

Hamilton County Department of Education
3074 Hickory Valley Road
Chattanooga, TN 37421

Classified Employee Handbook

Revised January 2017

THE HAMILTON COUNTY DEPARTMENT OF EDUCATION DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, DISABILITY, FAMILY MEDICAL HISTORY, GENETIC INFORMATION, OR VETERAN STATUS.

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Introduction

Whether you recently joined the Hamilton County Department of Education (HCDE) or have been employed with us for a while, we are confident you will find our district a rewarding place in which to work. At HCDE, we consider our employees to be one of our most valuable assets, and we look forward to a productive and successful relationship. This handbook has been designed to explain your benefits, privileges, duties, and responsibilities as part of the HCDE team.

This handbook is not a binding employment agreement or contract, nor does it guarantee any fixed terms or conditions of employment. The policies, procedures, practices, and benefits described herein may be modified or discontinued at any time at the discretion of HCDE. If the handbook conflicts with Board policy, the Board policy takes precedence. If the Board policy conflicts with federal or state law, the law takes precedence. Employees are expected to read the Board policies. Board policies are published on the HCDE website which can be found at the following link: <http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

This handbook contains general information and guidelines only. It is not intended to be comprehensive of all general policies and procedures or their exceptions. For these reasons, should you have specific questions regarding the application of a particular benefit or policy, you should address those questions to your supervisor/principal or your Human Resource representative.

This handbook and its policies, written or oral, supersede all previously published HCDE handbooks. Future updates may be distributed in written format, electronically via the HCDE website, Employee Online, or SearchSoft. It is the responsibility of employees to be aware of changes and how the changes affect them.

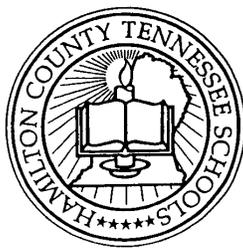
Americans with Disabilities

The Hamilton County Department of Education (HCDE) values all of our employees including those who are experiencing disabilities. In accordance with the Americans with Disabilities Act (ADA), HCDE does not discriminate on the basis of disability in its hiring or employment practices and strives to provide reasonable accommodations and services for employees.

HCDE's HR Operations Coordinator, Penny Murray in the Human Resources Department, will provide assistance and/or services for persons with disabilities. Ms. Murray may be contacted at (423) 498-7049 or murray_p@hcde.org should you need to request accommodations.

E-Verify

The Hamilton County Department of Education is an E-Verify employer in compliance with Federal Law which requires employers to verify the identify and employment eligibility of all persons hired in the United States. HCDE is compliant with E-Verify, and we invite you to review the documentation at www.hcde.org .



Vision

Hamilton County Department of Education is a diverse school system committed to creating, fostering, and supporting an environment that offers opportunity for success for all.

Mission

The mission of the Hamilton County Department of Education is to provide educational opportunities for its students.

These opportunities shall maximize each student's potential to function effectively in his/her respective environment.

Our students will gain the knowledge, skills, and attitude for future success.

The mission shall be accomplished in a clean, safe, and happy atmosphere for students, parents, teachers, administrators, and other employees.

We will work together to provide a supportive, enriched environment in which all children learn.

Basic Beliefs

Hamilton County Department of Education is an academic and teaching culture engaged in the public's business of developing citizens who are capable of full participation in civic and social life while making lifelong contributions to both.

Employment

Classification and Qualifications

Refer to Board Policy 5.102 Personnel Classification and Qualifications

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

Classified employees are those employees, regardless of education, training, experience, or licensure, who hold positions for which the Tennessee Department of Education does not require certification. Classified personnel are employees at will, meaning that either they or the Superintendent of Schools may end their employment at any time for any reason or for no reason. Should an employee's job assignment change for the following year, we will make every attempt to notify the employee of his/her anticipated job assignment for the following year by June 15. However, nothing within this handbook, Board policy, or any other policy will be construed to extend to these employees a contract of employment for any specific term. Each employee is designated as either non-exempt or exempt from federal and state wage and hour laws. Non-exempt employees are entitled to overtime pay under the specific provisions of federal and state laws. In addition to the above categories, each employee will belong to one other employment category as listed below.

Employee Classifications

For purposes of payroll administration, eligibility for overtime payments, and employment benefits, HCDE classifies its employees as follows:

Regular full-time employees are not in a temporary or introductory status and are regularly scheduled to work HCDE's full-time schedule. Generally, they are eligible for HCDE's benefit package, subject to the terms, conditions, and limitations of each benefit program.

Part-time employees are not assigned in a temporary or introductory status and are regularly scheduled to work less than thirty (30) hours per week. Effective May 18, 2012, part-time employees are not eligible for HCDE benefits.

Temporary employees are hired for a defined period of time to fill a short-term need or agree to work on an "as needed" basis. Temporary employees are different from temporary contractors, who are not HCDE employees.

Substitute employees work in the place of a regular full-time or part-time employee who is absent. These employees may work in excess of thirty (30) hours per week but are not generally eligible for HCDE benefits.

Non-faculty coaches work in a paid coaching position but are not employed in any other position within the district.

Paid coaches may work as a substitute teacher and as a paid coach in the district. A classified employee who is in a position other than substitute teacher CANNOT be a paid coach anywhere in the district. If the classified employee is offered a paid coaching position, he/she must resign his/her classified position.

Volunteer coaches may work as a classified employee at one location and volunteer at a DIFFERENT location. Other than substitute teachers, a classified employee cannot work and volunteer at the SAME location.

Employee Identification (ID) Badge

ID badges are made by the Human Resources Department when required paperwork for employment has been completed. The first badge is made at no cost to the employee. Lost or damaged ID badges can be replaced through the Human Resources Department. The replacement fee is \$10 (cash only, no checks or credit cards will be accepted). Upon termination, ID badges must be turned in to the supervisor.

Substitute teachers do not receive an ID badge from Human Resources. The school provides a badge for substitute teachers.

