy DF (LEGAL) is as follows:

1. Behavior, gestures, expressions, communications, or a pattern of communication with a student that is unrelated to the educator's job duties and that may reasonably be interpreted as encouraging the student to form an ardent or exclusive emotional attachment to the educator, including statements of love, affection, or attraction. When evaluating whether communications constitute the solicitation of a romantic relationship, the following may be considered:
  - a. The nature of the communications;
  - b. The timing of the communications;
  - c. The extent of the communications
  - d. Whether the communications were made openly or secretly;
  - e. The extent to which the educator attempted to conceal the communications;
  - f. If the educator claims to be counseling a student, TEA staff may consider whether the educator's job duties included counseling, whether the educator reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in

the case of alleged abuse or neglect, whether the educator reported the abuse or neglect to the appropriate law enforcement agencies; and

- g. Any other communications tending to show that the educator solicited a romantic relationship with a student.
2. Making inappropriate comments about a student's body.
3. Making sexually demeaning comments to a student.
4. Making comments about a student's potential sexual performance.
5. Requesting details of a student's sexual history.
6. Requesting a date.
7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party.
8. Inappropriate hugging, kissing, or excessive touching.
9. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.
10. Any other acts tending to show that the educator solicited a romantic relationship with the student, including providing the student with drugs or alcohol.

## Reporting Suspected Child Abuse

**Policies:** DG, GRA, FFG

All employees with reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect to a law enforcement agency, Child Protective Services (CPS), or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering a facility) **within 48 hours** of the event that led to the suspicion. Alleged abuse or neglect involving a person responsible for the care, custody, or welfare of the child (including a teacher) must be reported to CPS. Abuse is defined by the Texas Family Code §261.001 and also includes any sexual conduct involving an educator and a student or minor.

Employees are also required to make a report if they have reasonable cause to believe that an adult was a victim of abuse or neglect as a child and they determine in good faith that the disclosure of the information is necessary to protect the health and safety of another child, elderly person, or person with a disability.

Reports to Child Protective Services can be made online at <https://www.txabusehotline.org/Login/Default.aspx> (956)-546-5591 or to the Texas Abuse Hotline (800-252-5400). State law specifies that an employee may not delegate to or rely on another person or administrator to make the report.

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, the District is prohibited from taking an adverse employment action against a certified or licensed professional who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

An employee's failure to report suspected child abuse may result in prosecution as a Class A misdemeanor. The offense of failure to report by a professional may be a state felony if it is shown the individual intended to conceal the abuse or neglect. In addition, a certified employee's failure to report suspected child abuse may result in disciplinary procedures by SBEC for a violation of the *Code of Ethics and Standard Practices for Texas Educators*.

Employees who suspect that a student has been or may be abused or neglected should also report their concerns to the campus principal. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to the principal before making a report to the appropriate agencies. In addition, employees must cooperate with investigators of child abuse and neglect. Reporting the concern to the principal does not relieve the employee of the requirement to report to the appropriate state agency. Interference with a child abuse investigation by denying an interviewer's request to interview a student at school or requiring the presence of a parent or school administrator against the desires of the duly authorized investigator is prohibited.

## Sexual Abuse and Maltreatment of Children

**Policies: DF, DG, DH, FFG & GRA**

The district has established a plan for addressing child sexual abuse, which may be accessed at the District's Website under District Improvement Plan, Section IX-Health and Physical Education. As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Anyone who has reasonable cause to believe that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect to law enforcement or to a Child Protective Services (CPS). Employees are required to follow the procedures described above in *Reporting Suspected Child Abuse*.

## Reporting Crime

**Policy: DG**

The Texas Whistleblower Act protects district employees who make good faith re-ports of violations of law by the district to an appropriate law enforcement authority. The district is prohibited from suspending, terminating the employment of, or taking other adverse personnel action against, an employee who makes a report under the Act. State law also provides employees with the right to report a crime witnessed at the school to any peace officer with authority to investigate the crime.

## Fraud and Financial Impropriety

**Policy: CAA**

All employees should act with integrity and diligence in duties involving the district's financial resources. The district prohibits fraud and financial impropriety, as defined below. Fraud and financial impropriety shall include but not be limited to the following:

- Forgery or unauthorized alteration of any document or account belonging to the district;
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document;
- Misappropriation of funds, securities, supplies, or other district assets, including employee time;
- Impropriety in the handling of money or reporting of district financial transactions;
- Profiteering as a result of insider knowledge of district information or activities;
- Unauthorized disclosure of confidential or proprietary information to outside parties;
- Unauthorized disclosure of investment activities engaged in or contemplated by the District;
- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the district; except as otherwise permitted by law or district policy.

- Inappropriately destroying, removing, or inappropriately using records, furniture, fixtures, or equipment;
- Failing to provide financial records required by federal, state or local entities;
- Failure to disclose conflicts of interest as required by law or district policy;
- Any other dishonest act regarding the finances of the District.
- Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

## Conflict of Interest

### **Policy: DBD**

Employees are required to disclose to their supervisor any situation that creates a potential conflict of interest with proper discharge of assigned duties and responsibilities or creates a potential conflict of interest with the best interests of the District. This includes the following:

- A personal financial interest
- A business interest
- Any other obligation or relationship
- Non-school employment

When an employee has a Conflict of Interest, the employee **must** complete and submit a “Conflict of Interest Disclosure Form” to the Human Resource Department through Talent Ed (Records).

## Gifts and Favors

### **Policy: DBD**

Employees may not accept gifts or favors that could influence, or be construed to influence, the employee’s discharge of assigned duties. The acceptance of a gift, favor, or service by an administrator or teacher that might reasonably tend to influence the selection of textbooks may result in prosecution of a Class B misdemeanor offense. This does not include staff development, teacher training, or instructional materials, such as maps or worksheets, that convey information to students or contribute to the learning process. Employees are responsible for being familiar with District Policy DBD (LOCAL) and other restrictions and activities that could create a conflict of interest.

## Associations and Political Activities

### **Policy: DGA**

The District will not directly or indirectly discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization, or association. Employees may join or refuse to join any professional association or organization.

An individual’s employment will not be affected by membership or a decision not to be a member of any employee organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. Use of District resources, including work time, for political activities is prohibited.

The district encourages personal participation in the political process, including voting. Employees who need to be absent from work to vote during the early voting period or on election day must

communicate with their immediate supervisor prior to the absence.

