

BRECKINRIDGE COUNTY PUBLIC SCHOOLS



CERTIFIED HANDBOOK

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Certified

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Dear Certified Employee,

Welcome to Breckinridge County Schools! We are excited to have you join our team! This handbook, concerning the fundamental principles under which the Breckinridge County School System must operate, has been prepared to provide basic information for personnel of the district. In order for district personnel to function effectively and efficiently, they must have a general knowledge of the various aspects involved in the operation of the system. They must also realize the importance of their roles in this operation.

In order to interpret the activities of the school and to appreciate the needs of the district, employees of the school community must be informed as to state requirements, local rules and regulations, the philosophy of the school, and the function of the Board of Education pertaining to personnel procedures.

This publication supersedes and replaces all previous employee handbooks. It contains policies, rules, and regulations pertaining to the employees. Although such a handbook cannot be all-inclusive, it can serve as a guide for the advancement of our educational program. The language used in the handbook should not be construed as creating a contract of employment between the district and any of its employees.

The policies stated in this handbook are subject to change at the sole discretion of the Breckinridge County Board of Education. From time to time, you may receive updated information concerning changes in policy or procedures. For a full list of district policies, please visit the following link: <http://policy.ksba.org/Chapter.aspx?distid=168>. Should you have any questions regarding any policies or procedures, please ask your supervisor or contact district leadership. Have a wonderful school year!

Sincerely,

Nick Carter, Ed.D
Superintendent
Breckinridge County Schools

Breckinridge County Public Schools

Mission Statement

BRECK Strong: We're Better When You Succeed!

Vision Statement

Building Resilient team players, Effective communicators, Critical thinkers, and Kind-hearted citizens.

Building . . .

Resilient team players

Effective communicators

Critical thinkers

Kind-hearted citizens

SUMMARY OF FRINGE BENEFITS FOR CERTIFIED PERSONNEL

LIFE INSURANCE: As a full-time employee (20 hours or more) of the Breckinridge County Board of Education the Commonwealth of Kentucky provides at no cost to the employee a \$20,000 Term Life Insurance Policy. Optional life and accidental death and dismemberment plans may be purchased through payroll deduction.

HEALTH INSURANCE: Health insurance is offered for all full-time employees (20 hours or more) by the Commonwealth of Kentucky. Additional coverage for your family may be purchased through payroll deduction. The Commonwealth of Kentucky contributes toward the cost of the state mandated health insurance plans. It is the employee's responsibility to inform the school district's benefits coordinator as soon as possible of a qualifying event if he/she wishes to make changes to health insurance coverage as a result of the qualifying event. Qualifying event changes require paperwork to be completed within 35 days of the event and failure to meet the timeline will result in no changes allowed outside of open enrollment.

HEALTH REIMBURSEMENT ACCOUNT (State): Employees who have other group health insurance that provides minimum value may waive insurance coverage and may receive the state contribution in form of an HRA account. This money may be used for unreimbursed medical expenses such as deductibles, co-pays, eyeglasses, dental services, etc. Group Health Plan Coverage does not include individual policies purchased through the Marketplace or governmental plans such as TRICARE, Medicare, and Medicaid. Employees covered under individual policies purchased through the Marketplace or governmental plans such as TRICARE, Medicare, and Medicaid are eligible for an HRA account that may only be used for unreimbursed dental and/or vision expenses.

RETIREMENT: The employee contributes 12.855% of salary through payroll deduction. Contact KTRS for individual retirement questions at 1-800-618-1687.

FAMILY AND MEDICAL LEAVE ACT OF 1993: FMLA requires employers to provide up to 12 weeks of job-protected leave to "eligible" employees for certain family and medical reasons. The district requires that available paid leave be used concurrently with FMLA leave. You may request to reserve 10 days of sick leave. Employees are eligible for FMLA if they have been employed by the district for at least one year and have worked at least 1,250 hours during the 12 months preceding the start of leave.

UNEMPLOYMENT INSURANCE: Unemployment insurance provides temporary income if an employee is laid off from a regular job. All employees are subject to unemployment benefits, with the local school district paying 100% of the cost. Employees are not eligible for payments during the summer if they have "reasonable assurance" of a position for the subsequent school year.

WORKERS' COMPENSATION: All employees are covered by workers' compensation benefits should they be injured on the job. Any job-related accident should be reported to the principal or supervisor immediately, and a written report filed at the Central Office. Accidents not causing serious injury should also be reported as complications may arise later.

LIABILITY INSURANCE: The district provides comprehensive general liability insurance, professional liability and errors and omissions for all employees. Any incident which may result in a claim should be reported to the Director of Personnel.

SICK/PERSONAL LEAVE: Full time, certified employees receive 10 sick and 3 personal days annually. Sick leave shall accumulate with the actual days posted annually on the first check of each new school year. Full time, certified employees shall be entitled to three days of personal leave with pay each school year. No reason shall be required for the leave but must be approved by the superintendent or designee. Days not used are added to cumulative sick leave.

PAYROLL DEDUCTIONS: Besides the services already listed, membership in additional insurance programs may be available through payroll deductions.

CAFETERIA PLAN OF FRINGE BENEFITS: Under this provision, employees are allowed to deduct the premiums for certain approved insurance programs from their gross income before taxes are calculated.

DEFERRED COMPENSATION: Staff can begin saving toward retirement and financial security by setting aside dollars on a tax-deferred basis. Contributions and the earnings are tax-deferred until withdrawn.

KENTUCKY TEACHERS' RETIREMENT SYSTEM

MEMBER DEFINED: KRS 161.220 (4) defines a member of KTRS as a teacher or professional occupying a position requiring certification or graduation from a four (4) year college or university as a condition of employment and working at least 7/10 of normal full time service.

QUALIFYING FOR SERVICE RETIREMENT: Please visit the following link for information regarding the three tiers of retirement service, KRS and KAR related to retirement, and summary plan descriptions.

<https://trs.ky.gov/administration/plan-information-and-law-book/>

APPLICATION FOR SERVICE RETIREMENT: Your Service Retirement Application must be filed on forms furnished by the Kentucky Teachers' Retirement System (KTRS). If you wish to retire at the close of a school term, you must file an application on or before June 1 for your retirement to be effective on July 1. With the concurrence of the employing board, you may (if eligible to retire) file an application for retirement during a school year. Approved applications that are filed during a school year are effective as of the first of the month following the date the application is received by KTRS.

DISABILITY RETIREMENT: A valuable feature of the Kentucky Teachers' Retirement System (KTRS) is a disability plan. This plan provides security to KTRS members who become disabled before reaching retirement age. To be eligible for disability retirement, you must have completed five years of Kentucky service (after July 1, 1941), the last year of which immediately preceded retirement. Medical evidence must show that you are physically or mentally disabled for the further performance of service, that your disability is expected to be permanent, or to last at least one year from the date of application, and that your disability must have occurred after the completion of five years of service.

BENEFICIARY DESIGNATION: The most important responsibility as an active member of the Kentucky Teachers' Retirement System is to maintain your beneficiary designation in a current status. Failure to do so can cause very serious consequences and possible loss of valuable benefits. **For a beneficiary change to be effective, it must be completed on a KTRS form.**

CHANGE OF NAME AND ADDRESS: Your Social Security number or KTRS ID number is the positive identification of your account. It is your responsibility to send KTRS written notification of any status changes, such as name and address.

QUESTIONS ABOUT YOUR ACCOUNT: Please contact KTRS if you have a question concerning your account at 1-800-618-1687. You will need to provide your KTRS ID number or Social Security number. You may also go online at <https://trs.ky.gov>.

COBRA RIGHTS

Federal law provides an employee the option to continue group health coverage under COBRA beyond the date in which their coverage would terminate. Also, the new continuation laws provide coverage continuation rights for spouses and dependent children. The Kentucky Employees Health Plan COBRA Administrator is Health Equity (formerly WageWorks). Upon separation from employment, the employee should receive a COBRA election notice from Health Equity. COBRA regulations do not require employers to pay for continuation coverage. COBRA rates will apply.