Employee Identification Number

The 6-digit employee ID number will be on the check stub page in Employee Online. Employees may also call the Human Resources Department to obtain this information.

Employee Online

Employee Online is a web-based system designed to provide employees with access to their records. Employees are able to update address, change tax withholding, view check stubs, dependent information, pay information, deductions, and benefits. Employees are also able to print check stubs and W-2. Employee Online can be accessed either by using school system computers or from a home computer. From the employee's work location, click the icon for HCDE Employee Online from the desktop or type the following internet address into the Internet Explorer address bar: <http://10.0.10.26/ifas7/emponline>. To access from home, type the following into the Internet Explorer address bar: eo.hcde.org

Employee Records

Refer to Board Policy 5.114, Personnel Records:

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

HCDE maintains files of former and current employees through a centralized record keeping system. These records are public records, except for matters deemed confidential by law.

Employees who wish to review their own file should contact the Human Resources Department. With a reasonable advance notice (at least two (2) work days), employees may review their own personnel files in HCDE's Human Resources Office and in the presence of a Human Resources representative.

Any request for verification of employment should be referred to the Human Resources Department. Human Resources will release to credit agencies only the present employment status of an employee, title, date of hire, and the length of service in HCDE. Additional salary and personnel information will be released only upon written authorization of the employee.

Changes in Personal Information

Employees are responsible for maintaining current address, telephone number, and other pertinent information. Changes should be made using Employee Online.

Outside Employment or Non-School Employment

Refer to Board Policy 5.607, Non-School Employment

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

Employees may hold employment outside the school system so long as such employment does not interfere with regular and overtime duties for the school system or pose a conflict of interest or a perceived conflict of interest. However, employees may not engage in other employment while on approved leave if the employment would occur during the hours the employee would be working for HCDE.

Required Certifications to Perform Work

Employees whose positions require certification as a condition of performing the work are responsible for maintaining a current and valid certification as a condition of employment. Failure to maintain a current and valid certification may result in termination from the position. (Examples: nurses, maintenance)

Resignation

Refer to Board Policy 5.204, Resignation

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

While classified employees are employed at will, meaning that they may terminate their employment with HCDE at any time and for any reason, the Board of Education requests classified employees to give their immediate supervisor written notice of their intent to resign their employment at least ten (10) work days in advance of the effective date of their resignation. Any employee who fails to provide the supervisor with his/her requisite notice shall not be eligible for reemployment with HCDE. However, the Superintendent of Schools may waive this notice requirement and the disqualification for good cause.

Termination

Refer to Board Policy 5.102, Classification and Qualifications

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

The employee or the Superintendent of Schools may end the employee's employment at any time for any or no reason.

Compensation

Paydays at HCDE normally occur bi-weekly. Pay calendars are posted on the HCDE website. For payroll purposes, the standard work week begins at 12:01 a.m. on Saturday and ends at 12:00 midnight on Friday. HCDE employees will be paid through direct deposit of funds to either a savings or a checking account.

Annual Step Increase

Classified employees are not guaranteed an annual step increase. The Board must approve the annual step increase. Employees must have been employed as a full-time employee on or before December 1 to be eligible for a step increase.

Call-back

In the event an employee is called back to work after the regularly scheduled work day, or if the employee is asked to work on a holiday or a scheduled day off, all call-back hours will be paid at 1.5 times the base hourly rate IF total actual hours equal 40 or more during the standard work week.

Employee on Call

Supervisors have the authority to assign a non-exempt employee to be on call. Being on call is an inconvenience, but it is not the same as being on duty. If an employee responds to a call, he/she is entitled to be paid from the time the employee takes the call until the work is completed.

Garnishments

If HCDE receives a legally-binding garnishment for collection of an employee's debt to a third party, HCDE will withhold from the employee's pay check the amount prescribed by law.

Holidays—Non-school based employees

If an employee is employed as a regular full-time employee on an administrative calendar (not school-based calendar) for twelve (12) calendar months per year, he/she is eligible for the following paid holidays:

Independence Day	1 Day
Labor Day	1 Day
Thanksgiving	2 Days
Winter Break	2 Days
New Year's Day	2 Days
Martin Luther King Day	1 Day
Spring Holiday	1 Day
Memorial Day	1 Day

An employee must be in pay status the work day before and after a holiday to receive pay for the holiday. An employee hired before winter break (as defined by the school-based calendar) shall receive pay for all winter vacation days.

Personal Leave Not Used

Refer to Board Policy 5.303, Personal and Professional Leave

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

All unused personal leave will convert to sick leave if not used and reported to payroll prior to the first payroll in June.

Overtime

If an employee is in an hourly, non-exempt position, the employee should not work more than his/her regularly scheduled hours in one week without his/her supervisor's prior approval. If an employee actually works more than his/her hours in a regular week, it is the responsibility of the employee to report the time worked. The employee will be paid 1.5 times the regular hourly rate of pay for all hours worked over 40 during the standard work week. **Actual hours worked will be used to calculate overtime pay.**

Timekeeping Procedures

Time cards (including time sheets or electronic timekeeping procedures) are official records. Time cards are the basis for calculating hourly, non-exempt pay. If an employee is an hourly employee, it is the employee's responsibility to accurately document his/her time worked. Also, it is the employee's responsibility to verify the accuracy of time worked by signing or electronically acknowledging the time card on a weekly basis.

Non-exempt, hourly paid employees will be paid for all time worked. However, **employees cannot clock in more than twelve (12) minutes prior to scheduled start time.** Employees should never work "off the clock." If employees are ever asked to work "off the clock," they should immediately contact their supervisor, their supervisor's supervisor, or the Human Resources Department. In addition, hourly employees should never take work home unless authorized by the supervisor as assigned work related duties for which they will be compensated.

If an employee believes his/her hours have been calculated incorrectly, he/she should inform the supervisor before signing the time card or upon receipt of the paycheck. Manipulation or falsification (including the failure to record time worked) of an employee's time card or someone else's may result in termination of employment. Signing in or out for another employee is falsification of records and may result in termination of employment. Failure to sign in or out will be considered grounds for disciplinary action and may result in delayed payment of wages.

