

Personnel  
**Series 400**

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## Personnel

### **Series 400**

Policy Title **ROLE OF AND GUIDING PRINCIPLES FOR EMPLOYEES**

Code No. 400

This series of the board policy manual is devoted to the board's goals and objectives for employees in the performance of their jobs. Employees provide a variety of important services for the children of the school district community. They may be teaching or assisting in the classroom, working in the office, maintaining the facilities, driving or repairing school buses, or cooking lunches. Each employee plays a vital role in providing an equal opportunity for a quality education for students commensurate with the students' individual needs. While the teachers have the most direct impact on the formal instruction of students, all employees have an impact on the school environment by their dedication to their work and their actions. As role models for the students, employees will promote a cooperative, enthusiastic, and supportive learning environment for the students.

In striving to achieve a quality education program, the board's goal is to obtain and retain qualified and effective employees. The board will have complete discretion to determine the number, the qualifications and the duties of the positions and the school district standards of acceptable performance. It is the responsibility of the superintendent to make recommendations to the board in these areas prior to board action. The board recognizes its duty to bargain collectively with duly certified collective bargaining units. To the extent a group of employees has a recognized collective bargaining unit, the provisions of the master contract regarding such topics shall prevail.

Board policies in this series relating to general employees will apply to employees regardless of their position as a licensed employee, classified employee, substitute or administrator. Board policies relating to licensed employees will apply to positions that require a teaching license or administrator's certificate or other professional license, certificate or endorsement, unless administrative positions are specifically excluded from the policy or a more specific policy in the 300 series, Administration. Classified employee's policies included in this series will apply to positions that do not fall within the definition of licensed employee.

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## Personnel

### Series 400

Policy Title **EQUAL EMPLOYMENT OPPORTUNITY**

Code No. 401.1  
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The Benton Community School District will provide equal opportunity to employees and applicants for employment and in accordance with applicable equal employment opportunity and affirmative action laws, directives and regulations of federal, state and local governing bodies. Opportunity to all employees and applicants for employment includes hiring, placement, promotion, transfer or demotion, recruitment, advertising or solicitation for employment, treatment during employment, rates of pay or other forms of compensation, and layoff or termination. The school district will take affirmative action in major job categories where women, men, minorities and persons with disabilities are underrepresented. Employees will support and comply with the district's established equal employment opportunity and affirmative action policies. Employees will be given notice of this policy annually.

The board will appoint an affirmative action coordinator. The affirmative action coordinator will have the responsibility for drafting the affirmative action plan. The affirmative action plan will be reviewed by the board at least every two years.

Individuals who file an application with the school district will be given consideration for employment if they meet or exceed qualifications set by the board, administration, and Iowa Department of Education for the position for which they apply. In employing individuals, the board will consider the qualifications, credentials, and records of the applicants without regard to race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability. In keeping with the law, the board will consider veteran status of applicants.

Prior to a final offer of employment for any teaching position the school district will perform the background checks required by law. The district may determine on a case-by-case basis that, based on the duties, other positions within the district will also require background checks. Based upon the results of the background checks, the school district will determine whether an offer will be extended. If the candidate is a teacher who has an initial license from the BOEE, then the requirement for a background check is waived.

Advertisements and notices for vacancies within the district shall contain the following statement: "The Benton Community School District is an equal employment opportunity/affirmative action employer." The statement will also appear on applications forms.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, shall be directed to the Affirmative Action Coordinator by writing to the District Affirmative Action Coordinator, Benton Community School District, P.O. Box 70, Van Horne, Iowa, 52346, or by telephoning 319-228-8701.

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Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, may also be directed in writing to the Equal Employment Opportunity Commissions, 500 W. Madison St., Suite 2000, Chicago, IL. 60661, (800) 669-4000 or TTY (800) 669-6820.

<http://www.eeoc.gov/field/chicago/> or the Iowa Civil Rights Commission, 400 E. 14<sup>th</sup> Street, Des Moines, Iowa 50309-1004, (515) 281-4121 or 1-800-457-4416, <http://www.iowa.gov/government/crc/>.

This inquiry or complaint to the federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.

Further information and copies of the procedures for filing a complaint are available in the school district's central administrative office and the administrative office in each attendance center.

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## Personnel

### Administrative Regulation

#### Series 400

Policy Title EQUAL EMPLOYMENT OPPORTUNITY

Code No. 401.1R

Page One of Two

The Benton Community School District has an established policy of Equal Employment Opportunity with respect to race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability. The district has an established policy of taking affirmative action in recruitment, appointment, assignment and advancement of women, minorities and disabled. The district expects the administration to know of and fully accept the equal opportunity and affirmative action policies and to make certain that no employee or applicant for employment shall suffer any form of discrimination because of race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability. In order to effectively communicate and interpret the district's policies to all levels of the administration and to all other employees, community and educational agencies, and the public in general the following will be undertaken:

#### A. Dissemination of Policy

1. Employees will be reminded annually of the district's written statement of policy by:
  - a. Description of policy by publication or reference in all issues or re-issues of personnel handbooks, and in district-wide mailings.
  - b. When appropriate, publicize the EEO policy and such activities through news stories or through other articles in district publications.
  - c. Detailed discussions at administrative conferences and staff meetings.
2. Employment advertisements will contain assurance of equal employment opportunity.
3. All employment and recruiting sources where jobs are listed by the district will be reminded of our policy, both verbally and in writing.
4. Notices will be posted on bulletin boards and in locations where applicants are interviewed. These will inform employees and applicants of their rights under federal and state civil rights laws.

#### B. Responsibility for implementing the Affirmative Action Program.

Responsibility is assigned to the Affirmative Action Coordinator, who will render full assistance and support for those seeking help and assistance in taking affirmative action.

#### C. Recruiting

Additional emphasis will be given to seeking and encouraging applicants from minority groups, women's groups and the disabled where such applicants with the necessary qualifications or potentials are available.

#### D. Training

All training and in-service programs supported or sponsored by the district will continue to be equally open to minority, female or disabled employees on the basis of qualifications.

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**Administrative Regulation**

**Series 400**

Policy Title **EQUAL EMPLOYMENT OPPORTUNITY**

Code No. 401.1R

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- E. Hiring, placement, transfer, lay-off, and recall  
The district recognizes that to accomplish the long-range objectives of its Equal Employment Opportunity policy, continued affirmative action must be taken to ensure that job opportunities of all kinds are called to the specific attention of members of minority groups, women, and the disabled and that qualified members of such groups should be offered positions on the same basis as all other applicants or employees. To assure achievement of the objectives, the district will periodically review its practices of hiring job applicants.
- F. Compensations  
All employees including women, minority groups and disabled employees, will receive compensation in accordance with the standards. Opportunities for performing overtime work or otherwise earning increased compensation will be afforded to all qualified employees without discrimination based on race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action shall be directed to District Affirmative Action Coordinator, Benton Community School District, P.O. Box 70, Van Horne, Iowa, 52346, 319-228-8701. Inquiries may also be directed, in writing, to the Iowa Civil Rights Department or to the Director of the Region VII Office of Civil Rights, Department of Education, Kansas City, Missouri. Such inquiry or complaint to the state or federal office may be done instead of, or in addition to, and inquiry or complaint at the local level.

Further information and copies of the procedures for filing a complaint are available in the district's central administrative office and the administrative office in each district attendance center.

Date of Adoption: 1/21/85

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**Personnel**

**Series 400**

Policy Title **EQUAL EMPLOYMENT OPPORTUNITY** Code No. 401.1F

**AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT FORM**

Name of Complainant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Date that alleged violation occurred: \_\_\_\_\_

Complaint (Please write a brief statement of the complaint. Attach additional sheets if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If the complaint is being filed by a representative of the complainant, sign here and state relationship to complainant:

Complainant's Signature \_\_\_\_\_

Date received by Affirmative Action Coordinator: \_\_\_\_\_

Disposition by Affirmative Action Coordinator:

Date of Adoption: 1/21/85

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Revised: 09/16/92

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Revised: 06/11/97

Reviewed: 3/17/04

Reviewed: 10/20/04

Reviewed: 2/15/10

Reviewed: 8/16/17

**Personnel**

**Series 400**

Policy Title **EQUAL EMPLOYMENT OPPORTUNITY**

Code No. 401.1E

Letter from Chief Executive Office to Staff

The Benton Community School District has been and will continue to be, an equal opportunity employer. To assure full implementation of this policy, we will be assured that:

- A. Persons are recruited, hired and promoted for all jobs without regard to race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability. Placement decisions are based solely on individual's qualifications for the position being filled.
- B. Other personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs and company sponsored programs and activities are administered without regard to race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, or disability.
- C. The Benton Community School District will not discriminate against any individual because of a physical or mental handicap or because the Disabled Veterans status.

