

HAMILTON SOUTHEASTERN SCHOOLS

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SUBSTITUTE EMPLOYEES HANDBOOK

Note: This handbook is not a contract and is subject to change. This handbook lists items regarding discipline and progressive discipline for specific violations of employment. These listings do not change the status of at-will employees. Please read the employee handbook carefully. Failure to meet the expectations, policies, and/or procedures outlined in this employee handbook or any other employee handbooks specific to your area can result in disciplinary measures up to and including termination.

Hamilton Southeastern Schools is an equal employment opportunity employer and does not discriminate on the basis of age, race, color, religion, gender national origin, or handicapping condition.

Revised May 2017

Equal Opportunity (Board Policy G2.01)

The school corporation will not discriminate in its educational or employment activities on any basis prohibited by applicable federal or state laws.

Hamilton Southeastern Schools is an Equal Opportunity Employer. This means that we will extend equal opportunity to all individuals without regard to race, religion, color, sex, national origin, age, disability, handicaps or veteran status. This policy affirms Hamilton Southeastern Schools' commitment to the principles of fair employment.

Inquiries regarding compliance with Title IX or the Americans with Disabilities Act should be directed to Michael Beresford, Director of Human Resources, Hamilton Southeastern Schools, 13485 Cumberland Road, Fishers, IN, 46038 at (317)594-4100, or the Office of Civil Rights, U.S. Department of Education, Washington, D.C.

Support Staff Hiring (Board Policy G4.2)

Persons hired for support staff positions must have the necessary qualifications for the positions for which they are employed and personal attributes which are consistent with the role and mission of the school corporation. Persons employed for support staff positions must be willing and able to assume responsibility for duties assigned.

At-Will Employment (Board Policy G4.1)

All support staff employees, except those with written employment contracts, are at-will employees. Their employment and compensation can be terminated, with or without cause, and with or without notice, at any time.

Nothing in the Support Staff Handbook should be construed as a contract or guarantee of continued employment. Hamilton Southeastern Schools reserves the right to terminate an employment relationship with a support staff employee at any time.

Background/Criminal History Information (Board Policy G2.15)

For purposes of this policy, "applicant" means any individual who is applying for employment with the school corporation, seeking to volunteer in the school corporation, or seeking to enter into a contract to provide services or seeking to provide volunteer service within the school corporation, to the school corporation, such that an individual is likely to have direct, ongoing contact with children as a result of the individual's position.

Each applicant recommended for employment with Hamilton Southeastern Schools will be subject to a criminal history report prior to the final interview. The criminal history report will include a National Database.

Prior to the final interview, each applicant must provide Hamilton Southeastern Schools the information necessary to conduct the criminal history report.

In the final interview, each applicant will be questioned about any information appearing in the criminal history report or submitted in the application process. Failure to answer

any questions honestly at any time in the application process may be cause for subsequent termination of the applicant, if eventually hired.

If hired, all costs of obtaining the criminal history report are the responsibility of the applicant or employee.

(Indiana Law requires a new employee to have a Child Protection Index Check from each state the employee has resided since the age of eighteen. The employee is responsible for all costs associated with the Child Protection Index Check. The employee is responsible for providing the completed report/s to the Human Resources office within 60 days of employment. Failure to comply could result in termination.)

Attendance

You must come to work and be on time to be successful. We recognize that people become ill and sometimes need personal leaves from the work place. We try to be very understanding when sickness or family matters occur, and we provide fringe benefits to assist you during these times; but it is important that you realize that your ability to successfully perform your job on a regular basis is extremely important. If you are not at work, either someone else has to assume the responsibility for what you are being paid to do or the work does not get done. Neither of these situations contributes to a successful organization. If you are sick and unable to come to work, call your supervisor at least two (2) hours before your scheduled work is to begin. The corporation may require you to provide a written statement from your physician stating that you are physically unable to work. Poor attendance and/or tardiness can lead to disciplinary measures up to and including termination.