Retirement

Refer to Board Policy 5.205, Retirement

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

Employees who retire under any State of Tennessee or Hamilton County approved retirement plans shall be paid for accrued sick leave. The sick leave payment shall be at the rate of twenty dollars (\$20) per day. If notice of retirement is given prior to February 1 of the school year, the sick leave payment shall be at the rate of forty dollars (\$40) per day. In the event of termination of employment as a result of death, any salary payment and accrued sick leave days shall be paid to the employee's estate.

Benefits

This section is not intended to give individualized specific information about benefits. The employee is responsible for completing and returning all benefit forms online. Some benefits require employee contributions while others are Board paid. Failure to complete and return the enrollment form(s) to the Benefits Department within thirty (30) days of hire date may result in unnecessary delays or forfeiture of benefits. All eligible employees must complete and submit an enrollment form.

Please note: Not all employees are eligible for benefits.

Benefit Eligibility

Benefit elections for eligible full-time employees become effective the first of the month following sixty (60) days from the date of hire. For example, if an employee is hired in mid-September, his/her benefits will be effective December 1.

Open Enrollment

Benefit changes may be made during the open enrollment period in October. Changes made during the open enrollment period are effective January 1st of the following year.

Major Life Change Events

Employees have thirty (30) days from the date of a life change event to make changes to benefits. Qualifying life change events are: marriage, divorce, legal separation, documented loss of employment by spouse, death of a covered dependent, acquisition of an eligible dependent, birth/adoption of a child, or spouse's insurance coverage change. To cover a newborn, the employee must notify the Benefits Department within sixty (60) days of the birth of the child (even if the employee already covers other children).

Contact Info

Please contact the Benefits Department if you have questions at (423) 498-7088.

Leave

Bereavement Leave

Refer to Board Policy 5.3022, Bereavement Leave

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

Bereavement pay is calculated using the employee's base pay rate at the time of absence and will not include any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

Only regular full-time employees and regular part-time employees are eligible for bereavement leave. Employees may take five (5) consecutive work days of paid bereavement leave without loss of pay or benefits and not chargeable to any other type of leave on the death of parent or court appointed legal guardian, spouse, child of the employee, natural and/or adopted siblings, and current parents-in-law, if the leave is taken within seven (7) calendar days of the funeral or cremation.

Paid bereavement leave will be considered valid if the employee's requested date(s) coincide with regular duty hours. (Example: If employee was scheduled to work at the time of bereavement leave, such leave may be considered valid.)

In cases of relationships other than those already listed, approval must be granted by the Superintendent as a special circumstance to attend memorial services where dependent children are involved, not to exceed three (3) consecutive work days.

In the event of the death of an employee or student in HCDE, and with the agreement of the Superintendent, the immediate supervisor may grant to an appropriate number of employees sufficient time to attend the services.

Emergency Leave

Refer to Board Policy 5.301, Emergency and Legal Leave

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

An immediate supervisor may grant a classified employee emergency leave during the work day for a sudden, unexpected occurrence demanding immediate attention. Leave shall be taken as personal leave, sick leave, leave without pay, or vacation time, if applicable.

Leave of Absence

Although HCDE recognizes that situations may arise that require an employee to be absent from work, HCDE policy requires that an employee must request and receive approval for absences. If an employee is absent (whether in paid or unpaid status) for ten (10) consecutive work days, this constitutes a leave of absence and a Leave of Absence form must be completed. If FMLA is applicable, paperwork may be requested after 3 or more days of incapacitation. Failure to comply with procedures may result in denial of leave or disciplinary action, up to and including termination. If the reason for the leave of absence is due to a medical condition (including maternity leave), the employee must submit a return to work physician's statement to Cathy Hendricks in the Human Resources Department via fax at 423-498-6680. The employee cannot return to work until cleared by the Human Resources Department.

Extended Leaves of Absence

Refer to Board Policy 5.304, Extended Leaves of Absences

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

If the leave exceeds twelve (12) months, the leave must be approved by the Superintendent of Schools. If the leave is approved, the employee is not guaranteed his/her same position upon return to work, as it is dependent upon job availability and needs. A reasonable accommodation may be explored for an employee who cannot return to work following twelve (12) months of leave due to a disability. If the reason for the leave of absence is due to a medical condition (including maternity leave), the employee must submit a return to work physician's statement to Cathy Hendricks in the Human Resources Department via fax at 423-498-6680. The employee cannot return to work until cleared by the Human Resources Department.

Family and Medical Leave (FMLA)

Refer to Board Policy 5.305, Family and Medical Leave

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

FMLA entitles eligible employees up to twelve (12) weeks of unpaid leave for the birth and care of the newborn child of an employee, for placement with the employee of a child for adoption or foster care, to care for an immediate family member (spouse, parent, or child), to take medical leave when the employee is unable to work because of a serious health condition, or because of any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. In addition, "eligible employees" may take up to twenty-six (26) weeks during a "single 12-month period" of unpaid leave to care for a covered service member who is a spouse, child, parent, or next of kin with a serious injury or illness.

Eligibility for FMLA

Employees eligible for leave are those who have worked for at least 1,250 hours during the previous 12 months prior to the start of the leave and have worked for HCDE for at least 12 months. HCDE uses the fixed 12-month fiscal year from July 1 through June 30 for leave calculation. Employees on a leave of absence from HCDE may not work for another employer during the time of leave.

Employment and Benefit Protection

Family and Medical Leave shall run concurrently with Tennessee Maternity Leave, OJI, HCDE sick leave, personal leave, and/or paid vacation time. After using all accrued paid leave, then an employee's Family and Medical Leave shall be without pay. Furthermore, leave shall be taken in no less than one-half (1/2) day increments.

