



Policy Manual

*Proposed Personnel Changes
2019-2020*

V. Personnel

6.1 Employee Qualifications and Duties

6.1.1 General Requirements: Employees have a duty to perform their jobs responsibly and in a conscientious manner. In addition to any specific job requirements set forth in job descriptions or elsewhere, employees are expected to meet the following general performance and service standards:

- a. Employees are required to be punctual and to attend work regularly.
- b. Employees are required to perform the duties and responsibilities that are assigned to them by the Board, the Superintendent, or their supervisor(s). Such duties and assignments may extend beyond or outside the instructional day and may include off-campus functions, events, and activities.
- c. Employees are expected to treat all students, co-employees, visitors, and guests of the Board with respect. Employees are expected to demonstrate moderation, restraint, and civility in their dealings with others and, in general, to serve as appropriate role models for students in their behavior and demeanor.
- d. Employees are required to obey all laws, ordinances, Board policies, supervisory directives, and are expected to follow the Alabama Educator Code of Ethics and other pertinent authority while carrying out duties for the Board.
- e. Employees whose duties include the instruction or supervision of students must provide effective supervision, discipline, organization, and instruction of the students.
- f. Employees must complete and submit required reports accurately and in a timely fashion.
- g. Employees must respect, protect, and exercise due care in the handling, use, and operation of Board property and equipment.
- h. Employees shall at all times maintain appropriate, “professional” distance from students and shall not engage in conduct (including communication of any kind) that constitutes, solicits, or suggest sexual, romantic or inappropriately familiar interaction with students. As used herein, the term “Student” means any student with whom the employee has, has had, or could prospectively have a professional, teaching, counseling, coaching, mentoring, advisory, supervisory, or working relationship. The term

“Student” also includes any student who, by reason of his or her age, mental or physical condition, or other circumstances is practically or legally incapable of consenting to the relationship in question.

- i. **Employee Attire:** Employees are required to report to work or to school functions in attire that is appropriate to their position and the nature of the function and that is in keeping with generally accepted standards of decorum and professionalism. Service and other employees who are issued uniforms shall wear uniforms when required.
- j. Employees shall promptly disclose to the Board any fact that would disqualify them from employment or that renders them unable to perform their essential job functions.
- k. Legal, professional, and ethical standards that would otherwise apply to correspondence and other forms of communication generated by employees apply to communications and statements made or publicized through social media.

6.1.2 Special Requirements

- a. *Work Schedules (Teachers)* – Supervisory and instructional duties of teachers commence thirty (30) minutes prior to the actual arrival and conclude thirty (30) minutes after the departure of students. Except as may otherwise be provided by the Board or required, the instructional day for teacher is seven and ½ (7.5) hours. Assignments and duties may extend beyond the instructional day and may include off-campus functions, events, and activities; conferences and meetings with parents; supervision of student arrival and departure; and preparation for the following instructional day. Teachers will be provided a minimum of thirty (30) minutes free of instructional and supervisory responsibilities each instructional day.
- b. *Work Schedules (Support Personnel)* – The Superintendent is authorized to establish work schedules, including minimum work times for support personnel.
- c. *Professional Certification* – In addition to requirements established by the State Board of Education and the pertinent job description, professional employees must hold a degree from an accredited college or university and hold a current, valid, and properly endorsed Alabama Teacher’s Certificate, which will be maintained in the Human Resource office. A teacher who has completed the certification process but has not received the certificate may be employed on tentative or temporary compensation pending verification of certification from the State Department of Education. Upon receipt of such verification, appropriate adjustments will be made to the teacher’s

salary. If a teacher earns a higher degree from a regionally accredited institution that merits increased compensation under the approved salary schedule, any salary increase will be effective in the monthly pay period that begins after the State Superintendent recognizes the advanced degree.

- d. *Substitutes* – Kelly Educational Staffing will provide all substitute teachers and substitute personnel, except for bus drivers and nurses. Substitute bus drivers will be secured by the Transportation Supervisor from a list of approved drivers who are properly licensed by the State of Alabama to drive a school bus and be listed on the current insured drivers list. Substitute nurses will be secured by the Personnel Department and will be properly licensed by the Alabama Board of Nursing. All substitutes will be paid at rates set by the Board of Education.
- e. *No Reemployment for Substitute Teachers* - Substitute teachers are considered temporary employees and are appointed only to meet a temporary emergency. In no case will the employment be deemed to extend beyond the end of the school year, and all such positions shall expire on or before the end of the school year.
- f. *Teacher Aides* – Teacher aides must, at a minimum, possess (i) a high school diploma or its equivalent; (ii) a two year diploma from a college or university (or the equivalent hours) or pass the WorkKeys Assessment; and (iii) a certificate from the State Department of Education verifying a “clear” status resulting from a background check.
- g. *Bus Drivers* – In addition to the requirements established by the State Board of Education, a bus driver must: (1) hold a valid commercial driver’s license, (2) complete a minimum of twelve (12) hours of approved instruction in school bus driving, and (3) satisfactorily complete a written examination driver’s performance test approved or administered by the State Department of Education of State Superintendent. A bus driver must also meet any requirements of the entity providing the Board’s automobile liability coverage. Reference: ALA. CODE 16-27-4 (1975)

6.2 Hiring

- 6.2.1 Application Procedures: - Job applicants for all certified positions must file an online application with the Henry County Board of Education. Support positions have the option of applying online, in person, or by mail. Applications must be completed in full. All information provided in the application must be truthful. Any misrepresentation of a material fact on an employment application may disqualify the applicant from consideration for the position and may subject an employee to adverse employment action, including termination.

6.2.2 Posting Vacancies:

- a. The Henry County Board of Education shall post a notice of vacancy for each vacant personnel position. The notice shall be posted in a conspicuous place at each school campus and worksite at least fourteen (14) calendar days before the position is to be filled. The notice shall include, but not necessarily be limited to, all of the following:
 - Job description and title
 - Required qualifications
 - A statement of reference to the approved salary schedule.
 - Information on where to submit an application
 - Information on any deadlines for applying
 - Other relevant information
- b. In accordance with Attorney General Opinion 2002-069, November 21, 2001 the following are exceptions to posting vacancies:
 - There is no vacancy when two (2) teachers trade positions; and
 - Where a lateral transfer occurs and the positions are neither newly created nor supervisory or managerial in nature, and there has been no increase or decrease in salary.
- c. If a personnel vacancy occurs during the time when schools are in session, the vacancy notice shall be posted not less than seven (7) calendar days before the position is to be filled. All vacancies involving jobs which are supervisory, managerial, or otherwise newly created positions shall nevertheless require posting notices of at least fourteen (14) calendar days. If the vacancy is to be filled on a temporary emergency basis through an involuntary transfer within fifteen (15) days before or after the first day of school (AL Code § 16-24B-7), the notice must be posted at least five (5) working days.
- d. Nothing in this policy shall prohibit the immediate employment or transfer of Henry County School System personnel needed to ensure the welfare and safety of students, personnel or others and teachers on a temporary emergency basis as provided by law.