## Charitable Contributions

### **Policy: DG**

The Board or any employee may not directly or indirectly require or coerce an employee to make a contribution to a charitable organization or in response to a fundraiser. Employees cannot be required to attend a meeting called for the purpose of soliciting charitable contributions. In addition, the Board or any employee may not directly or indirectly require or coerce an employee to refrain from making a contribution to a charitable organization or in response to a fundraiser or attending a meeting called for the purpose of soliciting charitable contributions.

## Alcohol and Drug Abuse Prevention

### **Policy: DH (Local)**

The Brownsville Independent School District is committed to maintaining an alcohol and drug-free environment and will not tolerate the use of alcohol and illegal drugs in the workplace and at school-related or school sanctioned activities on or off school property. Employees who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours may be dismissed.

## Drug-Free Workplace Requirements

### **Policies: DH & DI**

The District prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace. *41 U.S.C. 702(a)(1)(A); 28 TAC 169.2*

The District shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace, the District's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance abuse programs, and the penalties that may be imposed upon employees for drug abuse violations. *41 U.S.C. 702(a) (1) (B); 28 TAC 169.2*

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the District, and referral to appropriate law enforcement officials for prosecution. [See policies at DH and DHE] *41 U.S.C. 702(a) (1) (A); 28 TAC 169.2*

Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Within ten days of receiving such notice—from the employee or any other source—the District shall notify the granting agency of the conviction. *41 U.S.C. 702(a) (1) (D), (E).*

Within 30 calendar days of receiving notice from an employee of a conviction for any drug statute violation occurring in the workplace, the District shall either (1) take appropriate personnel action against the employee, up to and including termination of employment, or (2) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. *41 U.S.C. 703*

## Tobacco Products and E-Cigarette Use

### **Policies: DH, FNCD & GKA**

State law prohibits smoking or using tobacco products, or e-cigarettes on all district-owned property and at school-related or school-sanctioned activities, on or off school property. This includes all buildings, playground areas, parking facilities, and facilities used for athletics and other activities. Drivers of district-owned vehicles are prohibited from smoking, using tobacco products or e-cigarettes while inside the vehicle. Notices stating that smoking is prohibited by law and punishable by a fine are displayed in prominent places in all school buildings.

## Criminal History Background Checks

### **Policy: DBAA**

Employees may be subject to a review of their criminal history record information at any time during employment. National criminal history checks based on an individual's fingerprints, photo, and other identification will be conducted on all employees and entered into the Texas Department of Public Safety (DPS) Clearinghouse. This database provides the District and SBEC with access to an employee's current national criminal history and updates to the employee's subsequent criminal history. The District shall also obtain all criminal history record information that relates to part-time employees and substitute teachers for the District or shared services arrangement through the Department of Public Safety's criminal history clearinghouse. [See DBAA] *Education Code 22.0836*

## Employee Arrests and Convictions

### **Policy: DH, DHB & DHC**

An employee shall notify his or her principal or immediate supervisor within **three calendar days** of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
  - Dishonesty; fraud; deceit;
  - Theft; misrepresentation;
  - Deliberate violence;
  - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
  - Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
  - Felonies involving driving while intoxicated (DWI)
  - Acts constituting abuse or neglect under the Texas Family Code.

If an educator is arrested or criminally charged, the superintendent is also required to report the educators' criminal history to the Division of Investigations at TEA.



## Certified Employees

The superintendent and directors are required to report the misconduct or criminal history of a certified employee or individual applying for certification or permit to TEA Division of Educator Investigations. Information about misconduct or allegations of misconduct of a certified employee obtained by a means other than the criminal history clearinghouse that results in termination, resignation, or criminal history (e.g., arrest, indictment, prosecution, conviction, or other disposition by the criminal justice system, including probation and deferred adjudication) will be reported to TEA.

Misconduct or allegations of misconduct include:

- Abused or otherwise committed an unlawful act with a student or minor
- Possessed, transferred, sold, or distributed a controlled substance
- Illegally transferred, appropriated, or expended school property or funds
- Attempted by fraudulent means to obtain or alter any certificate or permit to gain employment or additional compensation
- Committed a criminal offense on school property or at a school-sponsored event, or
- Solicited or engaged in sexual conduct or a romantic relationship with a student or minor

## Uncertified Employees

Misconduct or criminal history of an uncertified employee also must be reported to TEA. Information about misconduct or the allegations of misconduct obtained by a means other than the criminal history clearinghouse that results in termination, resignation, or criminal history (e.g., arrest, indictment, prosecution, conviction, or other disposition by the criminal justice system, including probation and deferred adjudication) will be reported to TEA.

- Misconduct or allegations of misconduct include:
- Abuse or unlawful act with a student or minor, or
- Involvement in a romantic relationship with or solicited or engaged in sexual contact with a student or minor

## Possession of Firearms and Weapons

### **Policies: DH, FNCG & GKA**

Employees, visitors, and students are prohibited from bringing firearms, knives, clubs or other prohibited weapons onto school premises (i.e., building or portion of a building) or any grounds or building where a school-sponsored activity takes place. To ensure the safety of all persons, employees who observe or suspect a violation of the District's weapons policy should report it to their supervisors or call the Brownsville Independent School District Police Department at (956) 698-2085 immediately.

## Searches

### **Policy: DHE**

Non-investigatory searches in the workplace including accessing an employee's desk, file cabinets, or work area to obtain information needed for usual business purposes may occur when an employee is unavailable. Therefore, employees are hereby notified that they have no legitimate expectation of privacy in those places. In addition, the district reserves the right to conduct searches when there is reasonable cause to believe a search will uncover evidence of work-related misconduct. Such an investigatory search may include drug and alcohol testing if the suspected violation relates to drug or

alcohol use. The district may search the employee, the employee's personal items, and work areas including district-owned technology resources, lockers, and private vehicles parked on district premises or work sites or used in district businesses. Disciplinary action, up to and including termination, may result if an employee refuses to submit to testing or is found to violate district policy.

## Employees Required to have Commercial Driver's License

### **Policy: DHE**

Any employee whose duties require a commercial driver's license (CDL) is subject to alcohol and drug testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people counting the driver, drivers of large vehicles, or drivers of vehicles used in the transportation of hazardous materials. Teachers, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements if their duties include driving.

Drug testing will be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted when reasonable suspicion exists, at random, when an employee returns to duty after engaging in prohibited conduct, and as a follow-up measure. Testing may be conducted following accidents. Return to duty and follow-up testing will be conducted if an employee who has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs is allowed to return to duty.