It is our policy to take affirmative action in the employment of qualified minorities, females, handicapped individuals and disabled veterans. This will include all employment practices. Reasonable accommodation will be provided whenever possible in our effort to advance employment opportunities for handicapped individuals and disabled veterans.

I have a strong commitment to equal opportunity and affirmative action. I expect your continued assistance and support in attaining this objective of equal opportunity and achieving our affirmative action goals.

Sincerely,

Gary Zittergruen  
Superintendent

Date: August 2004

Date of Adoption: 12/14/94  
Revised: 6/11/97  
Reviewed: 3/17/04  
Reviewed: 10/20/04  
Revised: 11/19/07  
Reviewed: 8/16/17

**Personnel**

**Series 400**

Policy Title **EMPLOYEE CONFLICT OF INTEREST**

Code No. 401.2  
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Employees use of their position with the school district for financial gain is considered a conflict of interest with their position as employees and may subject employees to disciplinary action.

Employees have access to information and a captive audience that could award the employee personal or financial gain. No employee may solicit other employees or students for personal or financial gain to the employee without the approval of the superintendent. If the approval of the superintendent is given, the employee must conduct solicitations within the conditions set by the superintendent. Further, the superintendent may, upon five days notice, require the employee to cease such solicitations as a condition of continued employment.

Employees will not act as an agent or dealer for the sale of textbooks, or other school supply companies doing business with the school district. Employees will not participate for personal financial remuneration in outside activities wherein their position on the staff is used to sell goods or services to students or to parents. Employees will not engage in outside work or activities where the source of information concerning the customer, client, or employer originates from information obtained because of the employee's position in the school system.

It will also be a conflict of interest for an employee to engage in any outside employment or activity which is in conflict with the employee's official duties and responsibilities. In determining whether outside employment or activity of an employee creates a conflict of interest, situations in which an unacceptable conflict of interest is deemed to exist will include, but not be limited to, any of the following:

- (1) The outside employment or activity involves the use of the school district's time, facilities, equipment and supplies or the use of the school district's badge, uniform, business card, or other evidences of office to give the employee or the employee's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. For purposes of this section, a person is not "similarly situated" merely by being related to an employee who is employed by the school district.
- (2) The outside employment or activity involves the receipt of, promise of, or acceptance of more or other consideration by the employee or member of the employee's immediate family from anyone other than the school district for the performance of any act that the employee would be required or expected to perform as part of the employee's regular duties or during the hours during which the employee performs service or work for the school district.
- (3) The outside employment or activity is subject to the official control, inspection, review, audit or enforcement authority of the employee during the performance of the employee's duties.

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Policy Title **EMPLOYEE CONFLICT OF INTEREST**

Code No. 401.2  
Page Two of Two

If the outside employment or activity is employment or activity in (1) or (2) above, the employee must cease the employment of or activity. If the activity or employment falls under (3), then the employee must:

- ❖ Cease the outside employment or activity; or
- ❖ Publicly disclose the existence of conflict and refrain from taking official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. Official action or official duties includes, but is not limited to, participating in any vote, taking affirmative action to influence any vote, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.

There shall be no conflict of interest in the supervision and evaluation of employees. Therefore, no administrator or supervisor shall be responsible for the supervision or evaluation of an immediate family member.

When procurement is supported by Federal Child Nutrition funds, employees will not participate in the selection, award, or administration of a contract if there is a real or apparent conflict of interest in the contract. Contract, for purposes of this paragraph, includes a contract where the employee, employee's immediate family, partner, or a non-school district employer of these individuals is a party to the contract.

It is the responsibility of each employee to be aware of and take the necessary action to eliminate a potential conflict of interest should it arise.

**NOTE: This policy is a reflection of Iowa law.**

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Revised: 4/12/04  
Reviewed: 10/20/04  
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Revised: 9/16/15

**Personnel**

**Series 400**

Policy Title **NEPOTISM**

Code No. 401.3

More than one family member may be an employee of the school district. It is within the discretion of the superintendent to allow one family member employed by the school district to supervise another family member employed by the school district subject to approval of the board.

The employment by the board of more than one individual in a family is on the basis of their qualifications, credentials and records.

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**Personnel**

**Series 400**

Policy Title **EMPLOYEE COMPLAINTS**

Code No. 401.4

Complaints of employees against fellow employees should be discussed directly between employees. If necessary, complaints will be brought directly to the immediate supervisor, principal or superintendent and will be made in constructive and professional manner. Complaints will never be made in the presence of other employees, students, or outside persons.

A formal grievance procedure is contained in the Master Contract between the employee's licensed bargaining unit and the board. This policy will not apply to a complaint that has been or could be filed at the employee's discretion under that formal grievance procedure.

Date of Adoption: 09/16/92

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Review: 11/17/08

Revised: 1/21/15

**Personnel**  
**Series 400**

Policy Title **EMPLOYEE RECORDS**

Code No. 401.5

The school district will maintain personnel records on employees. The records are important for the daily administration of the educational program, for implementing board policy, for budget and financial planning, and for meeting state and federal requirements.

The records will include, but not be limited to, records necessary for the daily administration of the school district, salary records, evaluations, application for employment, references and other items needed to carry out board policy. Employee personnel files are school district records and are considered confidential records and therefore are not generally open to public inspection or accessibility. Only in certain limited instances, when the employee has given a signed consent, will employee personnel records be accessible to individuals other than the employee or authorized school officials.

Employees may have access to their personnel files, with the exception of letters of reference, and copy items from their personnel files at a time mutually agreed upon between superintendent and the employee. The school district may charge a reasonable fee for each copy made. However, employees will not be allowed access to employment references written on behalf of the employee. Board members will generally only have access to an employee's file when it is necessary because of an employee related matter before the board. The regulations for accessibility outlined in #3 of 401.5R1 will be followed.

It is the responsibility of the superintendent to develop administrative regulations for the implementation of this policy.

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Review: 11/17/08

Revised: 1/21/15

## Personnel

### **Series 400**

Policy Title **PERSONNEL RECORDS REGULATION**

Code No. 401.5R1

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### **Employee Personnel Records Content**

1. Employee personnel records may contain the following information:
  - ❖ Personal information including, but not limited to, name, address, telephone number, emergency numbers, birth date and spouse.
  - ❖ Individual employment contract.
  - ❖ Evaluations.
  - ❖ Applications, resume, and references.
  - ❖ Salary information.
  - ❖ Copy of the employee's license or certificate, if needed for the position.
  - ❖ Educational transcripts.
  - ❖ Assignment.
  - ❖ Records of disciplinary matters.
  
2. Employee health and medical records are kept in a file separate from the employee's personnel records. Health and medical records may contain, but are not limited to:
  - ❖ Medical professional signed physical form.
  - ❖ Sick or long-term disability leave days.
  - ❖ Worker's compensation claims.
  - ❖ Reasonable accommodation made by the school district to accommodate the employee's disability.
  - ❖ Employee medical history.
  - ❖ Employee emergency names and numbers.
  - ❖ Family and medical leave request forms.
  
3. The following are considered public personnel records available for inspection:
  - The name and compensation of the individual, including any written agreement establishing compensation or any other terms of employment, except for that information that is otherwise protected. "Compensation" includes the value of benefits conferred including, but not limited to: casualty, disability, life or health insurance, other health or wellness benefits, vacation, holiday and sick leave, severance payments, retirement benefits and deferred compensation;
  - The dates the individual was employed by the government body;
  - The positions the individual holds or has held with the government body;
  - The educational institutions attended by the individual, including any diplomas and degrees earned, and the names of the individual's previous employers, positions previously held and dates of previous employment;
  - The fact that the individual was discharged as the result of a final disciplinary action upon the exhaustion of all applicable contractual, legal and statutory remedies; and,
  - Personal information in confidential personnel records of government bodies relating to student employees shall only be released pursuant to the Family Educational Privacy Rights Act (FERPA.)