- e. It shall be the duty of the Superintendent to ensure that all certified and non-certified employees satisfactorily meet all requirements of State Law and State Board of Education rules and regulations.
- 6.2.2 **Recruitment**: The Superintendent shall establish and maintain a plan for actively recruiting promising personnel for employment by the Henry County School System. The recruitment program may include, but shall not be limited to, the following:
- a. Interview prospective employees prior to graduation at area colleges
 - b. Advertise and/or disseminate information about job vacancies
 - c. Review files obtained by college placement bureaus and the Alabama State Department of Education
- 6.2.3 **Qualifications**: Applicants must meet the minimum qualifications of the position as provided in Board policy, the job description for the position, the posted advertisement for the position, or as may otherwise be established by the Board, applicable law, or regulation. Applicants must hold such degrees, licenses, certificates and like credentials as may be necessary, appropriate, or customary for the position in question. Criminal background checks by means of fingerprinting or other legal procedure for prospective and current employees who have unsupervised access to students shall be conducted consistent with requirements to law.
- 6.2.4 **Hiring Authority**: The Board is responsible for making all final hiring and termination decisions for permanent contract personnel, and no hiring decision is official, final, or effective unless and until it is approved by a vote of the Board. No principal, administrator, supervisor, or other employee has authority to hire an applicant without Board approval or to commit the Board to specific action regarding employment.
- 6.2.5 **At-Will Employment**: Except as may otherwise be provided or required by law, by contract, or by the specific terms of their appointment, all personnel are deemed “at-will” employees and may be terminated, demoted, reassigned, suspended, or disciplined with or without pay, or with reduced pay, and with or without cause.
- 6.2.6 **Nepotism**
- a. ***Supervisory Relationships*** – No employee may be assigned to a work location or to a position in which the employee would report to or be under the immediate supervision of another family member as defined in the Alabama Ethics Law, ALA. CODE §16-22-15.1(12) (1975). Any inadvertent employment or assignment of a family member that violates this policy must be promptly disclosed to the

Superintendent upon its discovery, and all involved employees must cooperate in accepting reassignments or taking other measures necessary to correct the violation.

- b. *Employment of Family Members* – Board members, administrators, or supervisors may not use their positions to directly or indirectly seek or secure the employment of any family member as defined in the Alabama Ethics Law. ALA. CODE §16-22-15.1 (12) (1975).

6.3 Probationary Employment

Employees are required to serve the maximum period of any probationary service provided or permitted by law before tenure, non-probationary status, or any other statutorily sanctioned form of employment security will be recognized by the Board.

6.4 Non-Teaching Supplemental Duties

Compensation in the form of supplements may be paid for non-teaching supplemental duties in accordance with rates specified or established for such duties in the Board's official salary schedule. Such duties include coaching and sponsorship of athletic support organizations. Such supplemental duties are considered additional non-teaching assignments to be made on an annual basis or otherwise as the needs of the school require. Such supplemental duties are not considered to be a part of a teaching contact or appointment, and no tenure, continuing service status, non-probationary status, or contractual right to continued employment or compensation for such supplemental assignment will be recognized or implied in the absence of a separate written contract of employment providing for such rights.

6.5 Professional Development

Professional training and development is designed to enhance the competencies of professional and support staff. Employee attendance and participation in such training institutes, workshop, seminars, and programs may be made mandatory by the Superintendent. Professional leave may be granted to personnel for participation in educational activities related to instructional improvement in the Henry County School System. Leave for training shall be granted to support personnel to participate in activities that will enrich the Henry County School System's program and improve skills or understandings of the employee. All professional leave and leave for training requests must be approved by the Superintendent before leave days are taken.

6.6 Employee Conflicts of Interest

Employees may not use their offices for personal gain and must adhere to applicable provisions of the Alabama Ethics Law. Employees may only engage in outside employment under the following terms and conditions:

- a. Employees will not engage in outside business activities or render any service for another employer during such time as duties and responsibilities have been assigned by the Board;
- b. Employees will not accept outside employment that would interfere with or impair the ability of the employee to perform duties as a Board employee effectively;
- c. Employees may not accept work that could compromise the employee's independent judgment in the exercise of duties for the Board;
- d. Employees may not use or disclose confidential or personally identifiable information acquired through Board employment for their personal gain or for the benefit of a third party.
- e. Henry County certified personnel shall not receive pay or its equivalent for out-of-school tutoring of students currently enrolled in their classes when the out-of-school tutoring is in subject areas taught during the students' regular school day. However, certified personnel may engage in out-of-school tutoring of students in their classes when such tutoring is sponsored, organized, and paid for by the School System or other accredited educational institutions. Tutoring for any form of remuneration shall not be done during the regular school hours. Employees, under no circumstances, shall use the School System's consumable materials or supplies for private tutoring or personal gain. School or system-sponsored tutoring programs, grant-funded or non-profit or community organization student assistance or tutorial programs using school facilities or resources must have the approval of the school principal and/or Superintendent and must comply with system facilities use guidelines.

6.7 Employee Gifts

Employees may, at their discretion, present gifts to groups of students on special occasions. Employees must exercise good taste and sound professional judgement when giving gifts to students. Gifts provided by employees to students must not be elaborate or expensive. Employees may accept gifts from students or other members of the public if the gifts are in accordance with the Alabama Ethics law and other pertinent state laws. Gifts of a nominal value (less than \$25 per occasion and less than \$50 per year from a single provider) are excluded from this provision.

6.8 Employee Evaluations

6.8.1 Certified Personnel: Certified employees (other than contract principals) will be evaluated in accordance with an evaluation program approved for use by the Alabama State Department of Education or local board of education. Contract principals will be evaluated in accordance with rules, regulations, and requirements promulgated by the State Department of Education or as may otherwise be permitted by law.

- 6.8.2 Non-Certified Personnel: Non-certified personnel will be evaluated in accordance with criteria and procedures developed by the Superintendent.
- 6.8.3 Use of Evaluations in Connection with Employment Decisions: Unless prohibited by law (including applicable regulations) or the terms of the evaluation instrument, employment evaluations may be considered in making employment decisions, together with such other information and considerations as may reasonably bear upon the wisdom, necessity, or advisability of the employment decision. However, employment evaluations are intended to enhance the overall quality of the school system’s instructional program and are not intended to confer, constitute, or give rise to any individual right entitlement, or enforceable expectation of continued employment or advancement. Accordingly, except as may be specifically provided otherwise in state law applicable to “contract principals” employees do not acquire any employment or right of legal action based on any actual or alleged failure on the part of the Board or the evaluator to follow specific evaluation policies, regulations, or procedures.
- 6.8.4 Special Evaluation Situations: The Superintendent, the Chief School Financial Officer, and other employees who serve in positions of special trust or sensitivity may be evaluated by such means as the Board deems appropriate and as may be permitted by contract, law or applicable regulation.

6.9 Personnel Records

- 6.9.1 Content of Personnel Files: A central personnel file will be maintained for all regular employees. The personnel file may contain information regarding the employee’s current assignment, payroll status, and work history, including but not limited to job qualifications, certification, licenses, employment contract(s), evaluation data, disciplinary information, and such other documents, written materials, and data as may be reasonably deemed necessary and appropriate by the Board for sound and efficient personnel administration. Anonymous material and other matters that are prohibited by law, regulation, or Board policy from being maintained in personnel files may not be included therein. Employees may reasonably supplement or respond in writing to any material contained in the personnel file with which they disagree and such responses will also be included in the personnel file.
- 6.9.2 Alternate Data Storage: Personnel file data may be stored or maintained electronically or digitally.
- 6.9.3 Confidentiality: The contents of an employee’s personnel file will be deemed confidential except for documents that are matters of public information or public record under applicable state or federal law.

6.9.4 Access to Personnel Files: Persons whose duties reasonably require access to personnel files are authorized to view, copy, and use the contents of personnel files for purposes that are required by or in keeping with their official duties on behalf of the Board.