If the employee returns to work, the employee is entitled to seniority, sick leave, and other benefits the employee would have enjoyed before the employee left. However, the employee will not receive benefits that would have accrued in his or her absence, if the leave was unpaid. The employee's health benefits will continue during the leave unless the employee fails to pay benefit premiums in a timely manner. **Contact Human Resources at 498-7068 for assistance.**

Maternity Leave

Policy regarding maternity leave can be found in TCA 4-21-408.

<http://www.lexisnexis.com/hottopics/tncode/>

Military Leave

Refer to Board Policy 5.306, Military Leave

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

HCDE supports and appreciates the contributions of its employees who choose to actively maintain membership in the uniformed services. Employees who are members of any reserve component of the Armed Forces of the United States shall be granted leave of absence for all periods of military service during which they are engaged in the performance of duty or training in the service of the state or the United States. Reservists who anticipate military duty during the school year must give written notice to the Superintendent, within thirty (30) days of the beginning of the school year, of the dates of the anticipated duty. While performing such duty or training, the employee shall be paid his/her regular salary up to a maximum of twenty (20) working days in any one (1) calendar year, plus such additional days as may result from any call to active state duty. An employee called to active duty by the governor to enforce the laws of the state shall be paid his/her regular salary for such time as he/she is engaged in the performance of his/her duty, and any time spent in active state duty shall not count against the twenty (20)-day period of leave allowed for military service.

Request for leaves and extension of leaves shall conform to state law and Board policy governing all leaves of absence. Failure to comply with applicable laws and policies shall constitute grounds for dismissal.

The employee shall supply a copy of the orders for duty, including the dates of departure, and return it to the director of schools prior to, or simultaneous with, requesting leave.

Personal Leave

Refer to Board Policy 5.303, Personal and Professional Leave

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

Regular full-time employees are allowed three (3) personal leave days per year. Earned personal leave for regular part-time employees will be prorated. If, at the termination of employment, any employee has been absent for more days than leave has been earned, an amount sufficient to cover the excess days used will be deducted from the employee's final salary payment.

Subject to the following conditions, personal leave may be taken at the discretion of the employee:

1. Except in an emergency, each employee shall give his/her immediate supervisor at least one (1) day's notice in writing of intent to take leave;
2. Leave is subject to the approval of the immediate supervisor and should not be taken without approval;
3. Immediate supervisors reserve the right to deny leave if requested during a "peak work period" or if more requests are received than an office/department/school could allow without a decrease in services;
4. Except in case of an emergency approved by the immediate supervisor, personal leave cannot be taken on the day immediately preceding or following a holiday or vacation period.

Sick Leave

Refer to Board Policy 5.302, Sick Leave

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

Full-time regular employees are allowed one (1) day for each month worked. Employees are not limited to the number of days they can accumulate. Sick leave is defined as personal illness from natural causes or accident, quarantine, or illness or death of a member of the immediate family, meaning wife or husband, parents, grandparents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, and sister-in-law. The immediate supervisor may require a physician's certificate. A falsified statement is grounds for disciplinary action up to and including termination of employment.

Employees may transfer accumulated sick leave from another Tennessee school system, provided the Superintendent of the system in which the accumulated leave was held provides notarized verification.

Sick leave for maternity purposes may be taken during the period of physical disability only. Employees may use up to thirty (30) days of accumulated sick leave for the adoption of a child. If both adoptive parents work for the school district, only one parent may request leave. Written verification from the adoption agency or other entity handling the adoption shall be required before the leave is granted.

At the termination of employment, all unused sick leave accumulated will be administered as follows:

1. If the employee retires through the Tennessee Consolidated Retirement System, he/she will be paid at the current rate established by HCDE.
2. If the employee resigns, his/her leave will be held in escrow in the event the employee is rehired at a later date.
3. If another Tennessee Public School System and/or entity that accepts sick leave hires the employee, the employee may transfer his/her accumulated sick leave provided that the school director or other appropriate Tennessee official requests the leave to be transferred by HCDE.
4. If an employee is terminated for cause, the employee loses all accumulated sick leave.

Sick Leave Bank

Refer to Board Policy 5.3021, Sick Leave Bank

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

The purpose of the Sick Leave Bank is to provide sick leave to contributors who have suffered an unplanned serious personal illness, injury, disability, or quarantine and whose paid leave is exhausted. Contact the Human Resources Department for an explanation of the rules and forms to apply for the sick leave bank.

Student Teaching

If student teaching is required by an employee's college/university, the employee must request a leave of absence to complete the requirement(s). The leave of absence is subject to approval in accordance with HCDE Board Policy and the Superintendent. Employees will not be approved to student teach in the school or program in which he/she is currently assigned. Due to HCDE's involvement in several teacher prep initiatives as well as for other educationally sound reasons, HCDE does not agree to enter into agreement with all colleges/universities making requests for student teacher placements. The employee is responsible for contacting the Human Resources Department to determine if HCDE has an agreement with the college/university where the employee is enrolled. An employee who is approved for a leave of absence to student teach is not guaranteed his/her same position when the employee returns to work.

Job Postings, Vacancies, and Transfers

Job Postings

HCDE has online job postings that offer employees and outside applicants the opportunity to apply for specific positions within HCDE.

Open Positions

Positions are posted online as vacancies occur. Employees are responsible for checking vacancies and applying in accordance with instructions. HCDE reserves the right to accept applicants from outside the system, interview applicants, and hire applicants.

How to Apply for Positions

Login to the Hamilton County Schools website at www.hcde.org and follow these instructions:

- Under *Faculty and Staff*, Click on "Jobs-APPLY NOW-new user".
- Log-in to your existing application or create account.
- View available certified, classified and professional jobs and apply.

If you cannot access your account or have questions, please contact the Human Resources Department at 498-7067.

School-Based Vacancies

School-based vacancies for the upcoming school year will be posted as "regular" positions through June 1. Vacancies posted after the cut-off date will be posted as "temporary" and filled with a qualified applicant in a "temporary" position until the end of the current school year. Vacancies that are posted prior to the cut-off date, but remain open after the first official day teachers report, will be filled with a qualified applicant in a "temporary" position until the end of the current school year.