## **Personnel**

### **Series 400**

Policy Title **PERSONNEL RECORDS REGULATION**

Code No. 401.5R1  
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#### **Applicant File Records Content**

Records on applicants for positions with the school district shall be maintained in the central administration office. The records shall include, but not be limited to:

- ❖ Application for employment.
- ❖ Resume.
- ❖ References.
- ❖ Evidence of appropriate license or certificate, if necessary for the position for which the individual applied.
- ❖ Affirmative action form, if submitted.

#### **Record Access**

Only authorized school officials will have access to an employee's records without the written consent of the employee. Authorized school officials may include, but not be limited to, the superintendent, building principal, or board secretary. In the case of a medical emergency, the school nurse or other first aid or safety personnel may have access to the employee's health or medical file without the consent of the employee. Board members will generally only have access to an employee's personnel file without the consent of the employee when necessary for the conducting of board business.

#### **Employee Record Retention**

All employee records, except payroll and salary records, are maintained for a minimum of one year after termination of employment with the district. Applicant records are maintained for a minimum of one year after the position was filled. Payroll and salary records are maintained for a minimum of three years after payment.

Reviewed: 11/17/08  
Revised: 1/21/15

**Personnel**

**Series 400**

Policy Title **PERSONNEL RELATIONS TO  
ADMINISTRATION AND TO THE BOARD**

Code No. 401.6

District personnel are encouraged to attend school board meetings. District personnel shall be available to provide information and assist in providing recommendations to the board upon request. It shall be the responsibility of the employees to keep the administration informed of the day-to-day occurrences in their work areas.

It shall be the responsibility of the superintendent to develop avenues for communication between the board and the employees. Those avenues of communication will not be construed as denying the right of any employee to appeal an action or decision of the superintendent to the board.

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Review: 11/17/08

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Reviewed: 12/18/19

**Personnel**

**Series 400**

Policy Title **TRAVEL FOR CERTIFICATED PERSONNEL**

Code No. 401.7

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Employees traveling on behalf of the school district and performing approved school district business will be reimbursed for their actual and necessary expenses. Actual and necessary travel expenses will include, but not be limited to, transportation and/or mileage costs, lodging expenses, meal expenses and registration costs.

**Travel Outside The School District**

Travel outside of the school district must be pre-approved. Pre-approval will include an evaluation of the necessity of the travel, the reason for the travel and an estimate of the cost of the travel to qualify as approved school district business. Travel outside the school district by employees, other than the superintendent, is approved by the superintendent or designee.

Reimbursement for actual and necessary expenses will be allowed for travel outside the school district if the employee received pre-approval for the travel. Prior to reimbursement of actual and necessary expenses, the employee must provide the school district with a detailed receipt, other than credit card receipt, indicating the date, purpose and nature of the expense for each claim item. In exceptional circumstances, the superintendent may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances shall be maintained as part of the school district's record of the claim.

Failure to have a detailed receipt shall make the expense a personal expense. Personal expenses, including mileage, in excess of that required for the trip are reimbursed by the employee to the school district no later than 10 working days following the date of the expense.

Reimbursement for actual and necessary expenses for travel outside the school district will be limited to the pre-approved expenses. Pre-approved expenses for registration are limited to the actual cost of the registration.

Pre-approved expenses for transportation within three-hundred miles of the school district administrative office will be by automobile. If a school district vehicle is not available, the employee will be reimbursed **.50** cents per mile.

**Travel Within The School District**

Employees required to travel in their personal vehicle between school district buildings to carry out the duties of their position may be reimbursed at **.50** cents per mile. It is the responsibility of the superintendent to approve travel within the school district by employees. It is the responsibility of the board to review the travel within the school district by the superintendent through the board's audit and approval process.

Miles for in-district travel between centers will be determined according to the table below:

Atkins to Keystone	20 miles	Norway to Atkins	9 miles
Atkins to Van Horne	13 miles	Norway to Keystone	23 miles
Keystone to Van Horne	7 miles		
Norway to Van Horne	16 miles		

Mileage claims must be submitted within the current fiscal year.

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Code No. 401.7  
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Employees who are allowed an in-school district travel allowance shall have the amount of the allowance actually received during each calendar year included on the employee's W-2 Form as taxable income according to the Internal Revenue Code.

The superintendent is responsible for developing administrative regulations regarding actual and necessary expenses, in-school district travel allowances and assignment of school district vehicles. The administrative regulations will include the appropriate forms to be filed for reimbursement to the employee from the school district and the procedures for obtaining approval for travel outside of and within the school district.

Date of Adoption: 11/22/67  
Revised: 7/8/74  
Revised: 7/18/79  
Revised: 1/21/85 (as 405.1)  
Revised: 9/16/92  
Revised: 9/18/96  
Revised: 6/11/97  
Revised: 11/15/04  
Revised: 09/21/05  
Revised: 09/22/11  
Reviewed: 11/20/17

**Personnel**

**Series 400**

Policy Title **PERSONNEL INVOLVEMENT IN  
DECISION MAKING**

Code No. 401.8

Input from district personnel regarding the students, the educational program and other district operations will be considered by the administration and the board. District personnel may be requested to make a presentation to the board. The administration, in its discretion, may consult with employees about proposed changes in the educational program and operations of the district.

Teachers having suggestions for changes or improvements in administrative procedure or policy should take such suggestions directly to the principal and/or the superintendent. The principal or superintendent will give the teacher a fair and courteous hearing regarding the same. After a final decision is made on any policy or procedure, teachers will be expected to accept the same in their subsequent action, discussions or relations.

Date of Adoption: 9/16/92

Revised: 6/11/97

Review: 11/15/04

Review: 2/15/10

Review: 9/16/15

**Personnel**

**Series 400**

Policy Title **PERSONNEL ORIENTATION**

Code No. 401.9

Employees must know their role and duties. New employees may be required to participate in an orientation program for new employees. The employee's immediate supervisor should provide the new employee with a review of the employee's responsibilities, duties, and appropriate procedures. Payroll procedures and employee benefit programs and accompanying forms will be explained to the employee by the superintendent or superintendent's designee.

Date of Adoption: 9/16/92

Revised: 6/11/97

Review: 11/15/04

Review: 7/15/09

Revised: 1/21/15

**Personnel**

**Series 400**

Policy Title **SHARED-TIME STAFF**

Code No. 401.12

The administration may enter into a shared-time contract with another school district, or another public educational institution according to Chapter 28E, Iowa Code, to allow certificated staff to fill a vacant or newly created part-time position where none of the current staff members are available or do not possess the necessary certification and/or qualifications as determined by the board.

The district shall consider proposals of other public educational institutions to share certificated staff members where the arrangements may be mutually beneficial to the institutions, personnel and students involved.

Date of Adoption: 1/18/85

Revised: 9/16/92

Revised: 6/11/97

Reviewed: 12/15/04

Reviewed: 2/15/10

Reviewed: 6/17/15

**Personnel**

**Series 400**

Policy Title **SCHOOL VEHICLE USAGE**

Code No. 401.13

The staff at the Benton Community School District shall not use vehicles owned by the Benton Community School District for private personal purposes. School vehicles should be checked out with the Transportation Department indicating purpose and destination. Miles driven must be recorded by writing down beginning and ending mileage on the log provided in the school vehicles. School vehicles should not be assigned to any one staff member for personal use in the district.

Staff of the Benton Community School District should use district-owned transportation as a “first option” (if available) prior to claiming reimbursement for driving their own vehicles. If using private vehicles for approved school activities, staff will be reimbursed according to board policy. If in the event a school vehicle is used for personal purposes, the district should be reimbursed at cost.

Date of Adoption: 7/14/97

Reviewed: 12/15/04

Reviewed: 2/15/10

Reviewed: 5/18/16

**Personnel**

**Series 400**

Policy Title **CREDIT CARDS**

Code No. 401.15

Employees may use school district credit cards for the actual and necessary expenses incurred in the performance of work-related duties. Actual and necessary expenses incurred in the performance of work-related duties include, but are not limited to, fuel for school district transportation vehicles used for transporting students to and from school and for school-sponsored events, payment of claims related to professional development of the board and employees, and other expenses required by employees and the board in the performance of their duties.