All employees required to have a CDL or who otherwise are subject to alcohol and drug testing will receive a copy of the district's policy, the testing requirements, and detailed information on alcohol and drug abuse and the availability of assistance programs.

## Driver's License Review

Any employee whose duties require them to drive will be required to maintain an acceptable driving record as determined by the District. Reviews will be conducted regularly by the Human Resource Department in coordination with the District's Insurance Carrier.

## Theft

Theft or misappropriation of District property by employees is prohibited and is grounds for disciplinary action up to and including termination. Theft as defined in Section 31.03 constitutes a single offense superseding the separate offenses previously known as theft, theft by false pretext, conversion by a bailee, theft from the person, shoplifting, acquisition of property by threat, swindling, swindling by worthless check, embezzlement, extortion, receiving or concealing embezzled property, and receiving or concealing stolen property. Acts 1973, 63rd Leg., p. 883, Ch. 399, § 1, eff. Jan. 1, 1974. Amended by Acts 1993, 73rd Leg., Ch. 900, § 1.01, eff. Sept. 1, 1994.

A PERSON COMMITS AN OFFENSE IF HE/SHE UNLAWFULLY APPROPRIATES PROPERTY WITH INTENT TO DEPRIVE THE OWNER OF PROPERTY.

Appropriation of property is unlawful if:

1. It is without the owner's effective consent;
2. The property is stolen and the actor appropriates the property knowing it was stolen by another; or

3. Property in the custody of any law enforcement agency was explicitly represented by any law enforcement agent to the actor as being stolen and the actor appropriates the property believing it was stolen by another.

#### Visitors in the Workplace

All visitors are expected to enter any District facility through the main entrance and sign in or report to the building's main office. Authorized visitors will receive directions or be escorted to their destination. Employees who observe an unauthorized individual on the district premises should immediately direct him or her to the building office or contact the administrator in charge.

# CHAPTER 8

## General Practices

### Academic and Traditional Calendar

A log of the following school calendars is maintained on the District web site at [www.bisd.us](http://www.bisd.us)

ACADEMIC CALENDARS	TRADITIONAL CALENDARS
● Academic Calendar	● Classified Calendar
● Instructional Calendar	● Certified Calendar

### Attending College

The following restrictions will apply for employees requesting time off their regular work schedule in order to attend college courses during the day. Outside of the exceptions noted below, employees will not be authorized to request a day off or an altered schedule in order to attend college courses. Employees are required to work their full work schedule.

An exception or waiver will be made only for those employees lacking 30 hours to obtain their college degree ***in a certified teaching field***. The following restrictions will apply:

1. The employee must obtain approval from the Administrator **prior** to registering for their required course(s). The Administrator must coordinate the requests in order not to disrupt the required workflow of the department or campus.
2. The employees requesting this waiver must be following an approved teaching degree plan.
3. The employee must provide a copy of the degree plan to the Administrator upon request.
4. The employee must demonstrate that the course(s) are not available during the evening hours.
5. The hours must be made up within the scheduled pay week and must be supervised.

### Authorized Use of Equipment

School equipment and supplies are not available for use, rent, or loan outside of school facilities.

### Employee Directories

**Policy: GBA**

A directory is prepared by the District listing employee names, addresses, telephone numbers, and assignments. Individuals may choose NOT to list their addresses and telephone numbers. Directories are public information and are available through the Public Information Office.

Continuous efforts are made throughout the year to recognize employees who make an extra effort to contribute to the success of the District. Employees are recognized at board meetings, in the district newsletter, and through special events and activities. Recognition and appreciation activities also include the Annual Employee Awards Night, which recognizes our long-term employees and retirees.

## Name and Address Changes

It is important that employment records be kept up to date. Employees must notify the Human Resource Department if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. When an employee has a change of personal data, including a change of name, address, or telephone number, the employee **must** complete and submit a “Change of Personal Data Form” with the correct information to the Human Resource Department through Talent Ed (Records).

## Personnel Records

The District maintains current and complete personnel records of all employees according to TEA rules and guidelines and local administrative requirements. It is the responsibility of each employee to promptly notify the District of any changes in personnel data. Names, personal mailing addresses and telephone numbers should be accurate and current at all times. If any personnel data has changed, you should contact the Human Resource Department at 548-8031 or 548-8051.

Most District records, including personnel records, are public information and must be released upon request. Employees may choose to have the following personal information withheld:

- Address
- Phone number, including personal cell phone number
- Emergency contact information
- Information that reveals whether they have family members.

The choice to not allow public access to this information may be made at any time by submitting a written request to the Human Resource Department. New or terminating employees have 14 days after hire to submit a request. Otherwise, personal information will be released to the public.

## Purchasing Procedures

### **Policy: CH & Administrative Guidelines**

All requests for purchases must be submitted to the Purchasing Department on the official online purchase order system. No purchases, charges, or commitments to buy goods or services for the District can be made without a Purchase Order number. The District will not reimburse employees or assume responsibility for purchases made without authorization. Employees are not permitted to purchase supplies or equipment for personal use through the District’s business office. Contact your supervisor and the Purchasing Department for additional information on purchasing procedures.

## Return of District Property

### **Policy: CFB**

Employees are responsible for all property, materials, ID badges, or written information issued to them or in their possession or control. Employees must return all BISD property immediately upon request or upon termination of employment. Where permitted by applicable laws, the District will enforce said laws to recover all lost items or reimbursement of lost items that are not returned when required. BISD may also take all action deemed appropriate to recover or protect its property. All questions regarding this policy and its implementation procedures shall be directed to the Warehouse/Fixed Assets department at 548-8375.

# CHAPTER 9

## District Communications

### Access to Public Information

**“Public information** means information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by the Board or for the Board and to which the Board has a right of access. *Gov't Code 552.002(a)* Public information is available, at a minimum, to the public during the District's normal business hours. *Gov't Code 552.021*

The Board or the Public Information Officer voluntarily may make part or all of its records available to the public, unless the disclosure is expressly prohibited by law or the records are confidential by law. [*Gov't Code 552.007*]

### Procedures for Obtaining Public Information

#### **Policies: GBA & GBAA**

Public records shall be made available in accordance with policy GBA. You are asked to include enough description and detail about the information requested to enable the governmental body to accurately identify and locate the information requested. Cooperate with the District's reasonable efforts to clarify the type or amount of information requested.