Individuals (employees, employee's spouse and employee's dependent children) eligible for continuation of coverage are as follows:

1. Loss of coverage as a result of termination of employment for reasons other than gross misconduct.
2. Loss of coverage as a result of a reduction of hours worked by the employee (including employees on official Leave Without Pay status).
3. Loss of coverage due to death of the employee.
4. Loss of coverage due to divorce or legal separation of the employee.
5. Loss of coverage due to the employee becoming eligible for Medicare coverage.
6. Loss of coverage as a result of a dependent child reaching the limiting age designated in the group contract.

Duration of Coverage:

1. For employee (termination or reduction in hours) - 18 months from date of qualifying event
2. For spouse and dependent children whose coverage ended due to the divorce or death of the employee, or the employee becoming entitled to Medicare at the time of the initial Qualifying Event or a child ceasing to be an eligible dependent under the Plan - up to 36 months from date of qualifying event
3. Disabled may apply for an 11-month extension. (specific rules apply)
4. An 18-month extension of coverage will be available to spouses and dependent children who elect continuation coverage if a second Qualifying Event occurs during the first 18 months of continuation coverage. These events can be a second only if they would have caused the Qualified Beneficiary to lose coverage under the Plan if the first Qualifying Event had not occurred. The Employee must notify the Plan within the specified timeframe after the second Qualifying Event occurs if they want to extend continuation coverage.

NOTE: While on COBRA, it is the employee's or other qualified beneficiary's responsibility to inform the COBRA Administrator within the specified time limitation of any qualifying events such as divorce, legal separation, dependent child losing coverage, the occurrence of a second qualifying event after the qualified beneficiary becomes entitled to COBRA continuation coverage, or a determination by the Social Security Administration that a covered employee or other qualified beneficiary is disabled or a subsequent determination by the SSA that the individual is no longer disabled. Questions about COBRA may be directed to Health Equity at 877-430-5519.

PAYROLL INFORMATION

Certified Staff

1. BASE PAY CALCULATION:

Base Pay will be calculated yearly for every employee. The purpose of Base Pay is to provide the employee with 12 consecutive monthly checks of the same Base Pay regardless of the number of days actually worked in a pay period.

Base Pay is calculated as follows:

ANNUAL SALARY divided by 12 pay periods = **BASE PAY**

2. PAYROLL DISTRIBUTION:

Salary is divided into twelve equal monthly checks and distributed on the 5th (unless that falls on a weekend) of each month for all certified employees.

3. INVOICES FOR STIPENDS/HONORARIUMS:

Although certified employees are not required to clock in as a general rule, certified employees are required to complete a Standard Invoice for any stipend/honorarium received for additional services. Any honorarium/stipend will be included as additional pay on the employee's regular check.

Properly completed invoices (including supervisor's signature), submitted on time, provide the necessary information for the payroll department to issue checks.

4. TIMECLOCK PLUS AND SMARTFIND EXPRESS:

Beginning with the 23-24 school year, all employees will utilize an account with Timeclock Plus (TCP) and SmartFind Express (SFE). These accounts will be used in the place of paper timesheets and absentee cards. Certified employees will only utilize TCP for extra duties and/or extended day employment. Requests for time off/all absences will be logged into SmartFind Express.

5. SICK/PERSONAL DAYS:

Full time, certified employees receive 10 sick and 3 personal days annually. Personal days not used within a school year are converted to sick leave. Sick leave shall accumulate with the actual days posted annually on the first check in September for all employees.

6. ABSENCES:

All employees will be given an account in SmartFind Express (SFE). Employee absences will be logged/approved through SFE. Personal, extracurricular/field trip, and professional development absences must be approved by the employee's supervisor.

7. OVERTIME CALCULATIONS:

Certified Employees are considered professionals and are, therefore, exempt from overtime.

8. PAYROLL CHECKS/STUBS:

If you have a question regarding your pay, please contact our Payroll Clerk at 270-756-3124. You will also have access to your leave balances through SFE and electronic pay notifications.

9. DOCKING RATES:

Employees are docked pay if they have missed more days than they have accrued through sick or personal leave time. Docks are taken at the employee's actual daily rate rather than the base pay rate. This may result in the dock being more than the amount earned on Base Pay.

EXAMPLE: An employee misses ten docked days in the pay period and has the following Base Pay calculation:

$\$24,000 \text{ divided by } 12 \text{ pays} = 2,000 \text{ Base Pay}$

The dock is calculated as follows:

$24,000 \text{ divided by } 185 \text{ days} = 129.73/\text{day} \times 10 \text{ days} = 1,297.30 \text{ Dock}$

If the dock exceeds the monthly Base Pay then the employee would not receive a check for that pay period. The excess due would be deducted from the check the employee received in a subsequent pay period. Dock days may also affect health and benefit coverage. Dock days require approval from the Superintendent or Superintendent designee.

NOTE: Individuals being docked days should contact KTRS to determine impact on individual retirement accounts.

10. NEW EMPLOYEES AND EMPLOYEE CHANGES:

Any employee desiring to change withholding allowances claimed may complete a new W-4 or K-4 Form at any time during the year. The changes will take effect on the next scheduled payroll after the forms have been processed in the Payroll Department.

New employees have thirty-five (35) days to complete paperwork to enroll in the Cafeteria Plan, health care plan, and other benefit plans provided by the board. Employees who do not voluntarily enroll in a health care plan within 35 days will be enrolled by default in the single LivingWell Basic CDHP health insurance plan with no HRA and payroll premiums will be deducted accordingly. If other benefits are not selected within the 35 days after employment, the employee will not be permitted to elect

coverage until the next open enrollment period. Coverage changes are not permitted outside of open enrollment unless there is a qualifying event. It is the employee's responsibility to inform the school district's benefits coordinator as soon as possible of a qualifying event if he/she wishes to make changes to insurance benefits as a result of the qualifying event. Qualifying event changes require paperwork to be completed within 35 days of the event and failure to meet the timeline will result in no changes allowed outside of open enrollment.

11. EXPERIENCE/YEARS:

For Salary Purposes: KRS 157.320 (10) states that "A teacher who is employed by a board for at least one hundred forty (140) days of a school year and who performs teaching duties for the equivalent of at least seventy (70) full school days during that school year, regardless of the schedule on which those duties were performed, shall be credited with one (1) year of experience.

For Tenure Purposes: KRS 161.720 (2) along with OAG 82-614 clarifies that a teacher must teach at least 140 six-hour days in a 185-day school term to earn credit for a year under the tenure law.

Breckinridge County Public Schools does not and shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.

DISTRICT OFFICE CONTACTS/DEPARTMENTS

Dr. Nick Carter- Superintendent	3134
Jayme D. Knochel- Assistant Superintendent (Human Resources/Curriculum and Instruction/SBDM Federal Programs/Health Services/Certification/SmartFind Express)	3113
Mike Harned- Chief of Student Services (Pupil Personnel/Alternative Programs/FRC/Food Services)	3112
Amy Flood- Chief of Exceptional Child Education (Special Education/Gifted and Talented/EL/504 Plans)	3116
Kevin Coomes- Chief Information Officer (Technology/School Safety/Buildings and Grounds/District Report Card)	3114
Michael Broadbent- Chief Academic Officer (Professional Development/Headstart and Preschool/Improvement Plans/Grants/District Assessment Coordinator/Curriculum/Instruction)	3117
Brandon Hayes- Chief Financial Officer (Finance Department)	3118
Jarrold Brockman- Transportation Coordinator (Bus Garage/Transportation Services/Bus Routes)	3129
Debbie Anderson- Federal Programs Bookkeeper (Title Programs/EILA)	3128
Ella Minick- Accounts Payable/Bookkeeper (Purchase Orders/Accounts Payable)	3136
Melonie Dugan- Administrative Assistant to Superintendents (Human Resources/SmartFind Express)	3132
Judy Goatley- Benefits Coordinator (Insurance/FMLA)	3122
Suzanne Frazier- Lead Payroll (Payroll/Retirement)	3124
Lisa Simpson- Assistant Payroll/Benefits (Payroll/Benefits)	4128
Becky Pollock- Administrative Assistant to Superintendents (Board Agenda/CDL Certifications)	3110
Angie Riley- Attendance Clerk (Infinite Campus/Homebound/FRC)	3115
Debbie Webster- Food Service Director (Menus/Wellness/Summer Feed)	3007