Employees and officers using a school district credit card must submit a detailed receipt in addition to a credit card receipt indicating the date, purpose and nature of the expense for each claim item. Failure to provide a proper receipt will make the employee responsible for expenses incurred. Those expenses are reimbursed to the school district no later than ten working days following use of the school district's credit card. In exceptional circumstances, the superintendent or board may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances is maintained as part of the school district's record of the claim.

The school district may maintain a school district credit card for actual and necessary expenses incurred by employees and officers in the performance of their duties. The superintendent may maintain a school district credit card for actual and necessary expenses incurred in the performance of the superintendent's duties. The transportation director may maintain a school district credit card for fueling school district transportation vehicles in accordance with board policy.

It is the responsibility of the superintendent to determine whether the school district credit card use is for appropriate school business. It is the responsibility of the board to determine through the audit and process of the board whether the school district credit card use is appropriate for school business.

The superintendent is responsible for developing administrative regulations regarding actual and necessary expenses and use of a school district credit card. The administrative regulations will include the appropriate forms to be filed for obtaining a credit card.

Date of Adoption: 7/13/95

Revised: 6/11/97

Revised: 12/15/04

Revised: 7/15/09

Revised: 2/17/15

**Personnel**

**Series 400**

Policy Title **EMPLOYEE POLITICAL ACTIVITY**

Code No. 401.16

Employees will not engage in political activity upon property under the jurisdiction of the board. Activities including, but not limited to, posting of political circulars or petitions, the distribution of political circulars or petitions, the collection of or solicitation for campaign funds, solicitation for campaign workers, and the use of students for writing or addressing political materials, or the distribution of such materials to or by students are specifically prohibited.

Violation of this policy may be grounds for disciplinary action.

**NOTE: This policy is required by federal law.**

Date of Adoption: 1/19/2005

Reviewed: 3/17/10

Reviewed: 5/18/16

**Personnel**

**Series 400**

Policy Title **RECOGNITION FOR SERVICE OF EMPLOYEES**

Code No. 401.17

The board recognizes and appreciates the service of its employees. Employees may be recognized for years of service to the school district. The board and administration may also honor employees who retire or resign in an appropriate manner.

The staff recognition program of the school district is designed to align with two of the core values of the school district – teamwork and a caring/belonging school environment. As a result, public funds are utilized for the district staff recognition program. Such expenditures improve staff morale; raise the public awareness of the contributions employees make to society, and, in a very small way, reward employees for their service to the school district. If the form of honor thought appropriate by the administration involves unusual expense to the school district, the superintendent will seek prior approval from the board.

Date of Adoption: 1/19/2005

Reviewed: 3/17/10

Reviewed: 5/18/16

**Personnel**  
**Series 400**

Policy Title: **STAFF TECHNOLOGY USE**

Code No. 401.18  
Page One of Two

**STAFF TECHNOLOGY USE**

Computers are a powerful and valuable education and research tool and, as such, are an important part of the instructional program. In addition, the school district depends upon computers as an integral part of administering and managing the schools' resources, including the compilation of data and recordkeeping for personnel, students, finances, supplies and materials. This policy outlines the board's expectations in regard to these different aspects of the school district's computer resources. Employees must conduct themselves in a manner that does not disrupt from or disrupt the educational process and failure to do so will result in discipline, up to and including, discharge.

**General Provisions**

The superintendent is responsible for designating a technology director who will oversee the use of school district computer resources. The technology director will prepare in-service programs for the training and development of school district staff in computer skills, appropriate use of computers and for the incorporation of computer use in subject areas.

The superintendent, working with appropriate staff, shall establish regulations governing the use and security of the school district's computer resources. The school district will make every reasonable effort to maintain the security of the system. All users of the school district's computer resources, including students, staff and volunteers, shall comply with this policy and regulation, as well as others impacting the use of school equipment and facilities. Failure to comply may result in disciplinary action, up to and including discharge, as well as suspension and/or revocation of computer access privileges.

Usage of the school district's computer resources is a privilege, not a right, and that use entails responsibility. All information on the school district's computer system is considered a public record. Users of the school district's computer network must not expect, nor does the school district guarantee, privacy for e-mail or use of the school district's computer network including web sites visited. The school district reserves the right to access and view any material stored on school district equipment or any material used in conjunction with the school district's computer network.

The superintendent, working with the appropriate staff, shall establish procedures governing management of computer records in order to exercise appropriate control over computer records, including financial, personnel and student information. The procedures will address:

- passwords,
- system administration,
- separation of duties,
- remote access,
- data back-up (including archiving of e-mail),
- record retention, and
- disaster recovery plans.

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**Series 400**

Policy Title: **STAFF TECHNOLOGY USE**

Code No. 401.18  
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Social Networking or Other External Web Sites

For purposes of this policy any web site, other than the school district web site or school-school district sanctioned web sites, are considered external web sites. Employees shall not post confidential or proprietary information, including photographic images, about the school district, its employees, students, agents or others on any external web site without consent of the superintendent. The employee shall adhere to all applicable privacy and confidentiality policies adopted by the school district when on external web sites. Employees shall not use the school district logos, images, iconography, etc. on external web sites. Employees shall not use school district time or property on external sites that are not in direct-relation to the employee's job. Employees, students and volunteers need to realize that the Internet is not a closed system and anything posted on an external site may be viewed by others, all over the world. Employees, students and volunteers who don't want school administrators to know their personal information, should refrain from exposing it on the Internet. Employees should not connect with students via external web sites without consent of the superintendent. Employees, who would like to start a social media site for school district sanctioned activities, should notify the technology director and contact the superintendent for approval.

School district employees are prohibited from engaging in any conduct on social networking websites that violate the law, Board policies, or other standards of conduct. No conduct may negatively impact or disrupt the educational environment in the school.

Nothing in this policy prohibits employees from the use of approved educational websites if such sites are used solely for educational purposes. Access of social networking websites for personal use during school hours is prohibited. Nothing in this policy shall prohibit employees from exercising their right to speak on matters of public concern. This policy is not intended to interfere with or restrain employees' rights to engage in protected concerted activity under the Public Employment Relations Act, and will not be applied to such protected activity.

It is the responsibility of the superintendent to develop administrative regulations implementing this policy.

Date of Adoption: June 22, 2011  
Reviewed: 12/19/18

**Personnel**  
**Series 400**

Policy Title: **STAFF TECHNOLOGY USE REGULATION**

Code No. 401.18R1  
Page One of Two

**General**

The following rules and regulations govern the use of the school district's computer network system, employee access to the Internet, and management of computerized records:

- Employees will be issued a school district e-mail account. Passwords must be changed periodically.
- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- Employees are expected to review their e-mail during non-instructional times regularly throughout the day, and shall reply promptly, workload permitting, to inquiries with information that the employee can reasonably be expected to provide.
- Communications with parents and/or students must be made on a school district computer or through the district webmail, unless in the case of an emergency, and should be saved and the school district will archive the e-mail records according to procedures developed by the technology director.
- Employees may access the Internet for education-related and/or work-related activities.
- Employees shall refrain from using computer resources for personal use, including access to social networking sites.
- Use of the school district computers and school e-mail is a public record. Employees cannot have an expectation of privacy in the use of the school district's computers.
- Use of computer resources in ways that violate the acceptable use and conduct regulation, outlined below, will be subject to discipline, up to and including discharge.
- Use of the school district's computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.
- Off-site access to the school district computer network will be determined by the superintendent in conjunction with appropriate personnel.
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive language, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the school district's network must notify appropriate staff. Any network user identified as a security risk or having a history of violations of school district computer use guidelines may be denied access to the school district's network.

**Prohibited Activity and Uses**

The following is a list of prohibited activity for all employees concerning use of the school district's computer network. Any violation of these prohibitions may result in discipline, up to and including discharge, or other appropriate penalty, including suspension or revocation of a user's access to the network.

- Using the network for commercial activity, including advertising, or personal gain.
- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the school district computer network.
- Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material.