6.10 Employee Leave

6.10.1 Work Attendance an Essential Job Function: Punctual, regular attendance is an essential job function of every job and position, and employees are expected to report to work when scheduled to work and to remain at work each working day.

6.10.2 Absences: Except as otherwise authorized by the Superintendent or designee, employees may be absent from work only in the following circumstances:

- a. Illness, injury or other qualifying reason for sick leave or on-the-job injury leaves under state law or the Family Medical Leave Act;
- b. Professional leave;
- c. Vacation leave;
- d. Personal leave;
- e. Military leave;
- f. Court leave;
- g. Organizational leave;
- h. Other leave that is specifically approved by the Board upon a showing of substantial hardship or extraordinary circumstances.

Employees who know in advance that they will be absent from work must notify their supervisor of the expected absence in accordance with procedures specified by the Superintendent. In the event of an emergency or incapacity that makes advance notice impractical, employees must notify their supervisor of their absence as early as possible. An employee who is absent from work without notification to his/her supervisor will be considered absent without leave in violation of Board policy and subject to appropriate disciplinary measures. Employees who are approved for paid leave or absences will be paid at the regular daily rate of pay; however, a day of paid leave or absence will not be counted as a day worked for the purposes of computing overtime under the Fair Labor Standards Act. Pay will be reduced on a *pro rata* basis for leaves or absences not covered by sick, vacation, personal, or other appropriate form of

paid leave. The continuation of benefits during an approved absence is subject to the provision of the particular benefit policy or plan.

6.10.3 Paid Sick Leave

- a. *Persons Eligible for Paid Sick Leave* – All regular full and part-time employees are eligible for paid sick leave.
- b. *Earning and Accumulation of Paid Sick Leave* – All eligible employees earn sick leave days at the rate provided for in state law.
- c. *Use of Sick Leave* – Eligible employees may only use paid sick leave for absences caused by the following:
 1. Personal illness;
 2. Incapacitating personal injury;
 3. Attendance upon an ill member of the employee’s immediate family, defined as a spouse, parent, child, sibling or any person with a close personal tie;
 4. Death of a family member, including a spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, nephew or niece, grandparent, grandchild, aunt, or uncle;
 5. Death or care of an individual with whom usually strong personal ties exist because of a relationship other than those listed above.
- d. *Certification* - Employees must certify that sick leave was used for one of the reasons provided in state law and specify the reason. If the employee’s principal or department head has probable cause to believe that an employee has abused or misused sick leave, a physician’s statement verifying the existence and nature of the illness or medical condition may be required by the Superintendent. Abuse of sick leave may subject the employee to disciplinary action, including possible loss of pay. Reference: ALA. CODE 16-1-18.1 (1975)

6.10.4 On-The-Job-Injury Leave: On-the-job-injury includes an accident or injury to an employee that occurs in the course of performing job duties for the Board or when the employee is directed or requested by the employer to be on the property of employer and which prevents the employee from working or returning to the job.

Employees who are accidentally injured on the job may be approved for paid “on-the-job injury” leave without using sick days, provided that:

- a. The injured employee submits written medical certification from the attending licensed physician stating that the employee was injured and cannot return to work due to a specified injury, if there is a reasonable expectation that the employee will return to work and, if so, the expected date of that return. A supervisor may require a second opinion from a Board specified physician, at its expense.
- b. The employee submits a signed written account of the accident attested by a principal or department head within twenty-four (24) hours after the injury occurred. If the injured employee is not able to notify the supervisor, another person reasonably knowledgeable about the employee's condition and circumstances leading to the injury may provide the required notification.

Upon a determination that the employee has been injured on the job and cannot return to work, the Board may maintain the employee's salary and benefits for the period of incapacity caused by the injury, not to exceed ninety (90) days. An employee who is injured on the job may file a request for unreimbursed medical expenses and costs with the State Board of Adjustment. The Board will provide such reasonable assistance to the employee in filing the Board of Adjustment claim as is required by law, but assumes and will have no responsibility or liability for processing the claim or directly reimbursing the employee any unreimbursed medical expenses and costs. On-the-job injury leave will be administered in accordance with and subject to the requirements and limitations imposed by state law regarding such leave. Reference: ALA. CODE 16-1-18.1 (1975)

6.10.5 Personal Leave: All regular, Henry County School System employees are eligible for five (5) non-cumulative personal leave days each scholastic year (2 fully paid days funded by the state and 3 partially paid days by the Board). Personal leave must be requested in writing in accordance with such procedures as may be established by the Superintendent. Employees may be compensated for unused personal leave at the end of the school year at the same daily rate of pay used for substitute teachers. Employees may choose to convert unused personal leave days to sick leave days at the end of the school year. Reference: ALA. CODE 16-8-26 (1975)

6.10.6 Vacation

- a. *Eligible Employees* – Twelve-month full-time employees are eligible for a minimum of ten (10) paid vacation days per year. Eleven-month full-time employees are eligible for a minimum of five (5) paid vacation days per year.
- b. *Vacation Benefits* – Eligible employees will earn vacation benefits as follows:

1. Twelve-month employees with at least one year of consecutive service with the Board will accrue ten (10) days of vacation on the first day of the July. Eleven-month employees will accrue five (5) days on the first day of August.
 2. Any twelve-month employee employed on a part-time basis (20 hours per week or less) shall earn annual leave credit proportionate to the time worked.
 3. Twelve-month employees with less than one year of consecutive service with the Board will accrue one (1) vacation day per month up to ten (10) days per scholastic year. Eleven-month employees will accrue half (1/2) a day per month up to five (5) days per scholastic year.
- c. *Accumulation of Vacation Time* – Twelve-month employees’ vacation leave, accrued as of June 30th each year, must not exceed twenty (20) days. Twelve-month employees have the option each year to be paid for five (5) vacation days at their daily rate of pay. Eleven-month employee’s vacation leave accrued as of July 31st each year, must equal zero (0) days. Vacation days may not be bought, sold or donated.
- d. *Scheduling* – Vacation leave may be granted by the Superintendent or his/her designee upon the request of the employee and with prior approval of the employee’s administrative supervisor. Vacation leave shall be scheduled so that there will be minimal disruption of the school system.
- e. *Special Circumstances* – The amount of vacation leave may be adjusted for personnel who are employed under a special contract (e.g., the Superintendent) or under unusual circumstances such that the strict application of standard vacation policy would cause an inequitable forfeiture of earned vacation credit.

6.10.7 Professional Leave: The Superintendent is authorized to grant professional leave with pay to Board employees to engage in educational activities which, in the judgement of the Superintendent, serve the needs and interests of the school system. The number of days approved for such leave will be at the discretion of the Superintendent; provided, however, that any such leave exceeding five days in a scholastic year must be approved by the Superintendent and or his designee.

6.10.8 Military Leave: Military leave is available to all eligible employees in accordance with state and federal law.

6.10.9 Court Leave: Permanent and full-time employees are entitled to regular compensation while performing jury duty (ALA. CODE 12-8-25) or when the

employee is summoned under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceedings constituted under the statutory authority of the agency conducting the proceedings. Paid leave is not authorized for employees to meet with attorneys, to attend depositions, or to otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board.