- CERTIFIED PERSONNEL -**Equal Employment Opportunity****NONDISCRIMINATION**

As required by Title IX, the District does not discriminate on the basis of sex regarding admission to the District or in the educational programs or activities operated by the District. Inquiries regarding Title IX Sexual Harassment may be referred to the District Title IX Coordinator (TIXC), the Assistant Secretary for Civil Rights, or both.¹

The Superintendent shall adhere to a policy of equal employment opportunity in all personnel matters. No person shall be subjected to discrimination in regard to employment, retention, promotion, demotion, transfer or dismissal because of race, color, religion, sex (including sexual orientation or gender identity), genetic information, national or ethnic origin, political affiliation, age, disabling condition, or limitations related to pregnancy, childbirth, or related medical conditions.²

INDIVIDUALS WITH DISABILITIES

No qualified person with a disability, as defined by law, shall, on the basis of the disability, be subject to discrimination in employment.³

District employment practices shall be in accordance with the Board-approved procedures addressing requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

No human immunodeficiency virus (HIV) related test shall be required as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupational qualification for the job in question as defined in KRS 207.135.

REASONABLE ACCOMMODATION

Employees who have a long-term or permanent disability may request the District supervisor to provide reasonable accommodations necessary for them to perform the essential duties of the position. Medical information obtained as part of an employee request shall be confidential.⁴

If assistive technology is deemed necessary for an employee, every effort will be made to obtain that technology in a timely fashion.

The District shall engage in a timely, good faith and interactive process to determine reasonable accommodations for an employee's limitations related to pregnancy, childbirth, or related medical conditions. Reasonable accommodation shall be provided as required by law.

ADVISING EMPLOYEES

The Superintendent shall inform all school employees of the provisions of this policy.¹

Equal Employment Opportunity

REFERENCES:

¹34 C.F.R. § 106.8

²KRS 161.164; KRS Chapter 344; 42 U.S.C. 2000e, Civil Rights Act of 1964, Title VII

³29 U.S.C.A. 794

⁴29 U.S.C. section 1630.14

KRS 207.135

34 C.F.R. 104.3 - 104.14

42 C.F.R. 2000e-2; 42 C.F.R. 2000(k)

Americans with Disabilities Act

Kentucky Education Technology System (KETS)

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Genetic Information Nondiscrimination Act of 2008

Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)

RELATED POLICIES:

03.133; 03.1621; 03.212; 03.2621; 05.11

Adopted/Amended: 6/29/2021

Order #: 290

- CERTIFIED PERSONNEL -**Transfer of Tenure**

The continuing service contract status of a teacher shall not be terminated when the teacher leaves employment, all provisions of KRS 161.720 to KRS 161.810 to the contrary notwithstanding, and the continuing service contract status shall be transferred to the next school district, for a period of up to seven (7) months from the time employment in the first school district has terminated.

All teachers employed who have attained continuing service contract status from another Kentucky district shall serve a one (1)-year probation period before being considered for continuing service contract status in the school District.

REFERENCE:

KRS 161.740

KRS 161.720 to KRS 161.810

Smith v. Bennett, 644 S.W.3d 516 (Ky. App. 2021)

Adopted/Amended: 6/28/2023

Order #: 335

- CERTIFIED PERSONNEL -**Salaries****SINGLE-SALARY BASIS**

All salaries for certified personnel shall be based on a single-salary schedule providing, at minimum, for the number of working days required by law.

A District may provide monetary compensation, in addition to that provided through the single salary schedule, to all classroom teachers employed in a school that is identified by the Kentucky Department of Education as being in targeted or comprehensive support and improvement status.

Although a school may submit a request for an increment for an extended employment position, extra service, or related adjustments, the Board must set increments in pay for positions requiring services beyond those normally expected of other positions if the duties rendered extend beyond the regular school day or require extended days.

EXTENDED EMPLOYMENT

Compensation for employment contracted beyond the minimum number of working days required by law shall be prorated.

Extended employment positions shall be established in a position job description, funded in the District budget, and specified in an addendum to the employee's contract.

Addition of days to be worked beyond the original contract or additional days of extended employment for a position require prior Board approval before the change goes into effect.

EXTRA SERVICES, SUPPLEMENTS AND SUPERVISION

The Board shall annually establish a schedule of compensation for extra services, special duty supplements and supervision.

NATIONAL BOARD CERTIFIED TEACHER (NBCT) SUPPLEMENT

As provided under law, teachers who attain certification from the National Board for Professional Teaching Standards on or before July 1, 2020, shall be given an annual salary supplement of two thousand dollars (\$2,000) for the life of the certificate. A teacher who attains certification after July 1, 2020, shall be given an annual salary supplement for the life of the certificate, in accordance with the amount appropriated for this purpose by the General Assembly. If an annual supplement amount appropriated by the General Assembly is less than two thousand dollars (\$2,000), the Board may provide an additional supplement up to the amount required for the total annual supplement to equal two thousand dollars (\$2,000).

RANK AND EXPERIENCE

The rank and experience of certified personnel shall be determined at time of hire. The Board shall direct the Superintendent to validate all experience of professional personnel employed in the District.

Changes in rank and experience shall be determined on September 15 or January 15 of each year.

To assist with the budgeting process, candidates for NBCT certification shall notify the Superintendent/designee in writing prior to September 15 that certification is pending in order for the employee to receive any rank-related increase retroactive to the beginning of the school year.

Salaries**EXCEPTION**

The Superintendent's salary may be established without regard to the above-mentioned schedules.

PAYROLL DISTRIBUTION

Checks will be annualized over a 12-month period and issued according to a schedule approved annually by the Board. The District shall furnish the employee with either a paper or electronic statement. If statements are provided electronically, employees shall be provided access to a computer and printer for review and printing of their statement.

At the close of the school year, employees who have completed all responsibilities and duties may request to be paid their remaining salary prior to the end of the fiscal year.

QUALIFICATIONS

Employees shall be responsible for providing the Superintendent with all required certificates, health examinations, and verifications of experience prior to beginning work.

NOTICE OF SALARY

Not later than forty-five (45) days before the first student attendance day of the succeeding school year or June 15, whichever occurs earlier, the Superintendent shall notify all certified personnel of the best estimate of the salary for the coming year.

PAYROLL DEDUCTIONS

The Board shall approve all payroll deductions as specified by KRS 161.158 and Board Policy 03.1211.

REFERENCES:

KRS 157.075; KRS 157.320; KRS 157.350; KRS 157.360
KRS 157.390; KRS 157.395; KRS 157.397; KRS 157.420
KRS 160.290; KRS 160.291; KRS 161.1211, KRS 161.134
KRS 161.168; KRS 161.760; KRS 161/168;
KRS 337.070; KRS 424.120
702 KAR 003:060; 702 KAR 003:070; 702 KAR 003:100; 702 KAR 003:310
016 KAR 001:040; OAG 97-25
29 C.F.R. Section 541.303; 29 C.F.R. Section 541.602; 29 C.F.R. Section 541.710

RELATED POLICIES:

03.1211
03.4

Adopted/Amended: 6/30/2020
Order #: 320

-CERTIFIED PERSONNEL-**Salary Deductions****MANDATORY DEDUCTIONS**

Mandatory payroll deductions made by the Board include:

1. State and federal income taxes;
2. Occupational tax, when applicable;
3. The Teachers' Retirement System of the State of Kentucky;
4. Any deductions required as a result of judicial process, e.g., salary attachments, etc.
5. Medicare (FICA), for employees newly hired after 3/31/86.