The following guidelines shall apply:

1. Requests for records shall be made in writing on the District form provided.
2. The District shall indicate the disposition of the request and notify the person making the request of the action taken.
3. The requestor agrees to pay the duplication costs at the rate adopted by the Board if the cost does not exceed \$40.00. If the cost will exceed \$40.00 the District will provide an estimate of charges. [see GBAA (EXHIBIT)]
4. Records shall be made available after a statement of charges [see GBAA (EXHIBIT)] has been prepared.
5. Payment shall be made to the custodian of records.

Contact the Public Information Office for additional information regarding copying costs, repetitious requests, and copy limits at:

Brownsville I.S.D.  
Public Information Office  
1900 Price Rd., Ste. 101  
Brownsville, TX. 78521-2417

956-548-8000

Fax: 956-548-8010  
Pio@bisd.us

## Broadcast of School Events

### **Policy: GBAA**

The broadcast or telecast of school events shall be in accordance with UIL rules and shall not identify the schools with the promotion of any commercial or political enterprise. All such coverage shall be with the prior approval of the Superintendent. Media activities shall not be allowed to disturb or disrupt the instructional program of the schools.

## Technology Resources

### **Policy: CQ**

The District's technology resources systems, including its networks, email accounts, devices connected to its networks, and all district-owned devices used on or off school property is primarily for administrative and instructional purposes. Employees are required to abide by the provisions of the district's communications systems agreement and administrative procedures. Failure to do so can result in suspension or termination of privileges and may lead to disciplinary and/or legal action up to and including termination. Employees with questions about computer use and data management may contact BISD Instructional Technology Dept. at (956)548-8241. Electronic mail transmissions and other use of the electronic communications systems are not confidential and can be monitored at any time to ensure appropriate use.

Forging email, including concealment of the sender's identity, is prohibited. An email address of a member of the public that is provided for the purpose of communicating electronically with the District is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release.

This confidentiality does not apply to an email address:

1. Provided to the District by a person who has a contractual relationship with the District or by the contractor's agent;
2. Provided to the District by a vendor who seeks to contract with the District or by the vendor's agent;
3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to the District in the course of negotiating the terms of a contract or potential contract; or
4. Provided to the District on a letterhead, coversheet, printed document, or other document made available to the public.

The District may also disclose an email address for any reason to another governmental body or to a federal agency. *Gov't Code 552.137*

## Acceptable Use

### **Policy: CQ**

Access to the District's electronic communications system is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations governing use of the system and shall agree in writing to allow monitoring of their use and to comply with such regulations and guidelines. Noncompliance may result in suspension of access or termination of privileges and other disciplinary action consistent with District policies. [See [DH](#), [FN series](#), [FO series](#), and the Student Code of Conduct] Violations of law may result in criminal prosecution as well as disciplinary action by the District.

Access to the District's *electronic communications* system, including the Internet and its network access to the Internet, is primarily for instructional and administrative purposes and in accordance with administrative guidelines.

Limited personal use of the system shall be permitted if the use:



Imposes no tangible cost on the District;



Does not unduly burden the District's computer or network resources; and



Has no adverse effect on an employee's job performance or on a student's academic performance.

## Intellectual Property Rights

### **Policy: CQ**

As agents of the District, employees shall have limited rights to work they create using the District's electronic communications system. The District shall retain the right to use any product created in the scope of a person's employment even when the author is no longer an employee of the District.

Intentionally destroying anything stored on the computer system, including anything stored in primary or random access memory is prohibited. Deliberately performing any act that will seriously impact the operation of the computer system is prohibited. This includes, but is not limited to, tampering with components of a local area network (LAN) or the high-speed backbone network, otherwise blocking communication lines, or interfering with the operational readiness of a computer or peripheral.

Electronic mail transmissions and other use of the electronic communications system by students and employees shall not be considered private. Designated District staff shall be authorized to monitor such communication at any time to ensure appropriate use.

## Personal Use of Electronic Communications

### **Policies: CQ & DH**

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs, (blogs), wikis, electronic forums (chat rooms), video sharing websites (e.g. YouTube), editorial comments posted on the Internet, and social network sites (e.g. Facebook, Twitter, LinkedIn, Instagram). Electronic media also includes all forms of telecommunications such as landlines, cell phones, and web-based applications.

As role models for the district's students, employees are responsible for their public conduct even when they are not acting as district employees. Employees will be held to the same professional standards in



their public use of electronic media as they are for any other public conduct. If an employee's use of electronic media interferes with the employee's ability to effectively perform his or job duties, the employee is subject to disciplinary action, up to and including termination of employment. If an employee wishes to use a social network site or similar media for personal purposes the employee is responsible for the content on the employee's page, including content added by the employee, the employee's friends, or members of the public who can access the employee's page, and for Web links on the employee's page. The employee is also responsible for maintaining privacy settings appropriate to the content.

An employee who uses electronic media for personal purposes shall observe the following:

- ✦ The employee may not set up or update the employee's personal social network pages(s) using the district's computers, network, or equipment.
- ✦ The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, meal times, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct district business.
- ✦ The employee shall not use the district's logo or other copyrighted material of the district without express, written consent.
- ✦ An employee may not share or post, in any format, information, videos, or pictures obtained while on duty or on district business unless the employee first obtains written approval from the employee's immediate supervisor. Employees should be cognizant that they have access to information and images that, if transmitted to the public, could violate privacy concerns.
- ✦ The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educator's Code of Ethics, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
  - Confidentiality of student records. [See Policy [FL](#)]
  - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law. [See [DH\(Exhibit\)](#)]
  - Confidentiality of district records, including educator evaluations and private email addresses. [See Policy [GBA](#)]
  - Copyright law [See Policy [EFE](#)]
  - Prohibition against harming others by knowingly making false statements about a colleague or the school system. [See Policy [DH\(EXHIBIT\)](#)]

See *Use of Electronic Communications between Employees, Students, and Parents* below, for regulations on employee communication with students through electronic media.

## Electronic Communications Between Employees, Students, and Parents

### **Policy: DH**

In accordance with administrative regulations, a certified or licensed employee, or any other employee designated in writing by the Superintendent or a campus principal, may use electronic media to communicate with currently enrolled students about matters within the scope of the employee's professional responsibilities. All other employees are prohibited from using electronic media to communicate directly with students who are currently enrolled in the District. The regulations shall address:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with students;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent or designee.

An employee is not subject to these provisions to the extent the employee has a social or family relationship with a student. For example, an employee may have a relationship with a niece or nephew, student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, or religious organization. An employee who claims an exception based on a social relationship shall provide written consent from the student's parent. The written consent shall include an acknowledgement by the parent that:

- The employee has provided the parent with a copy of this protocol
- The employee and the student have a social relationship outside of school;
- The parent understands that the employee's communications with the student are excepted from district regulation; and
- The parent is solely responsible for monitoring electronic communications between the employee and the student.