**Personnel**  
**Series 400**

Policy Title: **STAFF TECHNOLOGY USE REGULATION**

Code No. 401.18R1

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- Using the network to receive, transmit or make available to others messages that are racist, sexist, and abusive or harassing to others.
- Use of another's account or password.
- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users.
- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy school district equipment or materials, data of another user of the school district's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus on the network.
- Using the network to send anonymous messages or files.
- Revealing the personal address, telephone number or other personal information of oneself or another person.
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software or using personal disks on the school district's computers and/or network without the permission of the technology director.
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.

**Other Technology Issues**

Communication with students using personal communication devices will be appropriate, professional, and related to school assignments or activities. If communicating with students electronically, employees are expected to use District e-mail using mailing lists to a group of students rather than individual students. Employees are discouraged from releasing their cell phone number or personal e-mail address to students. Employees, who are coaches or sponsors of activities, may create a text list of students and parents in order to communicate more effectively as long as the texts go to all students and the principal or his/her designee is included in the text address list. If the need arises to text an individual student, the employee must also include the parent and principal or designee in the communication.

Date of Adoption: June 22, 2011

Reviewed: 12/19/18

**Personnel**

**Series 400**

Policy Title: **STAFF TECHNOLOGY USE AGREEMENT**

Code No. 401.18E1

**STAFF TECHNOLOGY USE AGREEMENT**

I hereby certify that I have received, read, and understand the Benton Community School District's Staff Technology Use Policy. I accept full responsibility for my use of the District's computers, computer network systems, and the internet through the District in accordance with the terms, conditions, and guidelines as stated by the District in its policies and regulations and as set out in federal and state law. I understand that violation of these provisions will result in the restriction and/or termination of my ability to use the District's computers, computer network systems, and internet access and may result in further discipline up to and including termination of my employment with the District and/or other legal action.

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Signature

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Printed Name

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Date

Date of Adoption: June 22, 2011  
Reviewed: 12/19/18

**Personnel**

**Series 400**

Policy Title **RELEASE OF CREDIT INFORMATION**

Code No. 402.1

The following information will be released to an entity with whom an employee has applied for credit or has obtained credit: title of position, income, and number of years employed. This information will be released without prior written notice to the employee. Confidential information about the employee will be released to an inquiring creditor with a written authorization from the employee.

It is the responsibility of the board secretary or superintendent to respond to inquiries from creditors.

Date of Adoption: 9/16/92

Revised: 6/11/97

Reviewed: 12/15/04

Revised: 7/15/09

Reviewed: 2/17/15

**Personnel**

**Series 400**

Policy Title **CHILD ABUSE REPORTING BY PERSONNEL**

Code No. 402.2

In compliance with state law and to provide protection to victims of child abuse, the board believes incidents of alleged child abuse should be reported to the proper authorities. All licensed school employees, teachers, coaches and para-educators are mandatory reporters as provided by law and are to report alleged incidents of child abuse they become aware of within the scope of their professional duties.

When a mandatory reporter suspects a student is the victim of child abuse, the mandatory reporter shall make an oral report of the suspected child abuse to the Department of Human Services within 24 hours of becoming aware of the abusive incident and shall make a written report to the Iowa Department of Human Services within 48 hours following the oral report. If the mandatory reporter believes the child is in immediate danger, the local law enforcement agency will also be notified.”

Within six months of their initial employment, mandatory reporters will take a two-hour training course involving the identification and reporting of child abuse, or submit evidence they’ve taken the course within the previous five years. The course will be re-taken at least every five years.

Date of Adoption: 2/21/85  
Revised: 9/16/92  
Revised: 6/11/97  
Revised: 1/19/05  
Revised: 5/19/10  
Revised: 11/19/18

## **ADMINISTRATIVE REGULATION**

### **Personnel**

#### **Series 400**

Policy Title **CHILD ABUSE REPORTING BY CERTIFICATED PERSONNEL**

Code No. 402.2R

Iowa law requires district personnel who are mandatory reporters to report to the Iowa Department of Human Services instances of suspected child abuse which they become aware of within the scope of their professional duties.

The law further specifies that an employee who is a mandatory reporter who knowingly or willfully fails to report a suspected case of child abuse is guilty of a simple misdemeanor and that the licensed employee may be subject to civil liability for damages caused by the failure to report.

Iowa law provides that employees participating in good faith in the making of a report or in a judicial proceeding that may result from the report are immune from civil or criminal liability.

#### **Child Abuse Defined**

"Child Abuse" is defined under Iowa law as:

- ❖ Any non-accidental physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child.
- ❖ Any mental injury to a child's intellectual or psychological capacity as evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior as a result of acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed and confirmed by a licensed physician or qualified mental health professional as defined by Iowa law.
- ❖ The commission of a sexual offense with or to a child pursuant to Iowa law, as a result of the acts or omissions of the person responsible for the care of the child.
- ❖ The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing, or other care necessary for the child's health and welfare when financially able to do so or when offered financial or other reasonable means to do so. A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered abusing the child.
- ❖ The acts or omissions of person responsible for the care of a child which allow, permit or encourage the child to engage in acts of prostitution.
- ❖ An illegal drug is present in a child's body as a direct and foreseeable consequence of the acts or omissions of the person responsible for the care of the child.
- ❖ The person responsible for the care of a child has, in the presence of the child, manufactured a dangerous substance, or in the presence of the child possesses a product containing ephedrine, its salts, optical isomers, salts of optical isomers, or pseudoephedrine, its salts, optical isomers, salts of optical isomers, with the intent to use the product as a precursor or an intermediary to a dangerous substance.
- ❖ The commission of bestiality in the presence of a minor by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child.
- ❖ Knowingly allowing a person custody or control of, or unsupervised access to a child or minor, after knowing the person is required to register or is on the sex offender registry.

Teachers in public schools are not "persons responsible for the care of the child" under this definition. However, a teacher who abuses a child is subject to civil, criminal, and professional sanctions.

### Reporting Procedures

Employees who are mandatory reporters are required to report, either orally or in writing, within twenty-four (24) hours to the Iowa Department of Human Services when, within the scope of their professional duties, the employee reasonably believes a child has suffered from abuse. Within forty-eight (48) hours of an oral report, a written report must be filed with the Iowa Department of Human Services.

Each report should contain as much of the following information as can be obtained within the time limit; however, Iowa law specifies a report will be considered valid even if it does not contain all of the following information:

- name, age, and address of the child;
- name and address of parent(s), guardian(s) or person(s) believed to be responsible for the care of the child;
- the child's present whereabouts if different from the parent(s, guardian(s), or other person(s) legally responsible for the child;
- description of injuries, including evidence of previous injuries;
- name, age, and condition of other children in the same home;
- any other information considered helpful; and
- name and address of the person making the report.

It is not the responsibility of employees to prove that a child has been abused or neglected. Employees should not take it upon themselves to investigate the case or contact the family of the child. The Iowa Department of Human Services is responsible to investigate any incident of alleged abuse.

Date of Adoption: 1/21/85  
Revised: 6/11/97  
Revised: 1/19/05  
Revised: 5/19/10  
Reviewed: 11/19/18

**Personnel**

**Series 400**

Policy Title **PERSONNEL RELATIONS TO THE PUBLIC**

Code No. 402.3

Members of the district community shall be treated with respect by district personnel. The board encourages active participation by district employees in community activities and events as a means to show respect for the district community.

It shall be the responsibility of district employees, as they participate in various community groups and events, to make a conscientious effort to make the school and its events a real part of the community. District employees shall take advantage of their participation in the community to look for opportunities in which community and school can join forces for the betterment of the district and community.

Date of Adoption: 9/16/92  
Revised: 6/11/97  
Reviewed: 12/15/04  
Reviewed: 2/15/10  
Reviewed: 9/16/15

**Personnel**

**Series 400**

Policy Title **PERSONNEL OUTSIDE EMPLOYMENT**

Code No. 402.4

The board believes the primary responsibility of district personnel is to the duties of their position with the school district as outlined in their job description. The board considers a school employee's duties as part of a regular, full-time position as full-time employment. The board expects such employees to give the responsibilities of their positions in the school district precedence over any other employment.

It is the responsibility of the superintendent to counsel employees, whether full-time or part-time, if in the judgment of the superintendent and the employee's immediate supervisor, the employee's outside employment interferes with the performance of the employee's duties required in the employee's position with the school district.

The board may request the employee to cease the outside employment as a condition of continued employment with the school district.