6.10.10 Leave of Absence: Permission is granted by the Henry County Board of Education or allowed under its adopted policies for regular full or part-time employees to be absent from duty for a specified period of time with the right to return to employment upon the expiration of leave. Any absence of a member of the staff from duty shall be covered by leave duly authorized and granted. The following provisions shall apply:

- a. Leave shall be officially granted in advance and shall be used for the purposes set forth in the leave application. Leave for sickness or other emergencies may be deemed to be granted in advance if prompt report is made to the proper authority.
- b. It is the responsibility of the employee to submit a request for leave to the Superintendent, in writing, with additional approval and signature of the employee's direct supervisor, no less than one (1) week prior to a monthly Board meeting. Upon recommendation of the Superintendent, the Board may grant a leave of absence. Limitations of the leave shall be specified in the action taken by the Board.
- c. The leave of absence is limited to one (1) year, but may be extended for up to one (1) additional year upon recommendation of the Superintendent and approval by the Board. An employee having leave for the year or for the remaining part thereof and who plans to return to duty the next school fiscal year shall send a copy of such notice to the administrative supervisor by May 1st of that fiscal year.
- d. An employee returning from a leave of absence is not guaranteed his/her original position, but is subject to transfer and reassignment to another vacant position in the school district. He/she shall maintain his/her tenure status and all accruable benefits, except that, days are not to be accrued for sick leave or annual leave.
- e. A leave of absence shall not be counted as experience in the determination of placement of the salary schedule.
- f. Leave may be with or without pay as provided by law, regulations of the State Board of Education, and these rules. For any absence without pay, the

deduction for each day of absence shall be determined by dividing the annual salary by the number of days/hours for the employment period.

- g. Leave shall not be granted to any employee to accept other employment. Accepting employment while on a leave of absence may cancel the leave. The employee on leave may be notified that he/she must return to work with Henry County Board of Education immediately, resign, or be terminated.

6.11 Family and Medical Leave Act (FMLA)

6.11.1 Eligible Employees: The FMLA is applicable to all persons who have been employed for at least twelve (12) months and have worked a minimum of 1,250 hours during that twelve (12) month period.

6.11.2 Medical Leave Provided by the Act: Under the FMLA, eligible employees are entitled to twelve (12) weeks of unpaid leave during any twelve (12) month period for one or more of the following reasons:

- a. The birth and first year care of a newborn child;
- b. The placement of a foster child or adoption;
- c. The care of an immediate family member, defined as a spouse, child or parent, with a serious health condition;
- d. The taking of medical leave because of the employee's own serious health condition.

For the birth, adoption, or foster placement of a child, the entitlement to leave for child care expires at the end of the twelve (12) month period beginning on the date of birth, adoption, or placement. Leave associated with the illness of a child will only be provided if the child is under eighteen (18) years of age or is incapable of self-care due to physical or mental disability.

6.11.3 Serious Health Conditions: The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves the following:

- a. Any period of incapacity in connection with or following inpatient care in a hospital, hospice, or residential medical care facility.
- b. Continuing treatment by a health-care provider, to include any period of incapacity due to:
 - 1. A health condition, including treatment and recover, lasting more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition;

2. Pregnancy or prenatal care;
3. A chronic, serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve episodes of incapacity (e.g., asthma and diabetes);
4. A permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer's, severe stroke) and for which supervision of a health-care provider is required;
5. Multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated.

6.11.4 Military Family Leave Provided by the Act

- a. Qualifying Exigency Leave – Under the FMLA, an eligible employee with a spouse, child, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may utilize the twelve (12) week medical leave entitlement to address qualifying exigencies resulting from that service.
- b. Military Caregiver Leave – An eligible employee, who is the spouse, child, parent, or next of kin of a covered service member, is entitled to take up to twenty-six (26) weeks (including any medical leave provided by the Act) of unpaid leave during any twelve (12) month period (beginning the first day of the leave) to care for an individual covered service member with a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. A covered service member is a member of the Armed Forces, including the National Guard and Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.

6.11.5 Spouse Employed by the Board: Spouses who are both employed by the Board are limited to a combined total of twelve (12) weeks of family leave for the birth and care of a newborn child, for the placement of a child for adoption or foster care, for the care of a parent who has a serious health condition, and for qualifying exigency leave. Spouse who are both employed by the Board are limited to a combined total of twenty-six (26) weeks for military caregiver leave.

6.11.6 Intermittent Leave: An employee may take leave intermittently or on a reduced leave schedule only when medically necessary to care for a spouse, parent, or child or to receive planned medical treatment. Intermittent leave should be

scheduled to the extent practicable so as not to unduly disrupt the operations of the Board. Intermittent leave may be further limited for teachers in accordance with federal law.

1.11.7 Use of Vacation and Sick Leave: If an employee has available sick leave, vacation leave or other applicable paid leave, the employee must utilize those forms of leave before taking unpaid leave under the FMLA. In that instance, the paid leave and the FMLA leave will run concurrently and the employee's twelve (12) weeks of unpaid FMLA leave will be reduced by the paid leave utilized, as long as the need for such leave results from one or more of the qualifying reasons under the FMLA.

6.11.8 Notice: Employees seeking leave under the FMLA must provide thirty (30) days advance notice of the need to take leave when the need is foreseeable. When the need for leave is unforeseeable, employees should notify their supervisors as soon as possible. Employee must also provide notice of the need for qualifying exigency leave as soon as possible.

6.11.9 Certification for Medical or Military Caregiver Leave: Every request for FMLA leave based upon the serious health condition of the employee or employee's spouse, children, or parents, or leave as a military caregiver must be supported by medical certification issued by the appropriate health care provider on forms provided by the Board.

For leave based on a serious health condition of the employee or employee's spouse, child, or parent, the Board serves the right to obtain a second opinion from an independent health-care provider designated by the Board. If the opinion received by the employee and the second opinion conflict, the Board and the employee must agree on a third provider to issue a binding opinion. Both the second and third opinions (if necessary) will be at the expense of the Board.

6.11.10 Certification for Qualifying Exigency Leave: Certification will be required by the Board for requests for qualifying exigency leave. Certification must be timely submitted on forms available from the Board. For the first such request, certification may include a copy of the military service member's duty orders or other military documentation.

6.11.11 Return to Work: The Board may require an employee who has taken leave due to the employee's own serious medical condition to provide the Board with a healthcare provider's certification in order to return to work. Any employee who takes leave under these provisions will be entitled to be restored to the original position held when the leave commenced or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

6.11.12 Maintenance of Benefits: Benefits accrued by the employee before leave is taken are not lost when approved FMLA leave is taken. Employees who are on approved FMLA leave will remain eligible to participate in benefit programs in which the employee was enrolled at the time of the leave, provided that the employee will continue to be responsible for payment of employee's portion of any cost, premium, or like payment that is required to maintain eligibility for the coverage or benefit. An employee who does not return to work after FMLA leave, will be required to reimburse the Board for the cost or benefits coverage extended to the employee during the leave, unless the reason for the employee's failure to return to work is (1) a continuing serious health condition suffered by either the employee or a family member, or (2) other circumstances beyond the employee's control.

6.11.13 Instructional Employees: Medical leave taken by eligible instructional employees is subject to further limitations and provisions established by the FMLA. The Superintendent or designee is authorized to develop additional information and guidelines concerning Instructional Employees.

6.12 Sick Leave Bank

A "Sick Leave Bank" plan for full-time certified and classified employees is hereby established in accordance with applicable provisions of state law. A Sick Leave Bank Committee will be established to oversee the operations of the Sick Leave Bank in accordance with state law and the following provisions:

- a. Sick Leave Bank Committee – The Sick Leave Bank Committee will be composed of one member representing the Board and four members presenting participating members of the bank.
 1. *Board Representative* – The Member representing the Board will be appointed by the Superintendent.
 2. *Participant Representatives* – The participant representatives will be selected by the sick leave bank members.
- b. Procedures for Selecting Employee Representatives on Committee
 1. *Nomination* – Before each election of participant representatives, the Board will hold an open nomination period. Any employee who is eligible to participate in the sick leave bank may be nominated for one of the participant representative positions. Nominations must be written and must be received in the Benefits Department by the deadline specified in a notice to be provided by the Superintendent or designee through Board publications and other means of communication that are generally used of such purposes.