Overtime/Compensatory Time

Non-exempt employees are encouraged to accomplish all job-related tasks during regular working hours. Non-exempt employees may not work more than forty (40) hours per week without the issuance of overtime pay or compensatory time. **Employees do not have the option of voluntarily working more than forty (40) hours per week without overtime pay or compensatory time.**

Overtime and/or compensatory time must be pre-approved by an administrator. The overtime rate of pay is one and one-half times the employee's regular hourly rate. The compensatory time rate is one and one-half hours of compensatory time for every hour actually worked beyond a regular forty (40) hour work week. Hamilton Southeastern employees are not allowed to accumulate more than eighty (80) hours of compensatory time.

Vacation days are non-work days. Employees may not request a vacation day, then work the day, and request time and ½ pay for the time worked on that day.

A workweek consists of seven consecutive 24-hour periods, equaling 168 hours total. Though HSE does not permit overtime without prior authorization, for purposes of overtime calculations, the workweek begins Saturday at 12:00 am and ends Friday at 11:59 pm.

Use of School District Property and Materials

All Hamilton Southeastern Schools' property including buildings, vehicles, equipment, office supplies, and materials is intended for school district business only. The list of items includes, but is not limited to: stationery, office supplies, postage and stamps, cleaning supplies, cafeteria food, paper products, telephones, copiers, tools, mowers, typewriters, computers, and audio-visual equipment.

Staff Technology Usage

Hamilton Southeastern Schools maintains computers for student instruction and school administrative functions. In many cases support staff employees have a direct need to use school computers for school related business. In those cases, it is mandatory that the employee sign and follow the provisions of a Staff Computing Resources and Internet Access Consent Form. Users should not expect that the files stored on school-based computers will always be private. Internet activities will be monitored by the school corporation to guard against the access of inappropriate sites.

(Board Policy G2.18) Hamilton Southeastern Schools employs technology intended to prevent violations of this policy and its guidelines, such as preventing access to harmful or illegal materials. The use of technology in Hamilton Southeastern Schools is subject to regulations monitoring, denial, and discipline in cases of violations in accordance with guidelines established by the Superintendent/designee. These guidelines must at a minimum comply with Federal, State, and Indiana Department of Education laws, regulations, and guidelines.

Corporation staff shall not view or allow students to view or have access to inappropriate Internet sites, or use any computer in the corporation with Internet capability that does not have Internet filtering software. This includes computer, laptop, desk top, or any other such device used anywhere on school property where students are, for any reason, allowed to access the Internet. Any Hamilton Southeastern Schools computer used by corporation staff will have an Internet filtering process in place when accessing the Internet. Nevertheless, the Board of School Trustees recognizes that no current technology will prevent all abuses or improper use.

Corporation staff shall not use corporation equipment or personal equipment including cellular telephones, computers including laptops, or other devices to respond to personal e-mails, access the Internet for personal use, or return personal telephone calls during instructional time, work or supervisory duties, or professional development. This does not apply to prep or personal break periods, or personal emergencies.

Personal technology such as cell phones or laptops should only be used as needed during school sponsored field trips or extra-curricular activities. Corporation staff shall not view or allow students to view or have access to inappropriate Internet sites while on school sponsored field trips or extra-curricular activities.

Staff members violating these rules are subject to disciplinary action up to and including discharge. Any disciplinary actions taken pursuant to this policy shall incorporate employee procedural due process rights provided by law.