Date of Adoption: 9/16/92

Revised: 6/11/97

Revised: 1/19/05

Reviewed: 2/15/10

Revised: 9/16/15

## Students

### Series 400

Policy Title: **ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES**

Code No. 402.5

Physical or sexual abuse of students, including inappropriate and intentional sexual behavior, by employees will not be tolerated. The definition of employees for the purpose of this policy includes not only those who work for pay but also those who are volunteers of the school district under the direction and control of the school district. Employees found in violation of this policy will be subject to disciplinary action up to and including discharge.

The school district will respond promptly to allegations of abuse of students by school district employees by investigating or arranging for the investigation of an allegation. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible. Employees are required to assist in the investigation when requested to provide information and to maintain the confidentiality of the reporting and investigation process.

The school district has appointed a Level I investigator and alternate Level I investigator. The school district has also arranged for a trained, experienced professional to serve as the Level II investigator. The Level I investigator and alternate will be provided training in the conducting of an investigation at the expense of the school district. The names of the investigators are listed in the student handbook, published annually in the local newspaper, and posted in all school facilities.

The superintendent is responsible for drafting administrative regulations to implement this policy.

*NOTE: This policy is a reflection of current Iowa law regarding abuse of students by school district employees. Refer to the Iowa Department of Education training manual for supporting materials and forms:*

<https://www.educateiowa.gov/documents/laws-and-regulations/2013/10/chapter-102-level-i-investigator-manual>

Date of Adoption: 5/09/90

Revised: 9/16/92

Revised: 12/10/97

Revised: 8/15/01

Revised: 1/16/08

Revised: 8/17/16

**DELETED**

**Personnel**

**Series 400**

Policy Title **CITIZENS' COMPLAINTS ABOUT SCHOOL PERSONNEL**

Code No. 402.6

The board recognizes situations may arise in the operation of the school district which are concern to parents and other members of the school district community. While constructive criticism is welcomed, the board desires to support its employees and their actions to free them from unnecessary spiteful, or negative criticism and complaints that do not offer advice for improvement or change.

The board firmly believes concerns should be resolved at the lowest organizational level by those individuals closest to the concern. Whenever a complaint or concern is brought to the attention of the board it will be referred to the administration to be resolved. Prior to board action, however, the following should be completed:

- Matters concerning an individual student, teacher, or other employee should be first addressed to the teacher or employee.
- Unsettled matters from (a) above or problems and questions about individual attendance centers should be addressed to the employee's building principal for licensed employees and the superintendent for classified employees.
- Unsettled matters regarding licensed employees from (b) above or problems and questions concerning the school district should be directed to the superintendent.
- If a matter cannot be settled satisfactorily by the superintendent, it may then be brought to the board. To bring a concern regarding an employee, the individual may notify the board president in writing, who may bring it to the attention of the entire board, or the item may be placed on the board agenda of a regularly scheduled board meeting in accordance with board policy 210.12.

It is within the discretion of the board to address complaints from the members of the school district community, and the board will only do so if they are in writing, signed, and the complainant has complied with this policy.

Date of Adoption: 1/10/73

Revised: 4/15/85

Revised: 12/18/95

Revised: 9/19/01

Reviewed: 8/16/06

Revised: 4/11/12

Deleted: 8/15/18

**Personnel**

**Series 400**

Policy Title: **EMPLOYEE PHYSICAL EXAMINATION**

Code No. 403.1

The Benton Community School District believes good health is important to job performance. School bus drivers will present evidence of good health upon initial hire and every other year in the form of a physical examination report, unless otherwise required by law or medical opinion. All other employees shall present evidence of good health, in the form of a post-offer, pre-employment physical examination report.

The cost of the initial examination will be paid in accordance with requirements regarding physical examinations as stated in the master contract or work agreement manuals between employees and the board. The form indicating the employee is able to perform the duties, with or without reasonable accommodation, for which the employee was hired, must be returned prior to the performance of duties. The cost of bus driver renewal Department of Transportation (DOT) physicals will be paid in accordance with requirements regarding (DOT) physical examinations as stated in the transportation work agreement manual between employees and the board. The school district will provide the standard examination form to be completed by the personal physician of the employee or a certified medical examiner for bus drivers.

Employees whose physical or mental health, in the judgment of the administration, may be in doubt will submit to additional examinations to the extent job-related and consistent with business necessity, when requested to do so, at the expense of the school district.

The district will comply with occupational safety and health requirements as applicable to its employees in accordance with law.

The requirements stated in the master contract between employees in that certified collective bargaining unit and the board regarding physical examinations of such employees are followed.

Date of Adoption: 1/10/73  
Deleted: 8/4/76  
Date of Re-adoption: 9/16/92  
Revised: 7/14/97  
Reviewed: 02/16/05  
Revised: 5/19/10  
Revised: 11/16/15  
Revised: 7/20/16

**Personnel**

**Series 400**

Policy Title: **EMPLOYEE INJURY ON THE JOB**

Code No. 403.2

When an employee becomes seriously injured on the job, the employee's supervisor will attempt to notify a member of the family, or an individual of close relationship, as soon as the employee's supervisor becomes aware of the injury.

If possible, an employee may administer emergency or minor first aid. An injured employee will be turned over to the care of the employee's family or qualified medical employees as quickly as possible. The school district is not responsible for medical treatment of an injured employee.

It is the responsibility of the employee injured on the job to inform the superintendent within twenty-four hours of the occurrence. It is the responsibility of the employee's immediate supervisor to file an accident report within twenty-four hours after the employee reported the injury.

It is the responsibility of the board secretary to file worker's comp claims.

Date of Adoption: 9/16/92

Revised: 7/14/97

Revised: 2/16/05

Revised: 4/14/10

Reviewed: 11/16/15

Reviewed: 9/23/20

**Personnel**

**Series 400**

Policy Title **HAZARDOUS CHEMICAL DISCLOSURE**

Code No. 403.3

The board authorizes the development of a comprehensive hazardous chemical communication program for the district to disseminate information about hazardous chemicals in the workplace.

Each employee will annually review information about hazardous substances in the workplace. When a new employee is hired or transferred to a new position or work site, the information and training, if necessary, is included in the employee's orientation. When an additional hazardous substance enters the workplace, information about it is distributed to all employees, and training is conducted for the appropriate employees. The building administrator will maintain a file indicating which hazardous substances are present in the workplace and when training and information sessions take place.

Employees who will be instructing or otherwise working with students will disseminate information about the hazardous chemicals which they will be working with as part of the instructional program.

It is the responsibility of the superintendent to develop administrative regulations regarding this program.

Date of Adoption: 9/16/92

Revised: 7/14/97

Revised: 2/16/05

Reviewed: 4/14/10

Revised: 11/16/15

Revised: 9/23/20

Personnel  
Series 400

Policy Title EARLY SEPARATION RETIREMENT

Code No. 403.5

Purpose of the Program

- (1) to provide an orderly means for employees to initiate retirement
- (2) to reward employees for satisfactory service to the District
- (3) to facilitate a continuing blend of experienced and less-experienced employees
- (4) to facilitate cost-savings to the District

**Eligibility** The voluntary early retirement program shall be available to licensed employees of the Benton Community School District in good standing who have completed a minimum of fifteen (15) full-time years of service to the District (or equivalent thereof) by July 1 in the calendar year of retirement and who are at least fifty-five (55) years of age by July 1 in the calendar year of retirement. A full-time year of service includes employment for the full contract term normally assigned for the job classification and work at least thirty (30) hours per week. Employees employed for less than thirty (30) hours per week or for less than the full contract year will have the part-time years prorated. An employee is in good standing if the employee would have been recommended for employment for the next school year based on performance. Employment as a substitute shall not count towards years of service.

**Procedures** The employee must file a written application with the superintendent for participation in the voluntary early retirement program not later than February 1, 1996, for retirement at the conclusion of the 1995-96 contract year. Any employee who wishes to participate in the voluntary early retirement program shall submit a resignation from employment with the application. Said resignation may be contingent upon the board approving the employee's request for participation in the voluntary early retirement program. Approval of the application for participation in the voluntary early retirement program will be considered acceptance of the employee's resignation and will constitute voluntary termination of the employee's contract at the end of then current contract year. The Board of Directors shall have the discretion to approve or reject any and all applications for participation in the voluntary early retirement program.