2. *Voting* – Each eligible nominee will be placed on the Sick Leave Bank Committee ballot. Voting will take place by ballot at Board facilities at the time specified or as may otherwise be provided by the Board. Supervision of voting will be by local facility personnel. Voting members will be required to verify their ballot by signing the Board’s voter record. Votes will be forwarded to the Benefits Department for final tabulation. The four candidates receiving the highest number of votes will serve as participant representatives on the Sick Leave Bank Committee.
- c. Term of Committee Members: Sick Leave Bank Committee members will serve for a term of one year and may not serve for more than five years.
- d. Meetings: If there is a recommendation for a change in procedure, the Sick Leave Bank Committee will meet at least annually following each enrollment period. The Committee will also meet as necessary.
- e. Sick Leave Bank Committee Duties: The Sick Leave Bank Committee will develop proposed rules and regulations for the Sick Leave Bank, to be submitted to participating members for approval. At a minimum, said rules and regulations must include those terms and provisions that are required by statute. The committee has the authority to review both participation in the Bank and request for leave to ensure compliance with state law, Board policy, and such rules and regulations as may be adopted by the Sick Leave Bank Committee.
- f. Employee Participation: Participation in the Sick Leave Bank is voluntary and open to all full-time employees of the Board. However, employee participation is subject to such rules and regulations regarding enrollment procedures, deposits, withdrawals, and participation as may be developed by the Committee. Reference: ALA. CODE 16-22-9-(1975)

6.13 Administrative Leave

The Superintendent is authorized to place an employee on administrative leave upon a determination that the best interests of the school system would be served by such action. Administrative leave relieves the employee of regular work responsibilities pending resolution of the matters or circumstances that gave rise to the leave. Administrative leave is not disciplinary in nature or purpose and does not affect the employee’s compensation, benefits, tenure, or non-probationary status. Administrative leave may be accompanied by such additional restrictions or conditions as may reasonably be imposed by the Superintendent under the circumstances (e.g., limitation on access to school property). The status of employees who are on administrative leave will be reviewed and reported to the Board periodically.

6.14 Equal Employment Opportunity

6.14.1 Unlawful Discrimination Prohibited: The Board is an equal opportunity employer. Personnel actions and decisions will be made without regard to factors or considerations prohibited by federal or state law (as such laws may from time to time be amended), including but not limited to race, gender, age, disability, national origin, citizenship, and religious preference. Subject to the limitations set forth in (current policy 6.41) the general complaint (grievance) policy (current policy 6.40) may be used to present any complaint alleging unlawful discrimination or harassment.

6.14.2 Implementing Regulations Authorized: The Superintendent is authorized and directed to implement such rules, regulations, procedures, and directives as necessary and appropriate to implement and enforce this policy and any law prohibiting discrimination in the workplace, including the designation of one or more complaint/grievance investigators, officials, or coordinators, the development of complaint or grievance procedures for responding to allegations of unlawful discrimination, the provision of training or dissemination of instructional materials and advisories to appropriate staff members, and the administration of corrective or remedial action in response to violations of the law and of this policy.

6.15 Sexual Harassment

The Board strictly prohibits unlawful discrimination in all of its programs, offices, departments and facilities. Sexual harassment, as defined by law, is a form of unlawful discrimination and will not be tolerated from employees or other persons associated with the Board.

6.15.1 Definition of Sexual Harassment: Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature when:

- a. Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of employment or other employment benefits provided by the Board;
- b. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual's employment, or other benefits provided by the Board; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

6.15.2 Examples of Prohibited Conduct: The following are examples of conduct that may constitute sexual harassment, depending on individual circumstances:

- a. Verbal harassment or abuse of a sexual nature, including graphic or derogatory comments, the display of sexually suggestive objects or pictures, and sexual propositions;
- b. Repeated unwelcome solicitation of sexual activity or sexual contact;
- c. Unwelcome, inappropriate sexual touching;
- d. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to an individual's employment status.

6.15.3 Employee Complaint Resolution Procedures

- a. *Reporting* – Any employee with reason to believe that he or she has been or is being subjected to any form of sexual harassment should report the matter immediately. Under no circumstances will an employee be required to present the complaint to the person who is the subject of the complaint.
- b. *Informal Complaint* – An employee may choose to submit a sexual harassment complaint to a supervisor for investigation and resolution at the departmental or local level without resorting to formal complaint procedures. If the supervisor is the subject of the complaint, the complaint may be submitted to the Superintendent for resolution. If the complaint is not resolved informally to the satisfaction of the complaining employee, the employee must contact the Superintendent to initiate formal complaint procedures.

6.15.4 Formal Complaint Procedure

- a. *Persons Responsible for Receiving and Investigating Formal Complaints*
The Superintendent is responsible for receiving and investigating formal complaints regarding sexual harassment. The Director of Human Resources is an additional official to which formal complaints can be reported. If the Superintendent is unavailable or is the subject of the complaint, the alternate should be contacted regarding the formal complaint.
- b. *Complaint form, contents* - Formal complaints should be made in writing, signed by the complainant, and fully describe the circumstances surrounding the alleged harassment. Harassment complaints that cannot be made in writing should be memorialized by the Superintendent or designated alternate official.
- c. *Investigation* - The Superintendent will promptly investigate the complaint, review the results of any investigation with legal counsel or other

appropriate officials, make any findings that are supported by the investigation, and recommend appropriate action based on these finds. The complainant will be informed of any action that is taken as a result of the investigation.

- d. *Review by the Superintendent and the Board* - A complaining party who is not satisfied with the investigation or resolution of the complaint may request that the Superintendent take additional or different action or present the complaint to the Board for its review and action. In such case, the Board will render a final decision as soon as practicable.

6.15.5 Confidentiality: To the extent possible, reports of sexual harassment will be kept confidential; however, complete confidentiality cannot be guaranteed.

6.15.6 Retaliation Prohibited: No retaliation or adverse action may be imposed as a result of a good faith complaint or report of sexual harassment. False accusations that are made in bad faith or for improper reasons may result in disciplinary action.

6.15.7 Penalties for Violation: Any employee who violates the terms of this policy or who impedes or unreasonably refuses to cooperate with a Board investigation regarding allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination.

6.16 Reduction-In-Force

6.16.1 Definition and Scope

- a. This policy applies to reductions-in-force that are implemented by “layoffs” as contemplated by Ala. Code 16-1-33 (1975).
- b. A reduction-in-force may be declared by the Board of Education and layoffs approved thereunder if the Board determines that decreased student enrollment or a shortage of revenues requires a reduction in the work force (beyond normal attrition) in order to maintain effective provision of educational services or to meet the Board’s financial, legal, or operational obligations.
- c. A “layoff” within the meaning of this policy is a separation from employment with the Board of Education. However, employees who are laid off under authority of this policy are eligible for recall to employment as conditionally provided in this policy. The term “layoff” does not include or apply to the expiration of temporary, occasional, or “at-will” appointments or to decisions not to renew or extend employment beyond the expiration of annual or other specified terms of appointment.