OPTIONAL DEDUCTIONS

Pursuant to the provisions of KRS 161.158, the following optional payroll deductions are authorized by the Board for those employees who choose to participate:

1. Board approved health/life insurance program;
2. Board approved Tax Sheltered Annuity program;
3. Other state approved deferred compensation plan;
4. Board approved credit union;
5. United Way; and
6. State-designated Flexible Spending Account (FSA) and Health Reimbursement Account (HRA) plans.

Additional payroll deductions requested by employees shall be made only with the Superintendent's approval. A minimum of fifteen (15) participants shall be required before additional programs are approved.

REFERENCES:

KRS 160.291; KRS 161.158

KRS 336.134

702 KAR 001:035; OAG 72-802

Adopted/Amended: 6/28/2023

Order #: 335

-CERTIFIED PERSONNEL -**Holidays and Annual Leave****HOLIDAYS**

All certified employees shall be paid for four (4) holidays, which shall be designated in the official school calendar. These are part of the school year required by state law.¹

All 240-day certified staff will be granted the following additional holidays: Memorial Day (when school is not in session), Independence Day, Martin Luther King Day and Christmas Eve (if Christmas Eve falls on a Saturday or Sunday it will be substituted with the day after Thanksgiving).

ANNUAL LEAVE

Two hundred sixty-one (261) day certified employees shall be entitled to two (2) weeks (10 days) leave annually after being employed in the District for one (1) year.

After being employed in the district in a 261-day position for a minimum of five (5) years, employees will be eligible for a total of three (3) weeks (15 days) of leave annually.

Certified personnel who are employed for two hundred sixty-one (261) days annually shall be entitled to accumulate up to sixty (60) annual leave days. Compensation for accrued annual leave shall be made at time of retirement at a rate not to exceed the daily salary rate calculated from the employee's last annual compensation.²

In the event of retirement, resignation, or termination, annual leave shall be prorated and accrue on a monthly basis at the rate of 1/10 of the eligible annual leave per month, not to exceed total leave time available.

Recognition of annual leave for TRS purposes shall be governed by applicable statutes and regulations. For an individual who became a member of TRS on or after July 1, 2008, payment for annual or compensatory leave shall not be included in determining the member's last annual compensation.

REFERENCES:

¹KRS 158.070

²KRS 160.291

KRS 161.220

KRS 161.540

KRS 2.110

KRS 2.190

Adopted/Amended: 7/13/2011

Order #: 9

- CERTIFIED PERSONNEL -**Leaves and Absences****APPROVAL**

Authorization of leave and time taken off from one's job shall be in accordance with specific leave policy. Absence from work that is not based on appropriate leave for which the employee is qualified may lead to disciplinary consequences, up to and including termination of employment.

REQUESTS FOR UNPAID LEAVE

To minimize disruption of the educational program, the Board strongly discourages employees from requesting unpaid leave for extended periods during the regular school term for vacation and other similar reasons. The Superintendent may approve such requests only under extraordinary circumstances. The Superintendent shall utilize standards in determining what constitutes an extraordinary circumstance to include, but not be limited to, the following:

1. Could this activity have been scheduled to take place outside the instructional calendar?
2. Will the absence of the employee disrupt educational services?
3. Will approval of this request mean that the employee will be unable to fulfill critical portions of his/her contractual obligations?

Leave without pay, not to exceed five (5) days per request, may be granted by the Superintendent. Requests shall be made in writing and shall be submitted to the immediate supervisor and to the Superintendent for approval.

NOTIFICATION

Employees on leave covered by the related policies listed below shall notify the Superintendent in writing by March 1 of the year the leave terminates of the date of their intent to return to the school system. Employees who fail to notify the Superintendent of their return by March 1 cannot be guaranteed employment for the following school year. If an employee on leave has not contacted the Superintendent by March 1, the Superintendent is authorized to fill the position for the following school year. Where an employee in the final year of leave fails to contact the Superintendent by March 1, to either request an extension of leave or to provide a date of return, the Superintendent may determine whether personnel action is required.

LEAVE FOLLOWING ASSAULT

The District shall provide leave with pay for employees assaulted while performing their assigned duties when the assault results in injuries that qualify the employee for workers' compensation benefits. The period of leave shall not exceed one (1) calendar year following the assault. During that period, the employee shall not experience loss of income or benefits, including sick leave, under terms and conditions set forth in KRS 161.155.

Leaves and Absences**PLACEMENT UPON RETURN**

Employees taking any long-term leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

FMLA

Eligible employees may apply for leave under the provisions of the Family and Medical Leave Act of 1993.

REQUEST FOR MEDICAL INFORMATION

Per KRS 161.770, the Board may only request medical information necessary to decide whether to grant a leave of absence; shall not request or retain unnecessary medical information; and shall not disclose any medical information received, except as permitted by state and federal law.

REFERENCES:

KRS 161.155; KRS 161.770

OAG 01-9; Family and Medical Leave Act of 1993

RELATED POLICIES:

03.1232, 03.12322, 03.1233, 03.1234, 03.1235, 03.124

Adopted/Amended: 6/12/2019
Order #: 293

- CERTIFIED PERSONNEL -**Personal Leave****NUMBER OF DAYS**

Full-time certified employees shall be entitled to three (3) days of personal leave with pay each school year.

Persons employed for less than a full year contract shall receive a prorata part of the authorized personal leave days calculated to the nearest one-half (1/2) day.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized personal leave days equivalent to their normal working day.

APPROVAL

The Superintendent or designee must approve the leave date, but no reasons shall be required for the leave.

Approval shall be contingent upon the availability of qualified substitute employees. Those employees making earliest application shall be given preference.

STATEMENT

Employees taking personal leave must file a personal statement on their return to work stating that the leave was personal in nature.

ACCUMULATION

On June 30 of each year, personal leave days not taken during the current school year shall be transferred and credited to the employee's sick leave account.

REFERENCE:

KRS 161.154

RELATED POLICY:

03.1232

Adopted/Amended: 6/28/2023

Order #: 335

- CERTIFIED PERSONNEL -**Sick Leave****NUMBER OF DAYS**

Full-time certified employees shall be entitled to ten (10) days of sick leave with pay each school year.

Persons employed for less than a full year contract shall receive a prorata part of the authorized sick leave days calculated to the nearest one-half (1/2) day.

Persons employed on a full year contract but scheduled for less than a full work day shall receive the authorized sick leave days equivalent to their normal working day.

ACCUMULATION

Sick leave days not taken during the school year in which they were granted shall accumulate without limitation to the credit of the certified employee to whom they were granted.

DEFINITION

Sickness shall mean personal illness, including illness or temporary disabilities arising from pregnancy.

FAMILY ILLNESS/MOURNING

Sick leave can also be taken for illness in the immediate family or for the purpose of mourning a member of the employee's immediate family. Immediate family shall mean the employee's spouse, children (including stepchildren and foster children), parents, spouse's parents, grandparents, spouse's grandparents, son or daughter in-law, grandchildren, brother, sister, aunt or uncle, spouse's aunt or uncle, niece and nephew without reference to the location or residence of said relative and any other blood relative who resides in the employee's home.

TRANSFER OF SICK LEAVE

Teachers coming to the District from another Kentucky school district or from the Kentucky Department of Education shall transfer accumulated sick leave to the District.

SICK LEAVE DONATION PROGRAM

Under procedures developed by the Superintendent, certified employees who have accrued more than fifteen (15) days of sick leave may request to transfer sick leave days to another employee who is authorized to receive the donation. The number of days donated shall not reduce the employee's sick leave balance to less than fifteen (15) days.

Certified employees are eligible to receive donated days if they meet the criteria established in statute.

Any sick leave not used shall be returned on a proportionate/pro-rated basis to employees who donated days.