The following definitions apply for the use of electronic media with students:

- ✓ **Electronic media** includes all forms of social media, such as text messaging, instant messaging, electronic mail (email), web logs (blogs), wikis, electronic forums (chat rooms), video-sharing Web sites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram and Snapchat). Electronic media also includes all forms of telecommunications such as landlines, cell phones, and Web-based applications.
- ✓ **Communicate** means to convey information and includes a one-way communication as well as a dialogue between two or more people. A public communication by an employee that is not targeted at students (e.g., a posting on the employee's personal social network page or a blog) is not a communication; however, the employee may be subject to district regulations on personal electronic communications. See Personal Use of Electronic Media, above. Unsolicited contact from a student through electronic means is not a communication.

**Certified or licensed employee** means a person employed in a position requiring SBEC certification or a professional license, and whose job duties may require the employee to communicate electronically with students. The term includes classroom teachers, counselors, principals, librarians, paraprofessionals, nurses, educational diagnosticians, licensed therapists, and athletic trainers.

An employee who uses electronic media to communicate with students shall observe the following:

- The employee shall include at least one of the student’s parents or guardians as a recipient on each electronic communication to the student so that the student and parent receive the same message;
- The employee shall include his or her immediate supervisor as a recipient on each electronic communication to the student so that the student and supervisor receive the samemessage.
- ✓ The employee shall limit communications to matters within the scope of the employee’s professional responsibilities (e.g., for classroom teachers, matters relating to class work, homework, and tests; for an employee with an extracurricular duty, matters relating to the extracurricular activity.)
- ✓ The employee is prohibited from knowingly communicating with students through a personal social network page; the employee must create a separate social network page (“professional page”) for the purpose of communicating with students. The employee must enable administration and parents to access the employee’s professional page.
- ✓ The employee shall not communicate directly with any student after an hour set by his campus Principal. An employee may, however, make public posts to a social network site, blog, or similar application at any time.
- ✓ The employee does not have a right to privacy with respect to communications with students and parents.

✓

The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Educator’s Code of Ethics including:

- Compliance with the Public Information Act and the Family Educational Rights and Privacy Act (FERPA), including retention and confidentiality of student records. [See Policies CPC and FL]
- Copyright law [Policy EFE]
- Prohibitions against soliciting or engaging in sexual conduct or a romantic relationship with a student. [See Policy DH]
- Upon request from administration, an employee will provide the phone number(s), social network site(s), or other information regarding the method(s) of electronic media the employee uses to communicate with one or more currently-enrolled students.
- Upon written request from a parent or student, the employee shall discontinue communicating with the student through email, text messaging, instant messaging, or any other form of one-to-one communication.
- All staff are required to use school email accounts for all electronic communications with parents. Communication about school issues through personal email accounts or text messages are not allowed as they cannot be preserved in accordance with the district’s record retention policy.

- An employee may request an exception from one or more of the limitations above by submitting a written request to his or her immediate supervisor.
- An employee shall notify his supervisor in writing within one business day if a student engages in an improper electronic communication with the employee. The employee should describe the form and content of the electronic communication.

#### Public Information on Private Devices

##### **Policy: DH & GB**

Employees should not maintain district information on privately owned devices. Any district information must be forwarded or transferred to the district to be preserved. The district will take reasonable efforts to obtain public information in compliance with the Public Information Act. Reasonable efforts may include:

- Verbal or written directive
- Remote access to district-owned devices and services

#### Computer Software

##### **Policy: EFE**

Unless otherwise provided in the purchase agreement, a purchased computer program shall not be used to make copies. A computer program may be legally copied only if:

1. Making a copy is an essential step in using the program (such as automatic copying into memory when a program is loaded); or
2. The new copy is a backup; backups cannot be used simultaneously with the original and must be erased if the original is resold.

District employees shall not use the same program on more than one computer at a time unless the purchase agreement or written permission from the vendor allows the District to network the program or allows other specified multiple use of the single copy.

#### Copyrighted Materials

##### **Policies: CQ & EFE**

Employees are expected to comply with the provisions of federal copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.) Rented videos are to be used in the classroom for educational purposes only. Duplication or backup of computer programs and data must be made within the provisions of the purchase agreement.

#### Telephone and Mail System Use

Personal use of telephone for long-distance and toll calls is not permitted. Employees should practice discretion in using District telephones when making local personal calls. To ensure effective telephone

communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

The use of BISD-paid postage for personal correspondence is not permitted.

#### Internal-Campus Mail Delivery

**Policy: CPAB**

The District is prohibited by the Private Express Statutes from carrying unstamped letters over postal routes unless:

1. The letters relate to the current business of the District to an extent sufficient to satisfy the "letters of the carrier" exception; or
2. The carriage of the letters is without any compensation, direct or indirect, to the District so as to satisfy the "private hands" exception.

*Regents of the Univ. of Cal. System v. Public Employee Relations Board, 485 U.S. 589, 108 S. Ct. 1404 (1988); 39 U.S.C. 601-606; 18 U.S.C. 1693-1699*

#### Use of Internal Mail System

**Policies: CPAB & GKD**

The District mail system for delivering items between District buildings shall not be available for use other than official school business. With the permission of the Superintendent or designee, internal mailboxes at an individual campus may be used by campus employees and school-sponsored or school support groups affiliated with that campus. All intra-district mail must contain a return address.

# CHAPTER 10

## Complaints and Grievances

### Grievance Procedures

**Policy: DGBA**

In an effort to hear and resolve employee concerns or complaints in a timely manner and at the lowest administrative level possible, the Board has adopted an orderly grievance process. Employees are encouraged to discuss their concerns or complaints with their supervisors or an appropriate administrator at any time.

The formal process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the Board of Trustees. For ease of reference, District Policy DGBA concerning the process of bringing forward concerns and complaints is reprinted in the Appendix. <http://pol.tasb.org/Home/Index/254>

### Whistleblower Complaints

**Policy: DG**

Whistleblower complaints shall be filed within the time specified by law. Such complaints shall first be filed in accordance with Level Two. Time lines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 days of the initiation of the complaint.

# CHAPTER 11

## Safety and Security

### **Policy: CK (Series)**

The District has developed and promotes a comprehensive program to ensure the safety and security of its employees, students, and visitors. The safety and security program includes written guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. See Emergencies on page 78 for additional information.