6.16.2 Criteria for Implementing Layoffs

- a. The order, priority, rank or selection of individual employees which are to be laid off under authority of this policy shall be determined on the basis of objective criteria. However, nothing herein shall be deemed or construed to limit or abridge the Board's legislative discretion to identify areas, departments, groupings, or classification for reductions (layoffs). For example, the Board is not required to justify by objective criteria or otherwise a decision to implement layoffs in non-instructional categories or employees before doing so with instructional staff.
- b. The criterion or criteria on which the layoffs are to be based shall be announced or otherwise made know by the Board to employees affected by the layoff no later than the date notice of the layoff is provided to the employees.
- c. "Objective criteria" within the meaning of this policy may include any lawful selection standard (or combination of standards that is verifiable, calculable, measurable, or otherwise determinable by means or methods other than the personal or subjective judgments or opinions of the person(s) applying the criteria, and that would be expected to produce the same result if applied to the same employees or group of employees by different persons. For purposes of this policy, objective criteria may include, but are not limited to:
 - Seniority, longevity, or time in service that will be more specifically described in the notice of layoff that is provided to affected employees
 - Years of experience
 - Degrees, certification, or licensure
 - Job classification
 - Written or otherwise documented performance evaluations that can be fairly, accurately, and objectively compared to other similarly situated employees for the purpose of ordering or ranking, provided that such evaluations predate the RIF announcement or declaration by not less than thirty days

6.16.3 Recall: Employees who have been laid off under the terms of this policy will be given priority in filling positions as enrollment or financial circumstances warrant, provided that:

- a. The nature of the position and qualifications therefore have not materially changed;
- b. The laid-off employee remain properly qualified, licensed, or certified; and
- c. The laid-off employee confirms in writing his or her availability for and interest in re-employment to the Board's Director of Human Resources in

accordance with any directives that may be contained in or transmitted in conjunction with the notice of layoff.

Circumstances permitting, and to the extent practicable, the selection of employees for recall will be based on the criteria that were applied to the layoffs themselves if there are more employees eligible for recall than positions available to fill. When layoffs occur over a period of time, the Board will take relative length of separation from service into consideration in assigning recall priority, other factors being equal. In no case will any right to be recalled to employment extend beyond one year from the effective date of the employee's layoff. Recalled employees will retain credit for the tenure, years of service, and the pay and benefit status they held on the effective date of their layoff. No pay, benefits, status, or additional rights will accrue or be credited to the recalled employee for the time he or she has been laid off.

- 6.16.4 **Notice:** Notification of layoff and recall shall be by United States certified or registered mail, hand delivery, or such other means as are reasonable under the circumstances. Upon receipt of notification of recall, a laid-off employee shall respond affirmatively to the notice of recall in accordance with such specific directions or instructions as may be contained therein. Any laid-off employee who does not so respond or who otherwise declines an offer of reemployment by the Board will be deemed to have waived any right to be recalled under the terms of this policy. Reference: Ala. Code 16-1-33 (1975)

6.17 Unauthorized Payments

- 6.17.1 **Notification to the Employee:** Upon discovery of any unauthorized or erroneous payment or disbursement of funds to an employee, the Board will attempt in good faith to notify the employee of such unauthorized payment and to reach agreement with the employee, if possible, regarding the amount and terms of repayment. Notification to the employee will consist of a letter mailed or delivered to the employee's last known address. The notice will specify the amount owed, the method by which the amount was calculated, a proposed schedule of repayment, an opportunity for the employee to review or examine any documents or other evidence supporting the claimed overpayment, and an opportunity for the employee to object in person or in writing to the amount or manner of the proposed withholding to provide an alternative plan of repayment. Unless the Board's ability to recover funds in question could be jeopardized by doing so, the Board will arrange a reasonable schedule of repayment so as to avoid undue hardship to the employee.
- 6.17.2 **Retention and Recovery Authorized:** If no objection to the proposed withholding is received within a reasonable time (to be specified in the notification letter), monies may be retained in the manner and to the extent described in the notification. If the employee objects to the proposed withholding, the

Superintendent or designee may, upon consideration of the objection and information and argument (if any) submitted in connection therewith, take such action as may be warranted under the circumstances and inform the employee in writing of the decision. If the employee is dissatisfied, he may contest the decision through the Board's complaint procedure. Monies may be withheld by the Board pending completing of the grievance process, provided that, should the Board later pay over to the employee monies that have been retained under authority of this policy, such payment(s) will reflect all appropriate deductions and will include accrued interest from the date of withholding at the rate specified by the then-effective rate applicable to interest on unpaid judgments under Alabama law. If, after exhausting reasonable efforts to do so, the Board is unable to contact the employee in the first instance, the Board may retain or withhold from compensation or other payments due the employee an amount sufficient to satisfy the indebtedness; provided that any such retention or withholding will be subject to review and reconsideration at the request of the employee.

6.17.3 Repayment Required as a Condition of Reemployment: The Board reserves the right to require repayment of any outstanding indebtedness as a condition to reemployment of any former employee.

6.17.4 Procedures Not Exclusive: The provisions, procedures, and method of review specified herein are in addition to those that are otherwise available to the parties under law for the retention or recovery of funds, and for administrative or judicial review thereof.

6.18 Drug and Alcohol Testing of Safety Sensitive Employees

6.18.1 Scope: The Board will conduct employee drug and alcohol testing for employees in safety sensitive positions as required by and in accordance with federal law. Testing will be required for all employees holding a commercial driver licenses (CDL) or who occupy a safety sensitive position as designated by the Board ("covered employees").

6.18.2 Prohibited Alcohol and Controlled Substance-Related Conduct: In addition to activities identified in other policies, rules and procedures, Board employees are prohibited from the following:

- a. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration in excess of the standard set by the Federal Highway Administration (FHWA);
- b. Being on duty or operating a vehicle while possessing alcohol;
- c. Consuming alcohol while performing safety-sensitive functions;

- d. Consuming alcohol within eight (8) hours following an accident for which a post-accident alcohol test is required, or prior to undergoing a post-accident alcohol test, whichever comes first;
- e. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements;
- f. Consuming alcohol or going under the influence of alcohol within eight (8) hours of going on duty, operating, or having physical control of a vehicle;
- g. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who has advised the driver and the Board that the substance does not adversely impact the performance of any safety-sensitive duty;
- h. Reporting for duty, remaining on duty, or performing safety sensitive functions with controlled substances in the employee's system.

In the event of a violation of this policy, the employee shall be removed immediately from safety-sensitive duties and shall be subject to such further actions, including disciplinary action up to and including termination, as deemed appropriate by the Superintendent and the Board. Employees testing positive by urinalysis or alcohol/breathalyzer test or requesting treatment may be referred to a mental health substance abuse counselor for an assessment of needs and possible referral for treatment. All such treatment shall be at the individual employee's expense.

6.18.3 Testing Program Authorized: The Superintendent is directed to establish a testing program whereby all covered employees will be tested for the presence of alcohol and controlled substances. The following tests may be conducted:

- a. *Pre-employment Testing* – Prior to the first time a covered employee performs a safety-sensitive function for the Board, the employee must undergo testing for alcohol and controlled substances.
- b. *Post-accident Testing* – Each surviving driver who is involved in an accident involving a school bus shall submit to testing as soon as practicable following such accidents if such driver:
 1. Was performing a safety-sensitive function with respect to such vehicle and the accident involved the loss of human life, or

2. Such driver receives a citation within eight (8) hours of the occurrence under state or local law for a moving traffic violation arising from the accident and the accident involved either:
 - i. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
 - ii. One or more motor vehicles incurs disabling damage requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Each such driver shall remain readily available for such testing and if he does not remain so readily available, may be deemed to have refused to submit to testing. Transportation supervisors shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating the school bus, so that drivers will be able to comply with the requirements of this policy.