Conditions of Portable Devices

I agree that the conditions apply to my use of the portable devices (laptop, tablet, etc.) assigned to me:

- a) that the device is to be used primarily for professional responsibilities,
- b) that the Staff Technology Usage (G02.18) policy, covering the use of Hamilton Southeastern Schools device continues to apply when the device is used off the premises of Hamilton Southeastern Schools,
- c) that in the event the device/charging/power cord is damaged by other than normal use, or is lost while assigned to me, Hamilton Southeastern Schools will repair the damage/replace the device on the first incident and then I will be responsible for any costs incurred for the repair of the damage/replacement of the device for any other incidents,
- d) that in the event the device is stolen while assigned to me, I will file a police report and submit a copy of the report to my supervisor and to the Directors of Technology, Hamilton Southeastern Schools will replace stolen equipment at no cost once I submit a copy of the police report,
- e) that if a charging/power cord stops working, Hamilton Southeastern Schools will replace the charging/power cord after I turn it in and Hamilton Southeastern Schools inspects it and determines it to be through normal use,
- f) that I will return the device and charging/power cord to Hamilton Southeastern Schools immediately in the event that 1) its return is requested by a representative of Hamilton Southeastern Schools, or, 2) I am no longer an employee of Hamilton Southeastern Schools.

Key Fobs

Employees are issued key fobs for door access and ID badges for identification. In the event a key fob is lost or misplaced there will be a five dollar (\$5.00) replacement fee charged to the employee. All lost, misplaced, or broken key fobs must be reported to your supervisor immediately.

Staff Conduct (Board Policy G2.6)

The Board of School Trustees expects that the staff of the school corporation will strive to set the kind of example for students that will serve them well in their own conduct and behavior which will contribute toward an appropriate school atmosphere.

To that end, in dress, conduct, and interpersonal relationships, all staff should recognize that they are being continually observed by students and that their actions and demeanor will be reflected in the conduct of the students.

The personal life of an employee will be the concern and warrant the attention of the Board only to the extent that it prevents the employee from effectively performing assigned functions during duty hours, or if it violates applicable law or contractual agreements.

Staff Ethics (Board Policy G2.4)

All employees of Hamilton Southeastern Schools will exhibit and adhere to the highest ethical standards. In order to provide each student with an equal educational opportunity and freedom to learn, employees must not:

- 1. Encourage or engage in anything other than a professional relationship with students.*
- 2. Knowingly make false or malicious statements about any other employee, student, or parent.*
- 3. Disclose confidential information about students or other employees unless disclosure is necessary to prevent harm or injury or is permitted by law.*
- 4. Make a false statement in or concerning an application for a position or fail to disclose a material fact relating to competency or qualification.*
- 5. Use leave for other than the purpose for which it is granted.*
- 6. Violate the Hamilton Southeastern Schools Internet Use Policy I6.3.*

Video Surveillance (Board Policy E6.4)

The Board of School Trustees authorizes the use of video cameras on corporation property to assist in protecting the health, welfare, and safety of all staff, students, and visitors and to safeguard corporation facilities and equipment. Video cameras may be used in locations deemed appropriate by the Superintendent/designee.

The corporation will notify staff and students through student/parent and staff handbooks that video surveillance may occur on corporation property.

Security videos showing identifiable employees will be treated as personnel file information under the Indiana Access to Public Records Act. I.C.5-14-3 and board policy adopted implementing that act.

For the purpose of this policy restrooms, locker rooms, and areas reserved exclusively for staff use will be considered a “private area” of the facility and will not be equipped with video security equipment. The term “non-private area” will therefore mean any area on or in school corporation property not meeting the definition of a “private area”. All speech and conduct in the non-private areas of any school corporation property is subject to being observed, recorded, preserved, and examined by means of security video equipment. No person will have a legitimate expectation of privacy with respect to his or her conduct or speech in the non-private area of a school corporation property.

By this policy, the Board does not mandate or warrant that every non-private location on or in every school corporation property will be equipped with security video equipment, nor that the security video equipment will record specific conduct or expression.