Eligibility to Apply for a Position

Eligibility to apply for a position depends on when the applicant applies and where the vacancy occurs. Internal transfers will be made until the cut-off date of June 1. If the cut-off date occurs on a non-business day (i.e., holiday, Saturday, Sunday, etc.), the cut-off date will be considered the last business day prior to June 1. After the last day to transfer, school-based employees may apply and transfer to a position at a different location provided the position for which the employee is applying is a promotion. A promotion is defined as a position at a salary higher than the employee's current position.

Principals and managers may fill a vacancy from within a school or department without interviewing other candidates. It is the principal's and manager's responsibility to ensure hiring decisions are fair and equitable.

Transfers

If it is in the best interest of HCDE, the Superintendent reserves the right to transfer employees from position to position without giving employees prior notice and opportunity to be heard, provided the transfer does not result in a reduction of hourly wages or annual salary.

HCDE Guidelines, Working Conditions, and Expectations

Appropriate Use of Technology and Other Business Systems

Refer to the HCDE Technology Acceptable Usage Agreement

<http://www.hcde.org/Default.asp?PN=Pages&SubP=Level1&DivisionID=14531&DepartmentID=15133&SubDepartmentID=0&PageID=20882&keyword=technology>

HCDE is committed to providing employees with the necessary technological resources to perform job functions. HCDE is committed to the proper use of all communication systems including, but not limited to, the telephone, electronic mail (e-mail), Internet, and FAX.

Employees accessing the Internet are representing HCDE and therefore have a responsibility to use the Internet, electronic mail, and other technological resources in a productive manner that meets the ethical standards of an educational institution. Use of any and all technological resources is a privilege and not a right. Any violation of the Acceptable Usage Agreement may result in corrective action including suspension of use or termination of employment.

HCDE prohibits transmission of sexually explicit images, messages or cartoons, ethnic slurs, racial epithets, or anything else that may be construed as harassment, bullying, threatening, attacking or disparagement of others based on race, national origin, sex, sexual orientation, age, disability, and religious or political beliefs. HCDE assets cannot at any time be used for any purpose that might be considered offensive, defamatory, intimidating, or hostile. HCDE assets cannot be used for political purpose or personal profit.

Other examples of inappropriate use include, but are not limited to, the following:

- Accessing inappropriate websites (sites containing information that is violent, illegal, sexually explicit, racist, etc.).
- Sending, displaying, or downloading offensive messages or pictures.
- Using obscene, racist, profane, lewd, discriminatory, threatening, or inflammatory language.
- Posting any false, damaging, or libelous information about other people, the school system or other organizations.
- Use of any HCDE technological resources for personal gain or commercial or political purposes.

Arrests and Convictions

Refer to Board Policy 5.1061, Criminal Records Check

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

All HCDE employees, including part-time, temporary, contracted, and substitute personnel, who are arrested and/or convicted of a felony (including felonies that have been reduced to a lesser charge) or a misdemeanor but not to include minor traffic offenses, are to report this information to his/her supervisor within 48 hours of the arrest and/or conviction. Failure to report may result in disciplinary action up to and including termination of employment.

Attendance

Punctuality is expected of every employee. Regular attendance is an essential function of each employee's job. Employees are expected to be at their duty station in accordance with the time, rules, and/or regulations set forth by the supervisor. All departments/schools shall maintain attendance records showing the hours worked by employees. Employees are to report an absence according to the instructions of the supervisor. Failure to report absences shall result in disciplinary action or possible termination. A physician's statement verifying the reason for absence may be required at the supervisor's discretion. Excessive absences or tardies shall result in disciplinary action up to and including termination of employment.

Performance Evaluation

Classified employees shall be evaluated at least once per year. A rating of one (1) in any category on the performance evaluation results in an unsatisfactory evaluation. The evaluator shall develop a Performance Improvement Plan if the evaluation is unsatisfactory. If the employee fails to improve his/her performance or fails to sustain satisfactory performance, the evaluator may recommend termination of employment to the Superintendent. If the employee disagrees with a rating, the employee may respond in writing to the evaluator within ten (10) days from the date the employee signs the evaluation. The employee's response shall be attached to the evaluation.

Communicable Diseases

No employee who has any communicable disease shall perform his/her duties in any location where such attendance might endanger the health of students or other employees. The Board shall require any employee to submit to a physical examination by a physician, at the employee's expense, whenever there is reason to believe that the employee has a communicable disease. The Superintendent of Schools shall reassign or suspend any employee who is suspected of having a communicable disease that might endanger the health of students or other employees, pending investigation and final disposition of the case. The employee shall provide medical certification of his/her ability to return to work to Human Resources, and be cleared by HR.

Conflict of Interest

Refer to Board Policy 5.601, Staff Conflict of Interest

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

A conflict of interest is defined as any judgment, action, or relationship that may benefit an employee or another party the employee is affiliated with because of the employee's position with the district. Employees are asked to avoid outside activity that may compete with or be in conflict with the best interests of HCDE. Employees must disclose to their immediate supervisor and the Human Resources Department information of any transaction that may be considered a conflict of interest as soon as they know the facts. No employee may use his/her position to obtain financial gain or anything of substantial value for the private benefit of himself/herself or his/her immediate family, or for an organization with which he/she is associated. Determination of a conflict of interest is at the sole discretion of HCDE.

Discussions with Media

Employees are not authorized to speak for the district with the news media unless specifically authorized by the Superintendent of Schools or his/her designee.

Dress Code

Employees are expected to follow the dress code as directed by the supervisor/principal.

Duty Free Lunch

Employees are entitled to a thirty (30)-minute duty-free rest/lunch period if they work at least six (6) hours per day.

Drug and Alcohol Testing

Refer to Board Policy 5.403, Drug and Alcohol Testing

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

HCDE does not tolerate the use, possession, or being under the influence of alcohol and/or illegal drugs by its employees while they are on duty. Whenever a supervisor reasonably suspects that an employee's work performance or on the job behavior is being affected by alcohol or illegal drugs, the supervisor may request that the employee submit to an alcohol/drug test. If the employee refuses to submit to such a test, the employee may be disciplined up to and including termination.