The tests required by this subsection shall be administered as soon as practicable following the accident. If the alcohol test is not administered within two hours following the accident, the supervisor will prepare and maintain a record stating the reasons. If the alcohol test is not administered within eight hours, and the controlled substances test within 32 hours, the same record shall be made and further efforts to administer such tests shall cease.

- c. *Random Testing* – The Board will conduct unannounced random alcohol and controlled substance testing of its covered employees.
- d. *Reasonable Suspicion Testing* – A covered employee must submit to alcohol or controlled substance testing whenever there is reasonable suspicion of alcohol misuse or the use of controlled substances based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or bodily odors of the employee.
- e. *Return-to-Duty Testing* – A covered employee must submit to return-to-work alcohol and/or controlled substance test before being permitted to return to work following a positive alcohol or controlled substance test or other violation of this policy or federal regulations.
- f. *Follow-Up Testing* – Any employee who continues performing safety-sensitive functions for the Board, following a determination that the employee requires assistance in resolving problems associated with alcohol misuse or the use of controlled substances, shall be subject to unannounced follow-up alcohol or controlled substance testing.

6.18.4 Administration of Program: The Superintendent is authorized to oversee the Board's testing program, to contract with appropriate providers to implement the program, to develop guidelines, rules and regulations to implement training programs, to develop and distribute educational materials and appropriate notices to covered employees, and to take such further action as may be required by federal law. Reference: Omnibus Transportation and Employment Act of 1991

6.19 Reasonable Suspicion Alcohol and Drug Testing and Medical Examinations of All Board Employees

6.19.1 Reasonable Suspicion Alcohol and Drug Testing: The Board may require an employee to submit to drug and/or alcohol testing whenever there is a reasonable suspicion that the employee is intoxicated or impaired by illegal drug or alcohol use while performing duties for the school system or attending a school-sponsored event. Such reasonable suspicion shall be based on specific, contemporaneous, and articulable observations of the employee including the employee's appearance, behavior, speech, or bodily odors. An employee who refuses to undergo drug and alcohol testing may be subject to disciplinary action, up to and including termination.

The Superintendent or designee is authorized to oversee the Board's reasonable suspicion alcohol and drug testing program, to contract with appropriate providers to implement the program, and to develop guidelines, rules and regulations governing the program. The school system's procedures governing the reasonable suspicion drug and alcohol testing of safety sensitive positions (6.18 Drug and Alcohol Testing of Safety Sensitive Employees) may be utilized by the Superintendent or designee to implement this policy.

6.19.2 Medical Examinations: The Superintendent may require a physical, psychological, and/or psychiatric examination by a physician or counselor licensed in the state of Alabama when in the Superintendent's judgment such an examination is relevant to the teaching performance or employment status of a Henry County Board of Education employee. The Superintendent shall select the physician(s), psychologist(s), or psychiatrist(s) and the Board shall pay all costs incurred in the examination(s). The employee shall allow the report of the physician(s), psychologist(s), or psychiatrist(s) to be submitted to the Superintendent with a copy being forwarded to the employee.

6.20 Searches (Personnel)

6.20.1 Board Property: All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets,

lockers, storage areas, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.

6.20.2 Employee Property: The Board reserves the right to inspect employee's vehicles, purses, files, and other personal property if an administrator forms a reasonable individualized suspicion that the property contains evidence of a violation of Board policy or contains any material, object, or substance that otherwise creates or presents a risk of harm or injury to the school, the workplace, or persons therein.

6.20.3 Use of Recovered Items: Property, material, substances, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.

6.30 Employee Compensation

6.3.1 Salaries and Pay Rates –Except as established and governed by the terms of a special employment contract, Board employees will be compensated at rates of pay that are approved by the Board. When required, such salary or compensation rates will be included in a schedule to be developed and adopted by the Board in accordance with state law. Employees may receive supplements or other additional compensation when specifically approved by the Board. The Board authorizes the Superintendent to develop procedures for the purpose of assigning supplements to employees. [Reference: ALA. CODE §16-13-231.1 (1975)]

6.3.2 Local Supplements – School-related booster or support organizations may fund local supplements for individual Board employees. Such payments may be approved by the Superintendent and/or his designee only if the following conditions are satisfied:

- a. The payment is voted on and approved by the membership of the booster or support organization that proposes to fund the supplement at a regular meeting of the organization.
- b. Funding for the payment must be sufficient to cover benefits, expenses, and other payroll costs, contributions, and liabilities, if any
- c. Sufficient unobligated funds are on hand to provide the supplemental payment
- d. A check and letter of authorization for the payment is sent to the Board no later than the payroll cutoff date for the month in which the payment is to be made

- e. The employee accepts these payments with the understanding that they do not constitute a part of any employment contract, salary schedule, or legal obligation that is enforceable against the Board, and that the Board has no continuing obligation to maintain supplemental payments to any employees that are provided, funded, or underwritten by a booster club, support organization, or similar third party
- f. Payments are subject to any payroll deductions that are required by law
- g. If an employee resigns from or otherwise ceases to perform the duties of a position for which the employee is receiving a supplement, the Superintendent is authorized to prorate the supplement accordingly.

6.3.3 Salary Administration: Employees are expected to fulfill the work requirements of the position held for the full term of their appointment. In the event an employee does not complete the term of his/her appointment, compensation will be prorated to reflect the number of days actually worked, subject to appropriate adjustments, credits, and allowances for available leave. Personnel will be paid in accordance with customary payroll procedures, which may be modified from time to time as the needs of the system require. No employee is entitled to compensation except for work performed by the employee in accordance with the applicable terms of appointment. Compensation may be withheld pending the employee's timely, accurate, and complete submission of all required records, data, and reports to the extent permitted by law.

6.3.4 Salary Deductions: Mandatory salary deductions will be made in accordance with applicable law. Employees are required to complete and submit all forms and provide such information as may be required or reasonably required for such purpose. The Board will make voluntary deductions as a service to employees upon written request of the individual employee as permitted by law.

Salary deductions will be approved when 25% of employees or groups or employees request such deductions, if such deductions are allowed under state law and the organization has timely provided to the Board all certifications and reports required by law. The deductions shall be made from salaries and shall be remitted to the appropriate recipient as specified and in a timely manner following each deduction. The Board will not be liable for any good faith error made in implementing a salary deduction that has been authorized by the employee. Reference: ALA. CODE 16-1-41.1 (e) (1975)

New authorization for payroll deductions may be added during open enrollment or upon state required enrollments.

When an employee is separated from the system prior to the end of the contract period, the terminal pay shall be computed on a per diem basis.

Upon termination of employment, any amounts owed under the terms of an employee authorization will be deducted from the employee's final pay. Reference: ALA. CODE 16-22-6 (1975)

6.3.5 Minimum Wage and Overtime – In compliance with the Fair Labor Standards Act (“FLSA”), the Board will pay required minimum hourly wages and overtime to all employees who are not exempt employees under the FLSA. For purposes of determining overtime, the workweek begins at 12:01 a.m. on Sunday and ends at midnight on the succeeding Saturday. All non-exempt employees who work more than forty (40) hours in a workweek will be paid overtime. Employees must accurately report all time worked for the Board. Non-exempt employees are not authorized to work more than forty (40) hours in a workweek without specific direction or authorization to do so by the Superintendent, the employee's supervisor, or the supervising school principal.