STATEMENT

Upon return to work a certified employee claiming sick leave must file a personal statement or a certificate of a physician stating that the employee was ill or that the employee was absent for the purpose of attending to a member of the immediate family who was ill.¹

Sick Leave

BEREAVEMENT LEAVE

Employees may use up to three (3) days of sick leave for bereavement leave in accordance with policy 03.1236.

REFERENCES:

¹KRS 161.155; KRS 161.152; OAG 79-148
OAG 93-39
Family & Medical Leave Act of 1993

RELATED POLICIES:

03.12322; 03.1233; 03.1236; 03.124; 03.175 (Retirement Compensation)

Adopted/Amended: 6/28/2023

Order #: 335

- CERTIFIED PERSONNEL -**Family and Medical Leave****REASONS**

In compliance with the Family and Medical Leave Act of 1993 and under procedures developed by the Superintendent, leave shall be granted to eligible employees for the following reasons:

1. For the birth and care of an employee's newborn child or for placement of a child with the employee for adoption or foster care;
2. To care for the employee's spouse, child, or parent who has a serious health condition, as defined by federal law;
3. For an employee's own serious health condition, as defined by federal law, that makes the employee unable to perform the employee's job;
4. To address a qualifying exigency (need) defined by federal regulation arising out of the covered active duty or call to active duty involving deployment to a foreign country of the employee's spouse, son, daughter, or parent who serves in a reserve component or as an active or retired member of the Regular Armed Forces or Reserve in support of a contingency operation; and
5. To care for a covered service member (spouse, son, daughter, parent or next of kin) who has incurred or aggravated a serious injury or illness in the line of duty while on active duty in the Armed Forces that has rendered or may render the family member medically unfit to perform his/her duties or to care for a covered veteran with a serious injury or illness as defined by federal regulations.

NOTICES AND DEADLINES

- Employees who may be eligible for or who request leave for any of the above reasons shall be provided an FMLA notice of eligibility and rights and responsibilities. Requests for family and medical leave should be made in writing but verbal requests may be made to the immediate supervisor or other designated administrator who shall then document the request. The District may require that a request for leave be supported by a certification for health care or military-related situations as permitted by federal law, but such requirements must be set out in the required notice.

Deadline for Notice to be Provided: Absent extenuating circumstances, within five (5) business days of District receipt of a request or the District being made aware of a potentially qualifying reason.

NOTE: Only the District's human resources professional, leave administrator, or personnel director may contact an employee's health care provider to clarify or authenticate an FML certification in support of an FML request about which there are questions. The employee's direct supervisor shall not contact the provider.

- The District shall designate an employee's leave, paid or unpaid, as FMLA-qualifying and shall provide a designation notice indicating whether the request is approved or if additional information is needed. Leave may be delayed if the employee does not provide proper notice (30 days advance notice for a foreseeable leave); otherwise, notice as soon as the need becomes known).

Deadline for Notice to be Provided: Absent extenuating circumstances, within five (5) business days of learning that an FMLA reason supports the leave.

Family and Medical Leave**ELIGIBILITY**

Employees are eligible for up to twelve (12) workweeks of family and medical leave each school year, if they have been employed by the District for twelve (12) months, have worked at least 1,250 hours during the twelve (12) months preceding the start of the leave, and otherwise qualify for family and medical leave. When family and medical military caregiver leave is taken based on a serious illness or injury of a covered service member, an eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve-month period. This provision also applies to covered service members/veterans that have been on active duty within the past five (5) years as defined by federal regulation.

Full-time teachers are presumed to have worked at least 1,250 hours during a school year. In determining whether returning veterans meet the minimum 1,250 hour standard, hours actually worked for the District during the twelve-month period are to be combined with hours they would have worked for the District had they not been called for military service.

In situations involving both the Americans with Disabilities Act (ADA) and FMLA, the District shall apply the law affording the employee the greater benefit.

RESTRICTIONS

To the extent that an employee is entitled to any paid leave, such leave shall be taken and it shall run concurrently with family and medical leave, except that the employee may request to reserve ten (10) days of sick leave. (This requirement shall not apply to employees taking workers' compensation leave.) However, when an employee's work-related injury/medical state qualifies as a serious health condition, worker's compensation leave shall run concurrently with the twelve (12) work week entitlement.

Paid leave used by the employee as required under this policy shall count, as applicable, against the twelve (12) or twenty-six (26) FMLA workweek entitlement.

Entitlement to family and medical leave for the birth and care of a newborn child or placement of a child shall expire twelve (12) months after the date of such birth or placement.

When both spouses are employed by the District, the combined amount of family and medical leave for reasons other than personal illness or illness of a child shall be limited to twelve (12) workweeks. In cases of personal illness or illness of a child, each spouse is entitled to twelve (12) workweeks of family and medical leave.

Exception: The limit on the combined amount of family and medical leave shall be twenty-six (26) workweeks when both eligible spouses are employed by the District and are eligible for leave that involves a covered Armed Forces service member/veteran.

Depending on the date family and medical leave is to begin, instructional employees as designated by federal regulation may be required to continue on leave until the end of the school term to avoid disruption.

Unused family and medical leave shall not accumulate from year to year.

INTERMITTENT LEAVE/REDUCED HOURS

Family and medical leave may be taken intermittently (when medically necessary) or on a reduced hours basis.

Family and Medical Leave**CONTINUATION OF BENEFITS**

While on family and medical leave, employees shall be entitled to all employment benefits accrued prior to the date on which the leave commenced. Health insurance for an employee on family and medical leave shall continue to be provided by the state on the same basis had the employee not taken leave. Other employment benefits and seniority shall not accrue during unpaid family and medical leave.

RETURN TO WORK

As noted by the required notice of eligibility and rights and responsibilities when family and medical leave is taken due to an employee's own serious health condition, the employee shall provide fitness-for-duty certification before returning to work. This may include certification by the health care provider that the employee is able to perform essential functions specific to the job, as noted by the District in a list attached to the certification form.

Upon return to work, the employee shall be entitled to his/her same position (or an equivalent position with equivalent pay) with corresponding benefits and other terms and conditions of employment.

NOTICE

The District shall notify employees of family and medical leave provisions by posting appropriate notices in conspicuous places in the Central Office and each worksite and distributing notices as required by law.

REFERENCES:

Family and Medical Leave Act of 1993, 29 U.S.C. 2601-2654
Title I of the FMLA, as amended by the National Defense Authorization Act
Code of Federal Regulations, Title 29, Part 825
OAG 17-022

RELATED POLICIES:

03.123, 03.1232, 03.1233, 03.1234, 03.1238, 03.124

Adopted/Amended: 6/30/2015
Order #: 291

- CERTIFIED PERSONNEL -**Insurance****INSURANCE**

The Board shall provide unemployment insurance¹, workers' compensation² and liability insurance for all certified personnel. In addition, the State provides group health and life insurance to employees who are eligible as determined by Kentucky Administrative Regulation.³

WORKERS' COMPENSATION

Employees who qualify for workers' compensation benefits following an assault and injury while performing assigned duties should refer to Policy 03.123.

Employees who qualify for Workers' Compensation may be offered the opportunity to participate in an Early Return to Work Program. Transition employment need not be in the same job classification or location, but must comply with the treating physician's restrictions and amendments until the participating employee achieves maximum medical recovery.

REFERENCES:

¹KRS 341.050

²KRS 342.630

³702 KAR 001:035

KRS 161.158; OAG 83-151

Consolidated Omnibus Budget Reconciliation Act

Kentucky Constitution (Section 3); KRS 161.155; KRS 342.730(6)

RELATED POLICIES:

03.1211, 03.123, 03.12322, 03.1241, 03.14

Adopted/Amended: 7/13/2011

Order #: 9

- CERTIFIED PERSONNEL -**Assignment**

The assignment of all certified personnel shall be made by the Superintendent.¹ The Superintendent shall make all appointments, promotions, and transfers of certified personnel for positions authorized by the Board and, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel action shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

The Superintendent shall assign personnel who are certified for the positions they will hold and who possess qualifications established by Board policy, except in the case where no individual applies who is properly certified and/or who meets qualifications set by Board policy.