**Benefits** An employee approved for participation in the early retirement program may elect to receive either option 1 or option 2, if the employee is eligible under the terms of option 2. The option elected shall be stated in the application.

**OPTION 1 (Cash):** The employee may elect to receive a payment (less lawful deductions) equal to a percentage of the employee's regular salary for the last year of employment with the District, provided that no employee may receive more than \$15,000 (before deductions). The percentage is determined by taking 2.0 times the number of years of full-time service in the District (or equivalent thereof). Regular salary shall include wages and salary for regularly-scheduled work, but shall not include extended days, supplemental pay, Phase I, II, and III payments, or similar extra pay.

The employee may elect to receive the payment in one payment in July of the year of retirement, or in two equal payments, one in January and one in July of the calendar year next following the year of retirement. The employee will be eligible to continue participation in the district's group health insurance plan at his or her own expense until the employee is eligible for Medicare at age 65 by making payments to the Business Office by the 20th of each month.

In the event of the death of the employee prior to complete payment of the cash benefit, the remaining payments shall be made to a designated beneficiary, or in the event no beneficiary is named, to the estate of the employee.

**OPTION 2 (Health Insurance):** In lieu of the cash payment, a full-time employee (an employee contracted to work at least thirty (30) hours per week at least nine (9) months per year) may elect to have the District contribute toward the employee's continued participation in the District's group health insurance plan. To be eligible for this option, the employee must be enrolled in and participating in the district's group health plan at the time of retirement. The District will contribute an amount equal to 65 percent of the amount of the District contributes towards its IRS 125 Plan, but not to exceed \$156 per month. The benefit must be used for health insurance and will continue until the employee is eligible for Medicare at age 65 or the time of the employee's death, whichever comes first. **Effective Date and Termination of Program** Employees may apply for participation in the voluntary early retirement program ONLY during the 1995-96 contract year in accordance with the stated procedures. The voluntary early retirement program shall **automatically expire** on February 1, 1996. There is no stated or implied obligation to make to program available thereafter. Nor does the adoption of the voluntary early retirement program vest any right in any employee whether or not the employee is currently eligible for the program. The Board shall have the complete discretion to amend or repeal this policy at any time and shall not be obligated to provide any benefits to any employee after the date of said amendment repeal, except to those employees whose early retirement benefits have been approved prior to the amendment or repeal.

Date of Adoption: 4/15/85

Revised: 9/16/92  
Revised: 11/20/95  
Revised: 07/14/97  
Inactive

**Personnel**

**Series 400**

Policy Title **SUBSTANCE-FREE WORKPLACE**

Code No. 403.6

The board expects the school district and its employees to remain substance free. No employees will unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcoholic beverage as defined by federal or state law. "Workplace" includes school district facilities, school district premises or school district vehicle, also includes non-school property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

If an employee is convicted of a violation of any criminal drug offense committed in the workplace, the employee will notify the employee's supervisor of the conviction within five days of the conviction.

The superintendent will make the determination whether to require the employee to undergo substance abuse treatment or to discipline the employee. An employee who violates the terms of this policy may be subject to discipline up to and including termination. An employee who violates this policy may be required to successfully participate in a substance abuse treatment program approved by the board. If the employee fails to successfully participate in a program, the employee may be subject to discipline up to and including termination.

The superintendent is responsible for publication and dissemination of this policy to each employee. In addition, the superintendent will oversee the establishment of a substance free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment programs.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy.

Date of Adoption: 9/16/92

Revised: 7/14/97

Revised: 12/18/02

Review: 11/19/07

Revised: 8/20/14

Reviewed: 9/23/20

**Personnel**

**Series 400**

Policy Title **SUBSTANCE-FREE WORKPLACE NOTICE TO EMPLOYEES FORM** Code No. 403.6E1

EMPLOYEES ARE HEREBY NOTIFIED it is a violation of the Substance-Free Workplace policy for an employee to unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcohol, as defined in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15) and Iowa Code Chapter 124.

“Workplace” is defined as the site for the performance of work done in the capacity as an employee. This includes school district facilities, other school premises or school district vehicles. Workplace also includes non-school property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

Employees who violate the terms of the Substance Free Workplace policy may be required to successfully participate in a substance abuse treatment program approved by the board. The superintendent retains the discretion to discipline an employee for violation of the Substance-Free Workplace policy. If the employee fails to successfully participate in such a program the employee is subject to discipline up to and including termination.

EMPLOYEES ARE FURTHER NOTIFIED it is a condition of their continued employment that they comply with the above policy of the school district and will notify their supervisor of their conviction of any criminal drug statute for a violation committed in the workplace, no later than five days after the conviction.

**SUBSTANCE-FREE WORKPLACE ACKNOWLEDGEMENT FORM**

I, \_\_\_\_\_, have read and understand the Substance-Free Workplace policy. I understand that if I violate the Substance-Free Workplace policy, I may be subject to discipline up to and including termination or I may be required to participate in a substance abuse treatment program. If I fail to successfully participate in a substance abuse treatment program, I understand I may be subject to discipline up to and including termination. I understand that if I am required to participate in a substance abuse treatment program and I refuse to participate, I may be subject to discipline up to and including termination. I also understand that if I am convicted of a criminal drug offense committed in the workplace, I must report that conviction to my supervisor within five days of the conviction.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

Date of Adoption: 2/19/03  
Reviewed: 2/20/08  
Revised: 8/20/14  
Reviewed: 9/23/20

**Personnel**

**Series 400**

Policy Title **SUBSTANCE-FREE WORKPLACE REGULATION**

Code No. 403.6R1

A superintendent who suspects an employee has a substance abuse problem shall follow these procedures:

1. **Identification** – the superintendent will document the evidence the superintendent has which leads the superintendent to conclude the employee has violated the Substance-Free Workplace policy. After the superintendent has determined there has been a violation of the Substance-Free Workplace policy, the superintendent will discuss the problem with the employee.
2. **Discipline** – if, after the discussion with the employee, the superintendent determines there has been a violation of the Substance-Free Workplace policy, the superintendent may recommend discipline up to and including termination or may recommend the employee seek substance abuse treatment. Participation in a substance abuse treatment program is voluntary.
3. **Failure to participate in referral** – if the employee refuses to participate in a substance abuse treatment program or if the employee does not successfully complete a substance abuse treatment program, the employee may be subject to discipline up to and including termination.
4. **Conviction** – if an employee is convicted of a criminal drug offense committed in the workplace, the employee must notify the employer of the conviction within five days of the conviction.

Date of Adoption: 2/19/03

Reviewed: 2/20/08

Revised: 8/20/14

Reviewed: 9/23/20

**Personnel**

**Series 400**

Policy Title **COMMUNICABLE DISEASES - EMPLOYEES**

Code No. 403.8

Employees with a communicable disease will be allowed to perform their customary employment duties provided they are able to perform the essential functions of their position and their presence does not create a substantial risk of illness or transmission to students or other employees. The term "communicable disease" will mean an infectious or contagious disease spread from person to person, or animal to person, or as defined by law.

Prevention and control of communicable diseases is included in the school district's bloodborne pathogens exposure control plan. The procedures will include scope and application, definitions, exposure control, methods of compliance, universal precautions, vaccination, post-exposure evaluation, follow-up, communication of hazards to employees and record keeping. This plan shall be reviewed annually by the superintendent and school nurse.

The health risk to immune-depressed employees is determined by their personal physician. The health risk to others in the school district environment from the presence of an employee with a communicable disease shall be determined on a case-by-case basis by the employee's personal physician, a physician chosen by the school district or public health officials.

Health data of an employee is confidential and it will not be disclosed to third parties. Employee medical records are kept in a file separate from their personnel file.

It is the responsibility of the superintendent, in conjunction with the school nurse, to develop administrative regulations stating the procedures for dealing with employees with a communicable disease.

Date of Adoption: 9/16/92

Revised: 3/12/97

Reviewed: 10/16/02

Reviewed: 10/20/04

Revised: 4/14/10

Reviewed: 11/19/18

**RESCINDED**

**Personnel**

**Series 400**

Policy Title: **HIV/HUMAN IMMUNODEFICIENCY VIRUS**  
**POLICY STATEMENT**

Code No. 403.8R  
Page 1 of 4

1. **GENERAL PRINCIPLES**

HIV is not spread by casual everyday contact. Students who are infected with HIV shall attend the school and classroom to which they would be assigned if they were not infected. They are entitled to all rights, privileges, and services accorded to other students. Decisions about any changes in the education program of a student who is infected by HIV shall be made on a case-by-case basis, relying on the best available scientific evidence and medical advice.