6.3.6 Compensatory Time: Non-exempt employees who work more than forty (40) hours in a work week may, upon agreement between the employee and the Board, be paid overtime in the form of compensatory time as outlined in the school system's FLSA Manual. Compensatory time will be based on time worked beyond forty (40) hours in a workweek, and will be recorded in minimum time units of one-quarter hour rounded to the nearest quarter of an hour. The Board reserves the right to require an employee to use compensatory time and may “pay down” any compensatory time balance in its discretion.

6.3.7 Payroll Preparation – The Henry County Board of Education delegates payroll preparation for the payment of employee salaries to the Superintendent or his/her designee. The payroll shall be in accordance with the salary policy approved by the Board, any rules or regulations promulgated by the State Superintendent of Education, and state law.

Payroll checks shall be released the last business day of each month, with the exception of December where checks will be released the last “working” day of the month.

6.3.8 Payroll Direct Deposit – It is in the best interest of the Henry County Board of Education to implement Mandatory Direct Deposit for both financial and administrative reasons. Direct deposit provides a number of benefits such as less chance of a loss warrant, reduced potential for theft or forgery, and funds are deposited in employees' accounts on payday. Funds are immediately available to employees regardless of hurricanes, storms, or other catastrophic events, personal illness or situations that prevent an employee's attendance at work, etc.

All employees employed prior to June 1, 2019 are required to use direct deposit for their payroll and are required to enroll in the direct deposit feature by completing the appropriate enrollment form. The deadline for enrolling is December 1, 2019. There are specific exemptions that may apply for unique situations. The enrollment deadline provides for a phase-in period of time to allow employees sufficient time to make personal arrangements.

As a condition of employment, all newly hired or rehired employees on or after June 1, 2019 shall be required to enroll in the direct deposit feature upon their hire date.

All payroll related payments shall be made by the delivery of payment to the legally designated recipient by United States mail or its equivalent, including electronic funds transfers. Electronic transfers to employees are normally facilitated by local banks after midnight on the pay date. All paper checks shall be mailed by the Payroll Department on the business day prior to the pay date.

6.40 Transfer Procedures

Henry County School employees may be reassigned or transferred to any position for which they are qualified by skill, training, or experience.

- a. A teacher may be transferred within the same school or campus by the Superintendent once per year by the 20th calendar day after school begins, provided the teacher has the appropriate certification for the position to which he/she is transferred. Tenured teachers may be transferred to another school without reduction in compensation to a position for which he/she is certified with the approval of the Board of Education once per year by the 20th calendar day after school begins.
- b. Non-probationary classified employees may be transferred once per year to any position for which they are qualified provided that the transfer is without loss of or reduction in compensation, that written notice of the proposed transfer is issued to the employee not less than (fifteen) 15 calendar days before a final decision is made, and that the transfer is effective not less than (fifteen) 15 calendar days after the date of the final decision to transfer.
- c. Probationary employees (certified or classified) may be transferred to a position for which he/she is certified or qualified that results in a loss of or reduction in compensation. Such transfers must be effective not less than (fifteen) 15 calendar days after the date of the final decision to transfer. Employees must be provided notice of the proposed transfer that contains a written explanation of the effect of the transfer on the employee's compensation and notice that the employee may object in writing to the transfer before a final decision is made. Tenured teachers or non-probationary classified employees involuntarily

transferred to a position with less pay shall be provided due process in the same manner as a proposed termination of employment.

6.50 End of Year Employment Procedures

6.50.1 Non-Probationary Status/Tenure: During the first two years of employment, all non-tenured teachers (excluding One Year Only and End of Year Only Appointments) will be rehired unless given notice by the superintendent before June 15th. However, in the tenure year notice will be given by the last working day for teachers to report to duty. Certified employees must be hired by October 1st of a scholastic year to be counted towards acquisition of tenure.

Probationary classified employees may be terminated at the discretion of the employer upon written recommendation of the superintendent and majority vote of the board. A written notice of termination to the classified employee may occur at any time on or before June 15th. After the employee's third consecutive, complete school year of employment, non-probationary status will be issued. Classified employees must be hired by October 1st of a scholastic year to be counted towards acquisition of non-probationary status. The employee will receive 15 days' notice before ending pay and benefits. Non-probationary status is no longer granted based on original hire date or 36 months of cumulative service. If any certified or classified employee leaves employment with Henry County Schools, tenure/non-probationary status starts over.

Superintendents, contract principals and chief school financial officers do not earn tenure or protected status as defined by Legislative Act 2011-270 (Students Frist Act). Persons employed as temporary, part-time, substitute, summer school, occasional, seasonal, supplemental, or in positions that are experimental, pilot, or temporary or under projects where the funding and duration are finite do not earn tenure or protected status. Time in service spent under an emergency certificate does not count toward the attainment of tenure.

If an employee is hired as a One Year Only Appointment or End of Year Only Appointment, his/her employment will automatically expire at the end of the academic school year. Future employment options must be directed to the principal/departamental supervisor. These finite appointments may or may not be counted towards tenure/non-probationary status depending on funding and other employment circumstances relevant to the position. Seek additional clarification from the Human Resources/Payroll Department or supervisor/principal.

6.50.2 Resignations: Teachers must notify the board 30 calendar days in advance of the next scholastic year of the decision to not return. During the scholastic year, teacher resignations require a thirty (30) day written notice to Henry County

Schools (effective June 2019). Failure to provide proper notice is considered unprofessional conduct and the State Superintendent of Education may revoke or suspend a teacher's certificate. Employees other than tenured teachers may resign at any time by giving five (5) days' written notice to the immediate Supervisor/Superintendent.

6.50.3 Retirement: If considering retirement, an employee must contact the Teacher Retirement System (TRS) to verify eligibility. The employee must contact the Human Resources/Payroll Department to complete necessary paperwork by the deadlines specified by TRS in order to avoid missing a paycheck. A letter indicating the decision to retire/resign must be submitted to the principal/departmental supervisor, the Superintendent, and the Human Resources/Payroll Department. NEW hires appointed after January 1, 2013, will be ineligible to collect retirement pensions until age 62 (Senate Bill 388). For clarification on Tier 1 and Tier 2 employees, please visit the Retirement Systems of Alabama website at: www.rsa-al.gov

6.50.4 Suspension, Termination, Separation:

a. The Henry County Board of Education may suspend or terminate employees who have earned tenure or non-probationary status or are principals serving under contract for the following reasons:

- Immorality;
- Incompetence;
- Insubordination;
- Neglect of duty;
- Failure to perform duties in a satisfactory manner;
- Justifiable decrease in the number of positions (for contract principals, decrease must be due to decreased enrollment or funding); and
- Other good and just cause.

b. Contract principals also may be terminated for

- Conviction of a felony or a crime involving moral turpitude;
- Failure to fulfill the duties and responsibilities imposed upon principals by Alabama code;
- Failure to maintain his/her certificate in a current status; and,
- Willful failure to comply with Henry County Board of Education policy.

c. An employee may be suspended for cause with or without pay on recommendation of the Superintendent and approval of the Board. Suspensions

of more than twenty (20) work days may be appealed by the employee in the same manner as an appeal of termination.

- d. The Henry County Board of Education may end its employment relationship with employees who have not earned tenure or non-probationary status by providing the appropriate notice required under state law or contract.
- e. The Henry County Board of Education may end its employment with principals serving as non-probationary contract principals by providing a reason why their contract will not be renewed and notice as provided in state law. Probationary contract principals may not be provided a reason.