The Superintendent shall not assign the relative of a school Principal to the school where the Principal is assigned.¹

The Superintendent shall not assign a certified employee to an alternative education program as defined in KRS 160.380 as part of any disciplinary action pursuant to KRS 161.790 or as part of a corrective action plan established pursuant to the District's evaluation plan.

REFERENCES:

¹KRS 160.380
KRS 156.095; KRS 158.060
KRS 160.345; KRS 160.390
KRS 161.760; KRS 161.790
OAG 11-001; OAG 78-266
OAG 91-28; OAG 91-149
OAG 92-1; OAG 92-135

RELATED POLICY:

02.4244

Adopted/Amended: 6/30/2020

Order #: 320

- CERTIFIED PERSONNEL -**Supervision****IMMEDIATE SUPERVISOR**

Supervision shall be provided for all certified employees. Employees shall be informed as to whom their immediate supervisor is and to whom they will be responsible.

JOB DESCRIPTION

Each employee shall be provided a job description, which shall delineate all essential functions and the general duties and responsibilities of the position held by the employee. Job descriptions shall not be considered all-inclusive descriptions of the job but shall indicate the general parameters of the duties and responsibilities of the position. The immediate supervisor may, as needed, assign other reasonable duties to the employee.

REFERENCE:

KRS 160.290(1)

RELATED POLICY:

03.133

Adopted/Amended: 7/19/1994

Order #: 10

- CERTIFIED PERSONNEL -**Use of School Property**

All personnel shall be responsible for school equipment, supplies, books, furniture, and apparatus under their care and use. Any damaged, lost, stolen, or vandalized property shall be reported to the employee's immediate supervisor, who shall then report it to the Superintendent/designee once it is confirmed that the item cannot be recovered.

In addition, employees shall not perform personal services for themselves or for others for pay or profit during work time and/or using District property or facilities. District property being used for unauthorized purposes shall be reported to that employee's immediate supervisor.

OUTSIDE WORK

An employee shall not use any District facility, vehicle, electronic communication system, equipment, or materials in performing outside work. These items (including security codes and electronic records, such as E-mail) are property of the District and shall be used solely for job-related purposes.

ELECTRONIC COMMUNICATIONS

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. Employees cannot expect confidentiality or privacy as to information entered or stored in their E-mail accounts. Authorized District personnel may monitor the use of electronic equipment from time to time.

DRIVING RECORD

Employees who have occasion to drive any Board-owned vehicle and/or transport students may be required to annually provide the Superintendent with a copy of their driving record from the Kentucky Department of Transportation. Any traffic citation received during the year shall be reported to the Superintendent prior to driving a Board-owned vehicle or transporting students.

REFERENCES:

KRS 160.290; KRS 189.292

KRS 281A.205

702 KAR 005:080

15-ORD-190

Adopted/Amended: 6/27/2013

Order #: 307

- CERTIFIED PERSONNEL -**Political Activities**

No District employee shall promote, organize, or engage in political activities while performing his/her duties or during the work day. Promoting or engaging in political activities shall include, but not be limited to, the following:

1. Encouraging students to adopt or support a particular political position, party, or candidate; or
2. Using school property or materials to advance the support of a particular political position, party, or candidate.

"Political positions" shall not be defined to include communications approved by the Superintendent to be distributed to parents or the community concerning District needs or proposed actions by the Board. Examples of such communications may include, but not be limited to, those addressing designation of attendance zones/areas and District facility and financial needs.

SCHOOL BOARD ELECTIONS

The Superintendent shall inform all District employees of the provisions of KRS 161.164.

REFERENCES:

KRS 161.164; KRS 161.990
OAG 72-700; OAG 63-572
OAG 92-145

RELATED POLICY:

03.113

Adopted/Amended: 8/14/2001
Order #: 031

- CERTIFIED PERSONNEL -**Drug-Free/Alcohol-Free Schools****DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES**

District employees shall not manufacture, distribute, dispense, be under the influence of, possess or use, or attempt to purchase or obtain, sell or transfer any of the following in the workplace or in the performance of duties:

1. Alcoholic beverages;
2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that "look like" a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

In addition, employees shall not possess prescription drugs for the purpose of sale or distribution.

DEFINITIONS

Controlled substance shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to KRS 218A.020.

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. All prohibited substances however taken or used, including but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in KRS 217.900 or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

AUTHORIZED DRUGS

Employees who personally use or who are designated to administer to a student a drug authorized by and administered in accordance with a prescription from a health professional shall not be considered in violation of this policy.

WORKPLACE DEFINED

Workplace shall mean the site for the performance of work done for the District including any place where work on a District program, project or activity is performed, including, but not limited to, a school building or other school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. "Workplace" shall also include school-sponsored or school-approved activities, events or functions which are held off school property and in which students are under District jurisdiction including, but not limited to, field trips and athletic events.

Drug-Free/Alcohol-Free Schools**REASONABLE SUSPICION SCREENING**

When an administrator has reasonable suspicion that an employee's work performance or on-the-job behavior may have been affected by alcohol or illegal drug use, the employee shall be required to submit to a drug and/or alcohol screening at District expense. Refusal to submit to such a test at the time the employee is asked to do so by an authorized administrator will be grounds for dismissal.

"Reasonable suspicion" shall refer to any of the following:

1. Observed use, purchase, possession, attempt to purchase or obtain, or sale of illegal drugs and/or use, possession, sale, or abuse of alcohol and/or the illegal use or sale of prescription drugs;
2. Apparent physical state of impairment of motor functions;
3. Marked changes in personal behavior not attributable to other factors;
4. Involvement in, or contribution to, an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury; or
5. Violations of criminal drug law statutes involving the use of illegal drugs, alcohol, or prescription drugs and/or violation of drug statutes.

The Superintendent shall develop a process to reasonably ensure employee privacy during the taking of samples, security of samples once obtained, and designation of laboratory services that are accurate and reliable. Appropriate measures shall be taken to protect confidentiality throughout the testing process and in the handling of test results. Access to drug testing results shall be restricted on a need-to-know basis to those persons in positions designated by the Superintendent.

Employees who test positive on a confirmation alcohol test or whose drug screening indicates use of illegal drugs shall be subject to disciplinary action.

SUSPENSION/TERMINATION/NON-RENEWAL

Any employee who violates the terms of this policy may be suspended, non-renewed or terminated. In addition, violations may result in notification of appropriate legal officials.

ALTERNATIVE

As an alternative, the Superintendent may choose that an employee who violates the terms of the District's drug-free/alcohol-free workplace policies shall satisfactorily participate in a Board-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, non-renewed or terminated.

REPORTING

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

Drug-Free/Alcohol-Free Schools**NOTIFICATION BY EMPLOYEE**

Any employee convicted of a workplace violation of criminal drug statutes shall, within five (5) working days, provide notification of the conviction to the Superintendent.

POST-DISCIPLINE DRUG TESTING

Following determination by an administrative or judicial proceeding that s/he engaged in misconduct involving the illegal use of controlled substances, a teacher who has been reprimanded or disciplined for misconduct involving illegal use of controlled substances shall submit to random or periodic drug testing in accordance with applicable Kentucky Administrative Regulation for a period not to exceed twelve (12) months from the date of such reprimand or disciplinary action.

PREVENTION PROGRAM

The Superintendent shall establish a prevention program for all employees which shall include the following:

1. The dangers of drug/alcohol/substance abuse in the schools;
2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for violations of this policy.

REFERENCES:

KRS 160.290; KRS 160.380; KRS 161.120; KRS 161.175
KRS 161.790; KRS 217.900; KRS 218A.1430; KRS 218A.1447
016 KAR 001:030; 701 KAR 005:130; 34 C.F.R Part 85

RELATED POLICIES:

03.1325; 08.1345; 09.2241

Adopted/Amended: 6/28/2012
Order #: 308

- CERTIFIED PERSONNEL -**Duties**

All employees are expected to use sound judgment in the performance of their duties and to take reasonable measures to protect the health, safety, and well-being of others, as well as District property.