Employees in safety sensitive positions shall be randomly tested for drug and alcohol abuse. Safety sensitive functions shall include but are not limited to use, operation, or maintenance of any HCDE vehicle regardless of whether the employee is officially on duty for HCDE. No employee in a safety sensitive position shall report for duty or remain on duty or operate an HCDE vehicle while having an alcohol concentration (BAC) of 0.02 or greater. Employees may not use alcohol within eight (8) hours preceding the performance of safety sensitive functions. Employees may not use or possess alcohol or drugs while on duty or operating an HCDE vehicle.

Inclement Weather

- School-based employees - When it is necessary to adjust the student school day due to inclement weather, the workday of all school based employees will be adjusted accordingly, unless otherwise directed by the Superintendent or his/her designee. Employees will be paid for the day(s), unless the employee is in non-pay status.
- Non-school based employees (Central Office, West 40th, Dodds Avenue, and other locations) – Unless Central Office is announced as being closed, all employees who accrue vacation leave will be notified as to when they are to report. If unable to report at the instructed time, the employee must use vacation or personal leave.
- Maintenance employees will receive instructions from their immediate supervisor through the Director or Auxiliary Services or his/her designee.
- School Nutrition employees will receive instructions from their immediate supervisor through the Director of School Nutrition or his/her designee.

Job Abandonment

Refer to Board Policy 5.3001, Job Abandonment

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

Employees shall report his/her absence to the immediate supervisor in a timely manner according to the established and published regulations of the department and/or office where the employee is assigned. Employees who fail to report their absence(s) for three (3) consecutive work days shall be reported to the Superintendent as a voluntary resignation due to job abandonment.

Jury Duty

When an employee is summoned for jury duty, the employee must present written evidence that he/she has been summoned to serve on a jury. An employee is entitled to his/her usual compensation. Any fees or remuneration the employee receives during jury duty must be turned over to the HCDE.

Nepotism

Refer to Board Policy 1.108, Nepotism

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

Employees will be placed in positions according to policies of HCDE. No employee shall be permitted to work within the “chain of command” of a relative where a relative’s work responsibilities, salary, schedule, or career progress could be influenced by another relative. Relatives are not permitted to work in a position in which HCDE believes a conflict of interest may exist or where there is an appearance of a conflict of interest. The Superintendent has the authority to transfer or reassign one or more employees if an actual or potential conflict of interest exists involving relatives or close personal relationships.

On-the-Job Injury

If an injury occurs while the employee is on Board-approved duty inside the District, the employee alleging the injury must file or cause to be filed a completed copy of the specified OJI report forms with the Risk Management Office **immediately, but no later than** within five (5) working days of the incident. If an injury occurs while the employee is on Board-approved activity outside the District, the employee shall file or cause to be filed the OJI report forms within five (5) working days of the return date. The Board reserves the right to require a Board-approved physician’s statement to verify the employee’s inability to perform normal duties. Failure to follow procedures for claims may result in the claim being denied by Risk Management. A Return to Work form must be completed by a Board approved physician and sent to the Human Resources Department. Human Resources must clear the employee to return to work. On the tenth (10th) consecutive work day the employee is absent, a Leave of Absence Request form must be completed by the employee **to be submitted to the HR Department**.

Failure to file a First Report of Occupational Injury or Illness report within the five (5) working day period following the incident or diagnosis shall relieve the Board of any responsibility. Forms are available at each building site or on the HCDE website at the following link:

<http://www.hcde.org/Default.asp?PN=DocumentUploads&L=2&DivisionID=14530&DepartmentID=15130&LMID=628092&ToggleSideNav=ShowAll> . For specific information, please contact the Risk Management Office at 423-498-7083.

Personal Phone Calls and Cell Phones

Employees are discouraged from making or accepting personal calls during working hours. Such calls can be intrusive and distracting and diminish employee productivity. Employees are to follow the guidelines established by his/her supervisor. No personal long distance calls may be charged to the District.

Political Activities

Refer to Board Policy 5.606, Staff-Community Relations

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

Employees have a right to express their views on any issue while not on duty. In each case, they must make clear that the view expressed is not the official view of HCDE. Employees may, on their own time and while not on school property, campaign for or against any candidate or referendum, but they shall not use the schools, the classroom, school technology, or system position for political forum, nor engage in any political promotion or solicitation during school hours.

Record Tampering

Refer to Board Policy 5.1062, Record Tampering

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

Violation of this policy is a Class A misdemeanor as well as grounds for other disciplinary action leading up to and including termination.

Relationships with Students

Employees will recognize and respect the rights of students, as established by local, state, and federal law. Employees shall, at all times, maintain a professional relationship and exhibit a professional demeanor in their interactions with students.

Safety

Employees are responsible for ensuring their work area is safe by making regular safety inspections of all work conditions and equipment used in the work area. If there are unsafe conditions in their work area, precautions should be implemented to ensure safety until the conditions are corrected. If equipment is unsafe, it is not to be used until it has been repaired. All unsafe conditions and equipment are to be reported to the immediate supervisor, who shall initiate the proper action to have them corrected.

Smoking

Refer to Board Policy 1.803, Tobacco-Free Schools

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

All uses of tobacco and tobacco products, including smokeless tobacco, are prohibited in all of the school district's buildings, vehicles, and public seating areas, including but not limited to bleachers used for sporting events, or public restrooms. Employees are allowed to smoke outdoors, but not within fifty (50) feet of any entrance to any building or in the presence of children. Any violation of the smoking policy may result in disciplinary action leading up to and including termination.

Work Assignment

HCDE reserves the right to determine the location and hours of work that will constitute the employee's assignment.

Violence in the Workplace

Refer to Board Policy 5.6001, Workplace Violence

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

HCDE will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of the investigation, the Superintendent may suspend employees pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of the guidelines will be subject to prompt disciplinary action up to and including termination of employment.