Employees must follow established protocols and response to emergencies for each campus and department. Refer to written security procedures specific to your location and work area.

To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve District equipment, employees must comply with the following requirements:

GUIDELINES	Questions or Concerns <b>May be Reported To:</b>
<ul style="list-style-type: none"> <li>• Observe ALL safety rules</li> <li>• Keep work areas clean and orderly at all times</li> <li>• Immediately report all accidents to their supervisor</li> <li>• Operate only equipment or machines for which they have training and authorization</li> </ul>	<ul style="list-style-type: none"> <li>• The immediate Supervisor</li>   <li>• District Safety Coordinator@698-1374</li>   <li>• Employee Benefits/Risk Management Department @ <b>548-8061</b></li> </ul>

### Emergency School Closing

The District may close schools because of severe weather, epidemics, or other emergency conditions. District employees are reminded to refer to the Public Information Office for information on school closings and inclement weather procedures. In the case of a full-day closing, the Superintendent or designee will notify media sources. Your best source of information regarding school closures is local television and radio stations, the District’s webpage at [www.bisd.us](http://www.bisd.us), and KBSD TV, the District’s instructional Television Station. If there is no announcement, parents can assume school is in session and buses will run as usual. As always, parents have the right and responsibility to determine what is best for their child.

Parents who have concerns about their children getting to school safely are urged to use their discretion about sending them to school.

**Plan ahead for unexpected early dismissal** - Please be certain that your children know the procedure you want them to follow if bad weather occurs during the day and students are dismissed early. Have an

emergency plan and review it from time to time. When school is cancelled in the middle of the day, the school district will provide as much lead time as possible so families can make child care and transportation arrangements.

Families are asked to consider the following tips in preparing for inclement weather:

- Consider your childcare options if school is closed for the full day
- Consider your arrangements, if school dismisses early (talk with a neighbor about checking in on your child, make plans to have an adult in the home after dismissal).
- Talk with your child's daycare program regarding their inclement weather policy.
- If you plan to pick your child up from school, make sure the school is notified in advance.
- Make sure you have proper identification to pick up your child.
- Normal school procedures must be followed in picking up children from school.

#### Asbestos Management Plan

**Policy: CKA**

The District is committed to providing a safe environment for employees. An accredited management planner has developed an asbestos management plan for each school. A copy of the District's management plan is kept in the Department/Campus Administration Office and is available for inspection during normal business hours.

All new maintenance and custodial staff must complete an asbestos awareness training within 60 days after commencement of employment.

#### Pest Control Treatment

**Policies: CLB & DI**

Employees are prohibited from applying any pesticide or herbicide without appropriate training and prior approval of the integrated pest management (IPM) coordinator. Any application of pesticide or herbicide must be done in a manner prescribed by law and the district's integrated pest management program.

Notices of planned pest control treatment will be posted in a district building 48 hours before the treatment begins. In addition, individual employees may request in writing to be notified of pesticide applications. An employee who requests individualized notice will be notified by telephone, written or electric means. Pest control information sheets are available from campus principals or facility managers upon request.

#### Emergencies

**Policy: CKC**

All employees should be familiar with the safety procedures for responding to emergencies, including a medical emergency. Employees should locate evacuation diagrams posted in their work areas and be familiar with shelter in place, lockout, and lockdown procedures. Emergency drills will be conducted to familiarize employees and students with safety and evacuation procedures. Each campus is equipped with an automatic external defibrillator. Fire extinguishers are located throughout all district buildings. Employees should know the location of these devices and procedures for their use.



## Extracurricular Activity Safety Training

### **Policies: DBA & DMA**

Certain employees who are involved in physical activities for students must maintain and submit to the district proof of current certification or training in first aid, cardiopulmonary resuscitation (CPR), the use of an automated external defibrillator (AED), and extracurricular athletic activity safety. Certification or documentation of training must be issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. Employees subject to this requirement must submit their certification or documentation to their Principal by August 01, 2012. School Nurses and employees with regular contact with students must complete a Texas Education Agency approved, online training regarding seizure disorder awareness, recognition, and related first aid.

Information on Texas Education Agency requirements is available on the TEA Web site at <http://ritter.tea.state.tx.us/taa/health042109.html>.

# CHAPTER 12

## Student Issues

### Equal Educational Opportunities

**Policies: FB & FFH**

The Brownsville Independent School District does not discriminate on the basis of race, color, religion, national origin, sex, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended. Questions or concerns about discrimination against students based on any of the reasons listed above should be directed to the Assistant Superintendent for Human Resources at 698-0210.

### Administering Medication to Students

**Policy: FFAC**

Only designated employees may administer prescription medication, nonprescription medication, and herbal or dietary supplements to students. A student who must take medication during the school day must bring a written request from his or her parent and the medicine in its original, properly labeled container. Contact the principal or school nurse for information on procedures that must be followed when administering medication to students.

### Bullying

**Policy: FFI**

All employees are required to report student complaints of bullying, including cyberbullying to their campus principal. The district's policy includes definitions and procedures for reporting and investigating bullying of students and can be found in District Policies.

### Campus Activity Fund

**Policy: CFD (Local)**

The principal shall be authorized to expend funds from the campus administrative activity fund to be used for activities of the students, faculty, staff, or campus. For fund raising activities see District Policy FJ.

## Accounting Activity Funds Management

### **Policy: GE (Local)**

The Superintendent, principal, and sponsor, as applicable, shall be responsible for the proper administration of District and campus activity funds and student funds in accordance with state law and local policy, District approved accounting practices and procedure, and the TEA Financial Accountability System Resource Guide at:

[https://tea.texas.gov/Finance\\_and\\_Grants/Financial\\_Accountability/Financial\\_Accountability\\_System\\_Resource\\_Guide/](https://tea.texas.gov/Finance_and_Grants/Financial_Accountability/Financial_Accountability_System_Resource_Guide/)

## Relations with Parent Organizations

All community and school support organization fundraising efforts shall fall within federal, state and District guidelines and shall be for the purpose of supporting the school program or group activity for which the organization was formed [See GKB]

## Dietary Supplements

### **Policies: DH & FFAC**

District employees are prohibited by state law from knowingly selling, marketing, or distributing a dietary supplement that contains performance-enhancing compounds to a student with whom the employee has contact as part of his or her school district duties. In addition, employees may not knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a performance-enhancing dietary supplement to any student.