Staff Participation in Political Activities (Board Policy G2.13)

The Board of School Trustees subscribes to the principle that public school employees must, with all other citizens, share the responsibility for the development of a sound public body and assume full political and citizenship responsibilities. In fulfilling this

obligation, each public school employee has an obligation to the public and to the schools. However, in his or her political activities, an employee will not:

- *Misrepresent the school corporation, but will take adequate precautions to distinguish between his/her personal and instructional views.*
- *Interfere with a colleague's exercise of political and citizenship rights and responsibilities.*
- *Use institutional privileges, corporation resources, or working time to promote candidates or partisan political activities.*

Employees may not circulate political literature for or against any candidate or cause, or post such literature, in the schools or on school property. The Superintendent will act to ensure that unauthorized distribution is not permitted. Nothing in this policy is to be construed as precluding:

1. *mock elections, debates, conventions, or other simulated political activities, where the activity is primarily intended as an educational experience.*
2. *communications of the Hamilton Southeastern Education Association to its bargaining unit concerning Association matters and activities; or*
3. *communications by administration.*

Conflict of Interest (Board Policy G2.5)

Employees of the school corporation must perform, and be viewed by the public as performing their assigned responsibilities in a faithful, diligent and impartial manner. Employees, therefore, may not engage directly or indirectly, in any activity that conflicts, or appears to conflict, with such responsibilities. By way of example, but not way of limitation, an employee may not:

- *Use his or her position with the school corporation for personal gain. This includes endorsing any product or service, or selling or promoting the sale of goods or services to the school corporation's students or their families.*
- *Use school corporation property for personal gain.*
- *Engage in any activity for personal gain during any period of time the employee is performing duties for the school corporation.*
- *Solicit, offer, give or receive a thing of value to influence in any way*
 - a. *an employee's judgment, or*
 - b. *an employee's performance of his or her duties, or*
 - c. *the grant of a special advantage.*
- *Use time granted for leave, planning, or continuing education, for other than the purpose for which the time was granted.*
- *Furnish lists of students or parents to anyone selling goods or services.*

Personal gain includes, among other things:

- (i) *compensation in any form and*
- (ii) *free or discounted goods or services*

A thing of value includes, among other things, a gift, a gratuity, an award, a favor, a giveaway, a forbearance, a preference, or a discount. A thing of value does not include

the following, so long as they are not part of an attempt to circumvent or evade this policy:

1. *Things of nominal value given in connection with general business promotions or on occasions such as Christmas, birthday, end of athletic season, or end of school.*
2. *Gifts of any value between family members.*
3. *Reasonable compensation for goods or services actually provided.*
4. *Anything of value given or awarded by an organization to recognize outstanding achievement by an employee.*
5. *Scholarships or stipends awarded for educational purposes.*
6. *Discounts or private benefits available to educators generally.*
7. *Anything approved by the Board.*

This policy does not limit in any way applicable law that may impose other obligations on employees.

Employer-Contribution Annuity Program – 403(b)

Hamilton Southeastern Schools has established an Employer-Matching 403(b) Tax-Deferred Annuity (TDA) retirement savings program. Effective July 1, 2014 Hamilton Southeastern Schools will match up to 5 % of the employee's salary, based on contract year, to this savings program.

All employees of Hamilton Southeastern Schools are eligible.
Eligible employees may be added on the first business day of any month.

Hamilton Southeastern Schools will match up to 5 % of the employee's salary to a 403(b) plan. Employees may contribute as much as they choose, tax-deferred, up to the IRS limits.

There is no vesting period. You are vested from the first day of contribution. The account remains your account. Upon resignation/termination prior to retirement, you may leave the account in place (in which case it will continue to accumulate earnings), or you may roll it over into an IRA or other tax-qualified retirement savings plan, or you may withdraw your savings. Withdrawal may be subject to withdrawal and tax penalties. Withdrawals on employee and employer dollars are subject to IRS hardship rules.

Upon retirement, you may select a lump sum pay-out of your account balance or you may elect to have the account balance paid as a life annuity. If you choose to take a life annuity, there are several options available. These include joint and survivor options and options that will guarantee a payout over a specified number of years.

Death Benefits – Your surviving spouse or other beneficiary may elect either a lump sum payment or a life annuity based upon your account balance. There are neither tax nor withdrawal penalties in these circumstances.