HCDE encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence.

Discipline, Suspension, and Dismissal

Suspension/Dismissal of Classified Employees

Refer to Board Policy 5.202 <http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

HCDE believes that employees should have an opportunity to correct performance deficiencies and/or unacceptable behavior whenever appropriate. The HCDE Corrective Action Procedure provides a consistent approach to addressing performance problems while taking into consideration the nature of the policy violation as well as previous disciplinary actions for each individual.

All classified employees are under the authority of the Superintendent of Hamilton County Schools who may hire, direct and control, transfer, suspend or dismiss them at his/her sole discretion. No classified employee will be employed under a contract or have any expectation of continued employment.

Corrective Action Procedure

The disciplinary action taken in any given situation depends upon the seriousness of an infraction and the employee's disciplinary history. The HCDE Corrective Action Procedure involves the following progression of corrective actions:

- Counseling
- Verbal Warning
- Written Reprimand
- Suspension
- Termination

There are circumstances where the progression may be accelerated, or immediate termination may be warranted.

Counseling Session

Supervisors are to engage in open dialogue with employees prior to implementing formal corrective action procedures. This provides an opportunity for both the employer and the employee to come to a mutual agreement on action that should be taken. The counseling session is recommended but not required.

Verbal Warning

Supervisors may take corrective action by issuing a verbal warning to an employee as needed. This action may be taken in an effort to correct a situation that, if uncorrected, may require further disciplinary action. Verbal warnings should be documented.

Written Reprimand

Supervisors may take corrective action by issuing a written reprimand to an employee as needed. A copy of any written reprimand will be placed in the employee's official personnel file. The employee shall have the right to submit a written response to the reprimand and his/her response shall be attached to all copies of the reprimand.

Suspension/Termination

The Superintendent of Schools may suspend or dismiss employees at his/her sole discretion. No classified employee will be employed under a contract or have an expectation of continued employment.

If the Superintendent elects to terminate a classified employee for any reason that would preclude future employment with the Hamilton County Department of Education or that might disqualify the employee from receiving unemployment benefits, then the Superintendent shall first require the employee's supervisor to provide the employee with written notice that the Superintendent is considering terminating the employee for cause along with a summary of the allegations supporting termination. Within ten (10) days of the Superintendent's notice, the employee may request a meeting with the Superintendent or his/her designee to discuss the allegations. The employee may refute the charges, request the Superintendent to impose some lesser discipline, or simply ask for an explanation of the Superintendent's decision. At the Superintendent's option, the Superintendent may require the employee's supervisor to be present and may permit the employee to bring witnesses to speak on the employee's behalf. After meeting with the employee, the Superintendent may conduct whatever additional investigation he/she deems necessary and appropriate. After the Superintendent believes he/she has investigated the charges against the employee and has heard the employee's position on the charges, the Superintendent shall render his/her decision in writing. The Superintendent's decision shall be final.

Reasons for Disciplinary Action

An employee may be disciplined for the following reasons or any other just cause. This list is not exhaustive.

1. Incompetence/Poor Performance
2. Inefficiency
3. Insubordination/Failure to follow job instructions
4. Improper Conduct
5. Neglect of duty
6. Excessive/Habitual absenteeism
7. Excessive/Habitual tardiness
8. Failure to report to work or call in for three (3) consecutive days
9. Absence without notification or approval for leave
10. Improperly reported absences
11. Use and/or possession of illegal drugs/alcohol or being under the influence of illegal drugs/alcohol at any time
12. Positive test result from alcohol/drug test or refusing to submit to screening
13. Theft
14. Possession of or carrying, whether in view or concealed, any weapon on school property
15. Conviction of a felony while in the employ of HCDE
16. Conviction of a misdemeanor involving illegal substances
17. Acts of discrimination and/or harassment
18. Falsification of employment application, work records, time records, or other HCDE documents
19. Breach of confidentiality
20. Violation of smoking policy
21. Sleeping while on duty
22. Inability to perform essential job duties with or without reasonable accommodation
23. Tampering with or altering an official document
24. Damage to, or loss of, HCDE property caused by employee negligence
25. Abuse of sick leave, including working for another employer while on sick leave
26. Mental or physical abuse of a student or HCDE employee
27. Inappropriate use of cell phone, computers, or other technological equipment. (This includes, but is not limited to, obscenity and pornography.)
28. Violation of any of the Board policies and procedures, departmental rules, and any other applicable rules/practices established by HCDE
29. Failure to report directly from one assigned location to another location without approval of supervisor
30. Failure to report an arrest or conviction within five days of the arrest or conviction
31. Other sufficient or just cause

Employee Grievances

Open Door Policy

Any employee concerned that any law, regulation, Board policy, or provision of this handbook governing his/her employment has been misinterpreted, misapplied, or applied unfairly is encouraged to discuss the matter with his/her supervisor and/or Human Resources at all levels.

Grievance Procedure

An employee may file a grievance when he/she claims that a violation, misinterpretation, or misapplication of pertinent state and federal law, policy, or handbook provision may have occurred.

Informal Level

In the event an employee has problems or complaints concerning his/her employment, it should be presented to his/her immediate supervisor. In some instances, the supervisor can provide an immediate answer and an explanation to satisfy the employee's concern. If the employee does not receive a satisfactory answer, it is recommended that the employee discuss the circumstances surrounding the incident with Human Resources. Should mediation attempts fail, the employee may proceed with the below Formal Grievance Procedure.

Level 1-Immediate Supervisor

If the employee is not satisfied with the supervisor's response at the informal level, the employee may submit his/her grievance in writing on the Classified Grievance Form no later than five (5) days from the informal discussion with his/her supervisor. Refer to Appendix A. The immediate supervisor shall communicate his/her decision to the grievant in writing within five (5) days of the grievance meeting.