## Hazing

### **Policy: FNCC**

Students must have prior approval from the principal or designee for any type of “initiation rites” of a school club or organization. While most initiation rites are permissible, engaging in or permitting “hazing” is a criminal offense. Any teacher, administrator, or employee who observes a student engaged in any form of hazing; who has reason to know or suspect that a student intends to engage in hazing; or has engaged in hazing must report that fact or suspicion to the designated campus administrator.

## Notification to Parents Regarding Qualifications

### **Policies: DK & DBA**

In schools receiving Title 1 funds, the District is required by the Every Student Succeeds Act (ESSA) to notify parents at the beginning of each school year that they may request information regarding the professional qualifications of their child’s teacher. **ESSA** also requires that parents be notified if their child has been assigned, or taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements.

Texas law also requires that parents be notified if their child is assigned for more than 30 consecutive instructional days to a teacher who does not hold an appropriate teaching certificate.

This notice is not required if parental notice under ESSA is sent. Inappropriately certified or uncertified teachers include individuals on an emergency permit (including individuals waiting to take a certification exam) or individuals who do not hold any certificate or permit. Information relating to teacher

certification will be made available to the public upon request. Employees who have questions about their certification status can call Certified Human Resource Department at 548-8031.

## Parent and Student Complaints

### **Policy: FNG**

In an effort to hear and resolve parent and student complaints in a timely manner and at the lowest administrative level possible, the Board has adopted orderly processes for handling complaints on different issues. Any campus office or the Superintendent's office can provide parents and students with information on filing a complaint.

Parents are encouraged to discuss problems or complaints with the teachers or the appropriate administrator at any time. Parents and students with complaints that cannot be resolved to their satisfaction should be directed to the campus principal. The formal complaint process provides parents and students with an opportunity to be heard up to the highest level of management if they are dissatisfied with a principal's response.

## Psychotropic Drugs

### **Policy: FFAC**

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood-or behavior-altering substance.

District employees are prohibited by state law from doing the following:

- Recommending that a student use a psychotropic drug;
- Suggesting a particular diagnosis; and/or
- Excluding from class or school-related activity a student whose parent refuses to consent to a psychiatric evaluation or to authorize the administration of a psychotropic drug to a student.

## Student Attendance

### **Policy: FEB**

Teachers and staff should be familiar with the District's policies and procedures for attendance accounting. These procedures require students to have parental consent before they are allowed to leave campus. When absent from school, the student, upon returning to school, must bring a note signed by the parent that describes the reason for the absence. These requirements are addressed in campus training and in the student handbook. Contact the campus principal for additional information.

## Student Conduct and Discipline

### **Policies: FN (Series) and FO (Series)**

Students are expected to follow the classroom rules, campus rules, and rules listed in the Student Handbook and Student Code of Conduct. Teachers and administrators are responsible for taking disciplinary action based on a range of discipline management strategies that have been adopted by the district.

## Student Records

### **Policy: FL**

Student records are confidential and are protected from unauthorized inspection or use. Employees should take precautions to maintain the confidentiality of all student records. The following people are the only people who have general access to a student's records.

- ✓ Parents: Married, separated, or divorced unless parental rights have been legally terminated and the school has been given a copy of the court order terminating parental rights.
- ✓ The student (if 18 or older or emancipated by a court)
- ✓ School officials with legitimate educational interests.

The student handbook provides parents and students with detailed information on student records.

## Videotape or Recording

### **Policy: EHA**

A District employee is not required to obtain the consent of a child's parent before the employee may videotape the child or record the child's voice if the videotape or recording is to be used only for a purpose related to the regular classroom instruction. *Education Code 26.009(b) (3)*

## ADDENDUM

### Uniforms

All manual trade employees of the District shall wear an appropriate uniform approved by the District as a condition of employment.

### Non-school Employment

An employee shall disclose in writing to his or her immediate supervisor any outside employment that in any way creates a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the District.

The following standards and conditions shall be considered by supervisors or professional employees.

Additional or supplementary part-time employment accepted by a professional employee shall not interfere in any way with the complete and efficient performance of school duties and obligations.

An employee shall not engage in any non-school employment or any private business during duty hours or the hours otherwise necessary to fulfill assigned duties.

In addition, an employee shall not engage in non-school employment that:

1. Requires time or energy that interferes with the employee's effectiveness in performance of regularly assigned duties;
2. Adversely affects his or her employment status or professional standing; or
3. Is a conflict of interest with assigned duties.

An employee who is employed outside the District, including self-employment, may sell personal goods or services to other District employees; however, the District employee receiving the personal goods or services must not be someone to whom the employee supervises or reports to, including supervisors within the departmental chain of command. In addition, the employee who sells goods or services may not use District time or equipment for the outside employment.

### Private Tutoring

An employee shall disclose in writing to his or her immediate supervisor any private tutoring of District students for pay.

## Personnel Duties

All positions shall be listed in the annual District compensation plan. All employees shall have an approved job description at the time of employment and/or assignment.

## Prior to Posting

Any position not listed in the approved compensation plan shall be presented to the Board for approval prior to posting.

## Posting Vacancies

The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies in accordance with established procedures and Equal Employment Opportunity Commission (EEOC) requirements. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.

All positions on the administrative and professional salary schedule shall be advertised within the District and may be advertised outside the District unless otherwise directed by the Board.

## Lateral Transfers

Advertising of vacancies shall not be required for positions involved in lateral reassignments provided that:

1. The person has the proper certification for the position; and
2. The jobs are in the same pay grade.

## Applications

It shall be the responsibility of the applicant to furnish accurate information, and any falsification of either information or credentials shall be cause for dismissal or refusal to employ.

## Interview

Only selected applicants shall be granted interviews. An interview shall be a prerequisite for employment and may be conducted in person or by telephone.

## Employment Requirements

All employees shall meet the requirements specified by the District for the positions for which they are hired.

## Selection and Employment

The Board delegates to the Superintendent final authority to hire staff on the teacher pay scale, all contractual personnel from pay grade Level 3 and below, and all noncontractual personnel.

## Resignation or Retirement in Lieu of Termination

An employee who retired or resigned in order to avoid termination shall not be eligible for reemployment with the District.

## Reappointment

Reappointment shall mean the rehiring of a District employee, who, following the initial appointment experienced a break in service resulting from resignation, termination, or expiration of term. A leave of absence of any type shall not be considered a break in service. An employee who has been terminated under this provision must have used his or her entitlement to due process.

## Eligibility for Reappointment

At the discretion of the Superintendent or designee, a terminated employee who is eligible after three years for rehire and who wishes to be considered for reemployment with the District will be eligible for rehire if he or she submits an application and is recommended for employment for which he or she is qualified.