Emergency/Crisis Procedures

Crisis procedures have been established for a variety of emergency scenarios. Those procedures are specific to employee positions. For example, in the case of an emergency, secretarial responsibilities will be different than those of a teacher, which, in turn will be different than those of the principal. The “Emergency Reference Guide” crisis procedures should be reviewed by the employee and should be readily accessible for use in an emergency.

Staff Welfare/Protection (Board Policy G2.9)

The Board of School Trustees recognizes the importance of providing a school environment that is safe and that protects the personal health and welfare of its staff.

The Superintendent will establish procedures that:

- *Adhere to applicable State and Federal laws.*
- *Train and encourage staff to take personal responsibility for their own safety and health.*
- *Attempt to prevent personal injuries and property loss by incorporating safety practices into all school activities.*

Staff Personal Security and Safety (Board Policy G2.12)

The Board of School Trustees believes that a staff member should be able to work in an environment free of harassment, intimidation, and threatening actions including physical assault or battery.

Threatening actions consisting of any words or deeds that intimidate a staff member or any physical assault or battery is strictly forbidden. Any such actions must be reported to the immediate supervisor, who must report to the Superintendent /designee, and when appropriate, to the local law enforcement agency.

In the case of a student assaulting or intimidating a staff member, appropriate discipline action will be taken.

In Case of Accident or Injury

Despite our good efforts to avoid them, accidents can still occur. If you become injured at work, regardless of the severity of the injury, see the school nurse if he/she is on the premises, report the incident to your supervisor immediately and fill out a First Report of Injury Form. Your supervisor should then immediately notify the Central Office. Injured employees should go to the HSE Health Care Center located at 11580 Overlook Drive, Suite 100, Fishers, IN 46038 for initial treatment. A neglected injury, minor as it may seem, can become a serious problem if not treated promptly and properly. If you do not report the injury, there will be no documentation that the injury was work-related, and you could jeopardize your eligibility for work-related coverage under Indiana Worker’s Compensation.

Employees who qualify for Worker's Compensation will require documentation from a physician that he/she may return to work. When restrictions are applied, attempts will be made to accommodate those restrictions so the employee can return to work. This may not be possible in every case and temporary reassignment to another job with Hamilton Southeastern Schools may be necessary.

Sexual Harassment (Board Policy G2.2)

Employees or students of Hamilton Southeastern Schools will not engage in any activity to harass an employee or student through conduct or communications of a sexual nature. The use of the term "employee" also includes non-employees and volunteers who are subject to the control of school authorities.

A. Types of Sexual Harassment

Sexual harassment shall consist of unwelcome sexual advances, requests for sexual favors, or other inappropriate verbal or physical conduct of a sexual nature when made by any employee to a student, when made by an employee to another employee, when made by any student to an employee, or when made by any student to another student when:*

- 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;*
- 2. submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual;*
- 3. such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment or educational environment;*
- 4. Denial of an employment or educational opportunity occurs directly because an employee or student refuses to submit to unwelcome requests for sexual favors made by a supervisor or teacher.*
- 5. Such conduct is engaged in by volunteers and/or non-employees over which the school corporation has some degree of control of their behavior while on school property.*
- 6. *In the case of student-to-student concerns, initial concerns and complaints will be dealt with at the building level and treated as disciplinary problems until it is determined that there is a pattern of harassment that is sexual in nature.*

B. Unwelcome Conduct of a Sexual Nature

- 1. Conduct of a sexual nature may include verbal or physical advances and/or comments regarding physical or personality characteristics of a sexual nature.*
- 2. Verbal or physical conduct of a sexual nature constitutes sexual harassment when the allegedly harassed employee or student has indicated, by his or her conduct or verbal objection, that it is unwelcome.*

3. *An employee or student who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.*

C. *Examples of Sexual Harassment*

Sexual harassment, as set forth in "A" may include, but is not limited to, the following:

1. *Verbal harassment or abuse.*
2. *Repeated remarks to a person with sexual or demeaning implications.*
3. *Unwelcome touching.*
4. *Pressure for sexual activity.*
5. *Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, promotion, and/or salary increase.*

D. *Specific Prohibitions*

1. *Administrators and Supervisors*

- a. *It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.*
- b. *Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees will be subject to disciplinary actions.*

2. *Non-administrative and Non-supervisory Employees*

It is sexual harassment for a non-administrative or non-supervisory employee to subject another employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct will be subject to disciplinary actions.