JOB DESCRIPTION

Prior to the authorization of any personnel position in the District budget, the Superintendent, collaborating with other District authorities with personnel assignment responsibilities, shall develop, for Board approval, a job description which establishes all essential functions of the position. The description shall encompass supervision responsibilities, completion of records and reports, and achievement of professional goals identified to enhance student achievement and help the school and/or District meet goals established by statute and/or Board policy. Certified personnel shall also be held responsible for cooperation with students, professional associates, parents, staff, and community groups.

INVESTIGATIONS

All employees shall cooperate fully with all investigations conducted by the District as authorized by policy or law. Failure to comply may be considered insubordination.

ACCOMMODATION

Reasonable accommodation shall be provided each qualifying employee with a disability or limitations related to pregnancy, childbirth, or related medical conditions to comply with the requirements of law and regulation.¹

REFERENCES:

¹Americans With Disabilities Act (ADA); KRS Chapter 344
P. L. 101-336
Rehabilitation Act of 1973; P. L. 93-112 Sec. 504
KRS 158.645; KRS 158.6451
016 KAR 001:020 (Code of Ethics); OAG 91-10; OAG 92-1

RELATED POLICY:

03.113

Adopted/Amended: 6/12/2019

Order #: 293

- CERTIFIED PERSONNEL -**Health and Safety****SAFETY**

It is the intent of the Board to provide a safe and healthful working environment for all employees. Employees shall report any conditions they believe to be unsafe to their immediate supervisor, who shall examine the situation and take appropriate action.

The District shall develop, maintain and implement health and safety plans in compliance with state and federal law.

HAZARD COMMUNICATION PLAN

The Superintendent/designee shall develop a District Hazard Communication Plan. The plan shall include:

1. The assignment of a District employee to be responsible for the implementation and coordination of the Hazard Communication Plan;
2. The inventory of all chemicals used at each school and worksite;
3. The identification of each chemical in the inventory that is covered by the OSHA Hazard Communication Standard;
4. Maintenance of a Safety Data Sheet (SDS) for each substance on the chemical inventory list for as long as the District uses the substance, plus thirty (30) years;
5. Labeling of all containers of each chemical identified as required by the Hazard Communication Standard;
6. The development of an employee Hazard Communication Information and Training Program; and
7. The development, implementation and maintenance of a written Hazard Communication Program.

BLOODBORNE PATHOGEN CONTROL

The Superintendent/designee shall develop an Exposure Control Plan to eliminate or minimize District occupational exposure to bloodborne pathogens. The plan shall address:

1. Identification of employees at-risk of occupational exposure and their assigned tasks and procedures which could lead to such exposure;
2. Communication of hazards to employees;
3. Vaccinations of at-risk employees for Hepatitis B at no cost to these employees;
4. Determination of universal precautions to be observed, including adequate engineering controls and housekeeping procedures;
5. Appropriate training of employees;

Health and Safety**BLOODBORNE PATHOGEN CONTROL (CONTINUED)**

6. Provision of personal protective equipment including an opportunity provided annually for employees who use medical sharps in performance of their duties to identify, evaluate and select engineering and work practice controls to be implemented by the District, as appropriate;
7. Maintenance of a sharps injury log;
8. Medical follow-up and counseling for employees after a work-site exposure;
9. Maintenance of confidential records of each exposure incident; and
10. A schedule for implementing all provisions required by the OSHA standard.

The Superintendent/designee shall review and update the Exposure Control Plan at least once each year and when needed to reflect new or modified tasks and procedures that affect occupational exposure or new or revised employee positions with occupational exposure. The review and update shall also address:

1. Changes in technology that eliminate or reduce exposure to bloodborne pathogens; and
2. Annual documentation that appropriate, commercially available and effective safer medical devices that are designed to eliminate or minimize occupational exposure have been obtained and are now in use.

LOCKOUT/TAGOUT

The Superintendent/designee shall develop a lockout/tagout program to eliminate or minimize the unexpected startup or release of stored energy in mechanical or electrically powered equipment. The plan shall address:

1. Assignment of a District employee to be responsible for implementation and coordination of the lockout/tagout program;
2. A written program consisting of energy control procedures;
3. Development, documentation and utilization of energy control procedures for the control of potentially hazardous energy when employees are engaged in servicing and maintaining equipment;
4. Periodic review of the lockout/tagout program to assure authorized employees are properly controlling unexpected startup or release of stored energy; and
5. Annual training of employees authorized to use lockout/tagout to emphasize program procedures and retraining whenever a periodic review reveals deficiencies in employee performance.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

Each year, the Superintendent/designee shall conduct a hazard assessment to determine when and where the use of personal protective equipment (PPE) is necessary. The hazard assessment shall address:

1. Assignment of a District employee responsible for assessing the workplace for hazards;

Health and Safety**PERSONAL PROTECTIVE EQUIPMENT (PPE) (CONTINUED)**

2. Selection of appropriate PPE to safeguard employees from hazards that cannot be eliminated;
3. A training program to be conducted to educate employees about the need for PPE and when it must be worn;
4. Training of employees on the use and care of PPE, how to recognize deterioration and failure and the need for replacement; and
5. Requiring employees to wear designated PPE as deemed necessary by the hazard assessment.

REPORTING FATALITIES, AMPUTATIONS, HOSPITALIZATIONS, OR LOSS OF EYE

The District shall, within eight (8) hours from when reported to the District, make an oral report to the Kentucky Labor Cabinet of the death of an employee as a result of a work-related incident, including death resulting from a heart attack.

The District shall, within seventy-two (72) hours from when reported to the District, make an oral report to the Kentucky Labor Cabinet of an amputation suffered by an employee, an employee's loss of an eye, or the hospitalization of an employee, including hospitalization resulting from a heart attack.²

ASBESTOS MANAGEMENT

The District shall conduct school inspection and re-inspection activities as required by state and federal law¹ to identify the status of asbestos. The District shall maintain an updated asbestos management plan that shall include, but not be limited to, applicable current and/or future inspection activities, response actions and surveillance activities and a description of steps taken to inform staff and parents about any such activities. Each school shall maintain in its administrative office an updated copy of the management plan for that school. Annual written notice of the availability of the plan shall be provided to parent, teacher, and employee organizations. In the absence of any such organizations, the District shall provide written notice of plan availability to parents, teachers, or employees, as applicable.

Any custodial or maintenance personnel who may work in a building with asbestos-containing building materials (ACBM) shall have a minimum of two (2) hours of asbestos awareness training. New custodial or maintenance staff who may work in the areas above shall be trained within sixty (60) days of hire. Maintenance and custodians who will be involved in activities that will involve a disturbance of ACBM shall receive an additional fourteen (14) hours of asbestos training.

Health and Safety

REFERENCES:

¹401 KAR 058:010: 40 C.F.R. Part 763

²803 KAR 002:181

Kentucky Department for Public Health

Centers for Disease Control and Prevention

Kentucky Labor Cabinet; 803 KAR 002:308; 803 KAR 002:404

OSHA 29 C.F.R. 1910

132 PPE Hazard Assessment

147 Lockout/Tagout

1001 Asbestos-ACBM

1200 Hazard Communication

1030 Bloodborne Pathogens

Adopted/Amended: 6/29/2022

Order #: 307

- CERTIFIED PERSONNEL -**Grievances****PROCEDURES**

The Superintendent shall develop specific grievance procedures to include, but not be limited to, the opportunity for grievances to be addressed and resolved at each level of the chain of command from the point of origin, time limitations for the filing and the appeal of a grievance, and procedures for the orderly review and appeal of each individual grievance.

Grievances are individual in nature and must be brought by the individual grievant.

GENERAL GRIEVANCES

The Board will hear grievances only after unsuccessful resolution by the employee's supervisors.