Level 2-Superintendent

If the employee is not satisfied with the supervisor's written response, the employee, no later than five (5) days after receipt of the immediate supervisor's decision, may appeal the decision to the Superintendent or his designee. The appeal to the Superintendent must be made in writing on the Classified Grievance Form. The superintendent or his designee shall arrange for a meeting to take place with the grievant to discuss the grievance within ten (10) days of receipt of the grievance. The superintendent or his designee will respond to the grievant in writing within seven (7) days from the date of the meeting. The Superintendent's decision is final.

Other Important Information

A grievance may be withdrawn at any level without prejudice. Failure by the aggrieved person or group to appeal a grievance to the immediate supervisor or the Superintendent within the specified time limit shall be deemed acceptance of the decision rendered at that level. Time limits at any level may be mutually extended; however, the intent is to expedite the processing of all grievances. No reprisals shall be invoked against any employee for processing a grievance or participating in any way in the grievance procedure.

An employee who loses time from his/her work during his/her assigned working hours to attend a grievance meeting will be paid his/her regular hourly rate for such time. However, all requests to be away from the work area must be approved, in advance, by the immediate supervisor of the employee involved. It is the responsibility of management to cooperate with the employee in scheduling meetings.

Harassment and Discrimination Complaints

Harassment and Discrimination

Refer to Board Policy, 5.500, Harassment/Sexual Harassment and Discrimination

<http://www.hcde.org/?DivisionID=14291&DepartmentID=15620>

HCDE is committed to safeguarding the rights of all employees within the school system to work in an environment that is free from all forms of harassment, including sexual harassment. Refer to Harassment/Sexual Harassment and Discrimination form in Appendix B.

Harassment/Discrimination Defined

Discrimination/harassment will not be tolerated. Discrimination/harassment is defined as conduct, advances, gestures, or words either written or spoken of a sexual, racial, ethnic, or religious nature which:

- Unreasonably interferes with the individual's work performance; or
- Creates an intimidating, hostile or offensive work or academic environment; or
- Implies that submission to such conduct is made an explicit or implicit term of employment; or
- Implies that submission to or rejection of such conduct will be used as a basis for an employment decision affecting the harassed individual.

Sexual Harassment Defined/Conduct Prohibited

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, for obtaining or retaining employment; or
- Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
- That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or creating an intimidating, hostile or offensive employment environment.

Prohibited conduct may include, but is not limited to:

- Sexual advances
- Verbal harassment or abuse
- Subtle pressure for sexual activity
- Touching of a sexual nature including inappropriate patting or pinching
- Intentional brushing against a student's or other person's body
- Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status
- Demanding sexual favors especially when accompanied by implied or overt promises of preferential treatment with regard to an individual's employment
- Sexual or "dirty" jokes and/or graffiti of a sexual nature
- Displaying or distributing sexually explicit drawings, pictures, or other written materials including making and playing sexually explicit audio/video tapes
- Sexual gestures including touching oneself sexually or talking about one's sexual activities in front of others
- Spreading rumors about or rating others as to sexual activity or performance

Reporting Procedure

- Report harassment or sexual harassment to the immediate supervisor except when the immediate supervisor is the offending party. If the immediate supervisor is the offending party, the report may be made to the Office of the Superintendent or the Human Resources Department at 3074 Hickory Valley Road, Chattanooga, TN 37421, or by calling one of the following:
 - Angelia Askins, Human Resources Director at 498-7069
 - Penny Murray, Human Resources Operations Coordinator at 498-7049
- Employee may submit an oral complaint. However, the employee must also submit the complaint in writing to ensure a more complete investigation.
- Upon receipt of a report or complaint, an investigation shall be initiated. The investigation shall be conducted by school system officials.
- The investigator(s) shall provide a written report of the status of the investigation within twenty (20) days to the Superintendent. The twenty (20) day period may be extended by the Superintendent if the investigation warrants the extension.
- The result of the investigation for each complaint filed under these procedures shall be reported in writing to the complainant by the school system.
- The school system shall take other steps as are necessary to prevent recurrence of the harassment.

Reprisal

There shall be no retaliation against any person who reports discrimination/harassment or participates in an investigation.

False Accusations

False accusations of harassment or sexual harassment can have a serious detrimental effect on innocent parties. Any person who knowingly and intentionally makes a false accusation for any reason which would be contrary to the spirit and intent of this policy shall be subject to disciplinary action up to and including termination of employment.

Right to Alternative Complaint Procedure

The described procedure does not deny the right of any individual to pursue other avenues of recourse which may include filing charges with Tennessee Human Rights Commission, initiating civil action, filing a complaint with the Office of Civil Rights of the United States Department of Education, or, in certain instances, seeking redress under state statutes.



HAMILTON COUNTY DEPARTMENT OF EDUCATION
HARASSMENT COMPLAINT FORM

* CONFIDENTIAL DOCUMENT *

Date Complaint Filed: _____

Complainant Name: _____ Employee Student

Complainant Location: _____ Work School

Name of Alleged Harasser: _____

Position of Alleged Harasser: _____

Briefly Explain the Nature of the Complaint: _____

When did the harassment start? (List date, if known) _____

Was the alleged harasser told of your concern? NO YES If yes, list date: _____

Name(s) of Witnesses who can verify your complaint:

1. _____ 3. _____

2. _____ 4. _____

Did you report this complaint to anyone else prior to filing the written complaint? NO YES

If yes, to whom? _____

Signature of Complainant

Date

Complaint received by:

HCDE Administrator

Date

Attach additional pages if necessary



HAMILTON COUNTY DEPARTMENT OF EDUCATION
CLASSIFIED GRIEVANCE FORM FOR FORMAL LEVELS

* CONFIDENTIAL DOCUMENT *

To Be Completed by Grievant:

Check one: _____ Level I - Immediate Supervisor

_____ Level II - Superintendent or Designee

Grievant Name: _____

Work Location: _____

Assignment: _____

Law, policy, or provision alleged to have been violated:

Specific statement of grievance:

Relief sought:

Grievant Signature

Date

Received by Administrator:

Signature

Date