E. *Sanctions for Misconduct*

A substantiated charge against an employee in the school corporation may subject such employee to disciplinary action including, but not limited to, reassignment, suspension, or discharge.

A substantiated charge against a student in the school corporation will subject that student to disciplinary action including, suspension and/or expulsion consistent with the Student Conduct Code.

F. False Reporting

Any person who knowingly files false charges against an employee or a student in an attempt to demean, harass, abuse, or embarrass that individual will be subject to disciplinary action consistent with school policy and the Student Conduct Code.

Sexual Harassment Procedures (Board Policy 2.2.1)

Complaint Process

- A. *Any person who alleges sexual harassment by any employee or student in the school corporation will use the complaint procedure explained below or may complain directly to his or her immediate supervisor, building principal, or the Title IX complaint designee of the school corporation. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status nor will it affect future employment, grades, or work assignments.*
- B. *The right of confidentiality, both of the complainant and of the accused, will be respected with the school corporation's legal obligations and the necessity to investigate allegations of misconduct and to take corrective actions when this conduct has occurred.*

Reporting Sexual Harassment

All reports of sexual harassment will be handled in the following manner:

- A. *Reports must be in writing on forms supplied by the corporation. If a verbal complaint is made, the school official will file a written report.*
- B. *Reports must name the person(s) charged with sexual harassment and state the facts.*
- C. *Reports must be presented to the building principal or his/her designee where the alleged conduct took place. If the building principal is the alleged harasser, the report will be submitted to the Assistant Superintendent.*
- D. *Copies of all reports must be sent to the Superintendent.*
- E. *The building principal, or principal's designee, who receives a report will thoroughly investigate the alleged sexual harassment.*
- F. *The report and the results of the investigation will be presented to the Superintendent. The Superintendent will review the report and submit a recommendation for action to the Board of School Trustees.*
- G. *The Board may consider the report and act upon the Superintendent's recommendation in executive session.*

Drug-Free Workplace (Board Policy G2.7)

Employees of the Hamilton Southeastern Schools are prohibited from possessing, using, distributing, or being under the influence of illicit drugs and/or alcohol on school premises or as part of the schools' activities. This does not extend to staff functions which take place away from the school building and are not supported by school funds. In accordance with Federal Law, law enforcement agencies will be informed in writing when violations involving alcohol and/or illicit drugs occur within the school environment. Disciplinary sanctions will be imposed in accordance with procedures adopted by the Superintendent/designee.

Tobacco-Free Schools (Board Policy G02.6 and A05.00)

The Board of School Trustees declares all school buildings and grounds, including athletic facilities to be tobacco-free and e-cigarette free environments. Staff, students and members of the public are expected to observe this restriction at all times. Notices will be posted indicating Hamilton Southeastern Schools buildings and grounds are tobacco-free and e-cigarette free.

Visitors

Employees should not have visitors during their shift.

Telephone Use

The use of cell phones and school telephones for personal business should be restricted to break and lunch times, except in emergency situations.

Direct Deposit

Hamilton Southeastern Schools payroll requires direct deposit banking. Forms are available in each school office, as well as the HSE intranet.

Resignation/Termination

If you resign from employment with Hamilton Southeastern Schools you must do so in writing to your supervisor. On your last day of employment, you will be required to return all Corporation items (i.e. Keys, key fob, ID's, parking pass, Corporation owned uniforms, and Corporation issued technology/electronic device/s) to your immediate supervisor.