## Contracts Required by Law

The term “teachers” for purposes of contracts does not include substitutes, part-time or temporary teachers, or teachers on District permits, all of whom shall be noncontractual personnel.

In addition, positions held on July 1, 1996, by employees who were then employed by the District under an existing term contract shall be treated as contractual positions for as long as that employee remains in that position. Applications for and acceptance of a transfer, promotion, or reassignment to a noncontractual position shall constitute surrender of the employee’s contract.



## Compensation and Benefits: Compensation Plan

### Objectives

The objectives for developing and administering the compensation plans shall be to:

1. Stay competitive with appropriate labor markets for the various categories of personnel;
2. Recognize the levels of skill, effort, and responsibility required of different jobs;
3. Reward continued length of service to the District; and
4. Be fiscally controlled and cost effective.

### Download

The Board Approved Compensation Plan is available on-line for downloading at:

<https://www.bisd.us/departments/curriculum-instruction-human-resources/human-resources/compensation>

## Compensation and Benefits: Leaves and Absences (DEC Local)

### State Leave

An employee shall not earn any local leave when he or she is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.

### Deductions: Leave Without Pay

The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.

### Deductions: Employed for Full Year

If an employee uses more local leave than he or she earned and remains employed with the District through his or her last duty day, the District shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.

### Recording of Leave

Leave shall be recorded as follows:

1. Leave shall be recorded in half-day increments for all certified employees.
2. Leave shall be recorded in one-hour increments for all classified employees.

3. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.
4. If the employee chooses to offset leave against workers' compensation benefits, leave shall be recorded in the amount used.

#### Order of Use

Earned compensatory time shall be used before any available paid state and local leave. [See DEAB] Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable:

1. Local leave.
2. State sick leave accumulated before the 1995–96 school year.
3. State personal leave.

Use of sick leave bank days shall be permitted only after all available state and local leave has been exhausted.

#### Concurrent Use of Leave

When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave. The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.

An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

#### Fitness for Duty Certification

If the District will require certification of the employee's ability to perform essential job functions, the District shall provide a list of essential job functions to the employee with the FMLA designation notice. An employee on FMLA leave may not continue working his or her part-time job elsewhere.

#### Failure to Return

If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), Recovery of Benefit Cost]

# Required Employee Notification 2023-2024

State and federal laws require certain information to be distributed to school district employees each school year. The following is the required policy information for the 2023-2024 school year:

## **Discrimination, Harassment and Retaliation**

DH and FO—Policies and exhibits address standards of conduct for employees and students.

DIA, FB, and FFH—Policies address discrimination, harassment, and retaliation, including the relevant exhibits containing contact information for reporting such behavior, for employees and students.

## **Bullying**

FFI(LOCAL), FFH(LOCAL) and (EXHIBIT) address student bullying, including cyberbullying, and establishes procedures for reporting and investigating allegations

## **Child Abuse and Neglect:**

BQ(LEGAL), refers to the district plan for addressing sexual abuse and other maltreatment of children; • DH(LOCAL) and (EXHIBIT), addressing employee standards of conduct; • FFG(LEGAL) and (LOCAL), addressing child abuse and neglect, trafficking, and maltreatment of students; and • GRA(LEGAL) and (LOCAL), addressing child abuse investigations.

## **Drug-free Workplace**

DH Local notifies employees about the district’s drug-free workplace.

## **Student Discipline**

FN, FO Local and Chapter 37 Sections 30.001 through 37.023 – address student discipline.

## **Term Contract Employees – Employment Policies**

Education Code 21.204(d)

DAA- Equal Employment Opportunity; DBAA- Pre-Employment Reviews; DBD- Conflict of Interest; DC series- Employment Practices; DEA series- Compensation Plan; DEC- series- Leaves and Absences; DF series- Termination of Employment; DG- Employee Rights and Privileges; DGBA- Employee Complaints/Grievances; DH series- Employee

Standards of Conduct; DI series- Employee Welfare; DK Assignment and Schedules; DN series- Performance Appraisal.

### **Food & Nutrition Services**

CO Local- meal charge

### **Employment Law**

Education Code 11.1513(a)- addresses board employment and evaluation of the superintendent; the superintendent's authority to make hiring recommendations to the Board; and any board delegation to the superintendent for final hiring authority; and approval by the principal of campus staff assignments.

*Note: Employees may access these policies through On-line Policy. Employees may also request a hardcopy of these policies through the Human Resources Department.*

### **Other Key Policies**

#### **District Goals and Planning policies**

AE District educational philosophy

BQ series District- and campus-level planning

#### **Instruction, Students, and Parents' Rights policies**

EF series Instructional resources

EHBAF Video cameras in special education settings

EIA Grading standards and grade reporting

EIE Promoting and retaining students

FBseries Protection of students from unlawful discrimination

FE series Student attendance

FFAC Providing medical treatment or medication to students

FFAD Excluding students with communicable diseases

FFAF Care plans for students at risk for anaphylaxis

FFBseries Crisis intervention and trauma-informed care

FFG Mandated reporting of child abuse and neglect

FFH Freedom from discrimination, harassment, and retaliation

FFI Freedom from bullying (including cyberbullying)

FL Safeguarding privacy of student records

FNA Student expression

FNAA Distribution of nonschool literature

FNAB Use of school facilities for nonschool purposes

FNG Handling student/parent complaints; parents' rights

FO Student discipline

GRA Interaction of police and child protective services with students on campus

## **Personnel Policy Codes**

CAA Financial ethics

CB Federal conflicts of interest

CDC Solicitation of gifts

CK series Employee safety practices and crisis management

CQ series District technology and electronic communications

CQB Cybersecurity

CRD Health and life insurance

CY Intellectual property and copyright

DAA Equal employment opportunity

DBAA Criminal history and credit reports

DBD Conflict of interest

DC series Employment practices

DEA series Compensation plan

DEC series Employee leaves and absences

DEE Requirements for expense reimbursement

DF series Termination of employment

DGBA Process for employee complaints and grievances

DH Employee standards of conduct

DHE Alcohol/drug screening and other searches of employees

DIA Freedom from discrimination, harassment, and retaliation

DK Assignment to positions; transfers

DN series Employee evaluation/appraisal

GBA series Confidentiality of personnel records; public and nonpublic information

GBBA News media relations and communications during a crisis

GKA Community relations and conduct on school premises

GKD series Nonschool use of school facilities and distribution of nonschool literature