PERSONNEL ISSUES

The Board will not hear any grievance concerning personnel actions taken by the Superintendent/designee, unless the issue of the grievance concerns constitutional, statutory, regulatory, or policy application or demotion under KRS 161.765. Otherwise, personnel grievances will be appealed only to the level of Superintendent who shall make the final decision.

EXCEPTION

Harassment/Discrimination allegations shall be governed by policy 03.162.

REFERENCE:

OAG 78-204

RELATED POLICY:

03.162

Adopted/Amended: 9/14/1999

Order #: 50

- CERTIFIED PERSONNEL -**Harassment/Discrimination****DEFINITION**

Harassment/Discrimination of employees is unlawful behavior based on the race, color, national origin, age, religion, sex (including sexual orientation or gender identity), genetic information, disability, or limitations related to pregnancy, childbirth, or related medical conditions of an employee involving intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such manner as to be commonly understood to convey hatred or prejudice.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION

Employees who engage in harassment/discrimination of another employee or a student on the basis of any of the areas mentioned above shall be subject to disciplinary action including, but not limited to, termination of employment.

GUIDELINES

Employees who believe they or any other employee, student, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. If an employee is not assigned to a particular school, a report of harassment/discrimination may be made to the employee's immediate supervisor or to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report.

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

Harassment/Discrimination**GUIDELINES (CONTINUED)**

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) working days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a District administrator. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency.

The Superintendent/designee may take interim measures to protect complainants during the investigation.

2. A process to identify and implement, within five (5) working days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all staff, which may include, but not be limited to the following:
 - written notice provided in publications such as handbooks, staff memoranda, and/or pamphlets;
 - postings in the same location as are documents that must be posted according to state/federal law; and/or
 - such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy.

4. Annual training explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination; and
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

PROHIBITED CONDUCT

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;

Harassment/Discrimination**PROHIBITED CONDUCT (CONTINUED)**

5. Causing an employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain employment or that a personnel decision will be based on whether or not the employee submits to unwelcome sexual conduct;
6. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
7. Seeking to involve individuals with disabilities in antisocial, dangerous or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity; and
8. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of all parties involved.

APPEAL

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisory staff member is an alleged party in the harassment/discrimination complaint, provision shall be made for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy or to take corrective action shall be cause for disciplinary action.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 03.113, 03.1325 and/or 09.422.

Harassment/Discrimination

REFERENCES:

¹KRS 158.156; KRS Chapter 344; 42 USC 2000e, Civil Rights Act of 1964, Title VII
29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC) Regulations
Implementing Title VII
20 U.S.C. 1681, Education Amendments of 1972, Title IX
34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights
Regulations Implementing Title IX
Genetic Information Nondiscrimination Act of 2008
Age Discrimination Act, 42 U.S.C. 6101-6107; 34 C.F.R. 110.25
Bostock v. Clayton County, Georgia 140 S.Ct. 1731 (2020)
H.R. 1065 (EH) - Pregnant Workers Fairness Act

RELATED POLICIES:

03.113; 03.1325; 03.16; 09.2211; 09.422; 09.42811

Adopted/Amended: 6/29/2021
Order #: 290

- CERTIFIED PERSONNEL -**Evaluation****DEVELOPMENT OF SYSTEM**

The Superintendent shall recommend for approval by the Board and the Kentucky Department of Education a personnel evaluation system, developed by an evaluation committee, for all certified employees below the level of District Superintendent, which is in compliance with and which shall be implemented consistent with applicable statute and regulation. The District's certified evaluation plan shall be aligned with the Kentucky Framework for Personnel Evaluation.¹

PURPOSE

The purpose of the personnel evaluation system shall be to: support and improve performance of all certified school personnel and to inform individual personnel decisions. The District certified evaluation plan for certified personnel assigned to the District level for purposes of evaluation shall be specific to the evaluatee's job category.

FREQUENCY OF SUMMATIVE EVALUATIONS

At a minimum, summative evaluations shall occur annually for certified employees below the level of superintendent who have not attained continuing service status. Summative evaluations shall occur at least once every three (3) years for a teacher or other professional who has attained continuing service status, as well as principals, assistant principals, and other certified administrators.

REPORTING

Results of evaluations shall not be included in the accountability system under KRS 158.6455.

NOTIFICATION

The evaluation criteria and evaluation process to be used shall be explained to and discussed with certified school personnel no later than the end of the evaluatee's first thirty (30) calendar days of the school year as provided in regulation.

CONFIDENTIALITY

Evaluation data on individual classroom teachers shall not be disclosed under the Kentucky Open Records Act.

REVIEW

All employees shall be afforded an opportunity for a review of their evaluations. All written evaluations shall be discussed with the evaluatee, and he/she shall have the opportunity to submit a written response to be included in the certified employee's personnel record. Both the evaluator and evaluatee shall sign and date the evaluation instrument.

All evaluations shall be maintained in the employee's personnel file.²

APPEAL PANEL

The District shall establish a panel to hear appeals from summative evaluations as required by law.¹

ELECTION

Two (2) members of the panel shall be elected by and from the certified employees of the District. Two (2) alternates shall also be elected by and from the certified employees, to serve in the event an elected member cannot serve. The Board shall appoint one (1) certified employee and one (1) alternate certified employee to the panel.

Evaluation**TERMS**

All terms of panel members and alternates shall be for one (1) year and run from July 1 to June 30. Members may be reappointed or reelected.

CHAIRPERSON

The chairperson of the panel shall be the certified employee appointed by the Board.

APPEAL TO PANEL

Any certified employee who believes that he or she was not fairly evaluated on the summative evaluation may appeal to the panel within five (5) working days of the receipt of the summative evaluation. Both the evaluator and the evaluatee shall be given the opportunity, at least five (5) days in advance of the hearing to review documents that are to be presented to the District evaluation appeals panel, and may have representation of their choosing.

APPEAL FORM

The appeal shall be signed and in writing on a form prescribed by the District evaluation committee. The form shall state that evaluation records may be presented to and reviewed by the panel.

CONFLICTS OF INTERESTS

No panel member shall serve on any appeal panel considering an appeal for which s/he was the evaluator.

Whenever a panel member or a panel member's immediate family appeals to the panel, the member shall not serve for that appeal. Immediate family shall include father, mother, brother, sister, spouse, son, daughter, uncle, aunt, nephew, niece, grandparent, and corresponding in-laws.

A panel member shall not hear an appeal filed by his/her immediate supervisor.

BURDEN OF PROOF

The certified employee appealing to the panel has the burden of proof. The evaluator may respond to any statements made by the employee and may present written records which support the summative evaluation.

HEARING

The panel shall hold necessary hearings. The evaluation committee shall develop necessary procedures for conducting the hearings.

PANEL DECISION

The panel shall deliver its decision to the District Superintendent, who shall take whatever action is appropriate or necessary as permitted by law. The panel's written decision shall be issued within fifteen (15) working days from the date an appeal is filed. No extension of that deadline shall be granted without written approval of the Superintendent.

Evaluation**REVISIONS TO PREVIOUSLY APPROVED DISTRICT EVALUATION PLAN**

If a revision adding or removing a source of evidence or changing a decision rule or calculation in the summative rating formula in the District's certified evaluation plan is made by the local certified evaluation committee, the revised certified evaluation plan shall be reviewed and approved by the Board. If the Board determines that changes do not meet the requirements of KRS 156.557, the certified evaluation plan shall be returned to the certified evaluation committee for revision. The Superintendent shall submit proposed revisions to the evaluation plan to the Board for its review to ensure compliance with applicable statute and regulation. Upon adoption, all revisions to the plan shall be submitted to the Kentucky Department of Education for approval.

REFERENCES:

¹KRS 156.557; 704 KAR 003:370

703 KAR 005:225

OAG 92-135; Thompson v. Board of Educ., Ky., 838 S.W.2d 390 (1992)

RELATED POLICIES:

²02.14; 03.15; 03.16

Adopted/Amended: 6/29/2018

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