There shall be no discrimination in employment based on having an HIV infection or AIDS. No school employee shall be terminated, non-renewed, demoted, suspended, transferred, or subjected to adverse action based solely on the fact that he or she is infected with HIV (or is perceived to be infected). School employees who are unable to perform their duties due to an illness, such as those related to HIV, shall retain eligibility for all benefits that are provided for other school employees with long-term diseases or disabling conditions.

Section 504 of the Rehabilitation Act of 1973 (Federal Legislation) prohibits discrimination against individuals who have handicaps, including individuals with AIDS or HIV infection, as long as they are "otherwise qualified" for their jobs. Reasonable accommodations must be made for these persons, if necessary, to help insure their qualification for a position or services. Students and school employees are not "otherwise qualified" if, even with reasonable accommodation, they cannot do the job for which they were hired; or, if they pose a significant risk of communicating an infectious disease to others and reasonable accommodation would not eliminate that risk. Conflicts about the latter point are resolved by the courts, which base their decisions on the reasonable medical judgments of the public health officials.

Benton Community shall provide a sanitary environment and establish routines for handling body fluids that are recommended by the Centers for Disease Control.

Benton Community shall administer a program of on-going education about HIV for students, their families, and all school employees, including full-time, part-time, and temporary professional and support staff to ensure that all are informed in a consistent manner about:

- 1) the nature of HIV infection, including how it is and is not transmitted according to current scientific evidence;
- 2) school district policies and procedures related to employees and students with diseases such as HIV infection;
- 3) resources within the school district and elsewhere for obtaining additional information or assistance, and;
- 4) procedures to prevent the spread of all communicable diseases at school.

For non-English-speaking employees and families, this education shall be provided in their primary language, if feasible. In addition, appropriate job-related training shall be provided to a specific employee group. New personnel shall be provided with education about HIV and communicable diseases before beginning work. The development and provision of these programs shall be coordinated with the local department of health.

## II. EVALUATING STUDENTS AND SCHOOL EMPLOYEES WHO ARE INFECTED WITH HIV

HIV infection is not transmitted casually; therefore, it is not, in itself, a reason to remove a student or school employee from school. A superintendent who has been notified that a student or school employee is infected with HIV shall follow a standard procedure to ensure the safety of persons in the school setting and to plan to support the person with the illness.

In the case of HIV, the superintendent shall determine whether the person who is infected with HIV has a secondary infection, such as tuberculosis, that constitutes a recognized risk of transmission in the school setting. This is a medical question, and the superintendent shall answer it by consulting with the infected person's physician, a qualified public health official who is responsible for such determinations, and the infected person and/or parent or guardian. This group shall also discuss ways that the school may help anticipate and meet the needs of the student or school employee infected with HIV.

If there is no secondary infection that constitutes a medically recognized risk of transmission in the school setting, the superintendent shall not alter the education program or job assignment of the infected person. However, the superintendent or designee shall periodically review the case with the infected person and/or their parent or guardian and the medical advisors described above.

If there is a secondary infection that constitutes a medically recognized risk of transmission in the school setting, the superintendent shall consult with the physician, public health official, and the infected person and/or their parent or guardian. If necessary, they will develop an individually tailored plan for the student or school employee. Additional persons may be consulted, if this is essential for gaining additional information, but the infected school employee, or the student or parents or guardian of a student must approve of the notification of any additional persons who should know the identity of the infected person. The superintendent should consult with the school attorney to make sure that any official action is consistent with federal and state law. When the superintendent makes a decision about the case there shall be a fair and confidential process for appealing the decision. (The appeal process for students is the same as that used for a special education student. The appeal process for school employees shall be conducted according to the Iowa Code.)

If an individually tailored plan is necessary, it shall have minimal impact on either education or employment. It must be medically, legally, educationally, and ethically sound. The superintendent will establish guidelines for periodic review of the case and will oversee implementation of the plan, in accordance with local, state, and federal laws, including due process and appeal.

Utmost confidentiality shall be observed throughout this process.

III. CONFIDENTIALITY

It is recommended that the people listed below will, together with the person infected with the HIV virus and/or their parent or guardian, determine whether the person who is infected with HIV has a secondary infection that constitutes a medically recognized risk of transmission in the school setting. Those people are:

1. The superintendent, or a person designated by the superintendent to be responsible for the decision.
2. The personal physician of the infected person.
3. A public health official (does not always need to know the infected person's name.)

The decision makers listed above and the person infected with HIV and/or their parent or guardian will determine whether additional persons need to know that an infected person attends or works at a specific school. The additional persons will not know the name of the infected person without the written consent of the school employee or the infected student's parent or guardian. Depending on the circumstances of the case, the following persons may know about the person who is infected with HIV, but do not need to know his/her identity:

- 1) the school nurse,
- 2) the school principal or designee.

Additional persons may be notified if the decision-makers feel that this is essential to protect the health of the infected student or school employee, or if additional persons are needed to periodically evaluate or monitor the situation. Consent for notifying these additional persons must be given by the infected school employee or by the infected student's parent or guardian.

All persons shall treat all information as highly confidential. No information shall be divulged, directly or indirectly, to any other individuals or groups. All medical information and written documentation of discussions, telephone conversations, proceedings, and meetings shall be kept by the superintendent in a locked file. Access to this file will be granted only to those persons who have the written consent of the infected school employee or the infected student's parent or guardian. To further protect confidentiality, names will not be used in documents except when this is essential.

Any document containing the name or any other information that would reveal the identity of the infected person, will not be shared with any persons, not even for the purposes of word processing or reproduction.

Any school employee who violates confidentiality will be subject to a civil fine of \$1,000 per violation and may be sued for damages according to House File #2294 and Senate File #2157. Any Benton Community employee who has knowledge of a student or employee being infected with the HIV virus needs to strongly encourage that person and/or their parent or guardian to inform the superintendent of this diagnosis.

#### IV. TESTING

Mandatory screening for communicable diseases that are not spread by casual, everyday contact, such as HIV infection, shall not be a condition for school entry or attendance, or for employment or continued employment.

#### V. INFECTION CONTROL

Benton Community School District shall follow (district or state) guidelines to prevent the spread of diseases at school. Benton Community shall also follow the most current Centers for Disease Control (CDC) "Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and other Bloodborne Pathogens in Health-Care Settings."

As prescribed by CDC guidelines, training about techniques for preventing the spread of infectious diseases shall be comprehensive and shall be provided for all school employees. The training shall include a demonstration of procedures and an opportunity for hands-on experience to demonstrate proficiency.

The superintendent shall be responsible for the effective implementation of these programs and procedures, which shall be developed in collaboration with local and state health agencies.

Date of Adoption: 1/10/90  
Reviewed: 9/16/92  
Revised: 3/12/97  
Reviewed: 3/16/05  
Reviewed: 4/14/10  
**Rescinded: 11/19/18**

## **Personnel**

### **Series 400**

Policy Title **HEPATITIS B VACCINE INFORMATION AND RECORD**

Code No. 403.8E1

Page One of Two

### **The Disease**

Hepatitis B is a viral infection caused by the Hepatitis B virus (HBV) which causes death in 1-2% of those infected. Most people with HBV recover completely, but approximately 5-10% become chronic carriers of the virus. Most of these people have no symptoms, but can continue to transmit the disease to others. Some may develop chronic active hepatitis and cirrhosis. HBV may be a causative factor in the development of liver cancer. Immunization against HBV can prevent acute hepatitis and its complications.

### **The Vaccine**

The HBV vaccine is produced from yeast cells. It has been extensively tested for safety and effectiveness in large scale clinical trials.

Approximately 90 percent of healthy people who receive two doses of the vaccine and a third dose as a booster achieve high levels of surface antibody (anti-HBs) and protection against the virus. The HBV vaccine is recommended for workers with potential for contact with blood or body fluids. Full immunization requires three doses of the vaccine over a six-month period, although some persons may not develop immunity even after three doses.

There is no evidence that the vaccine has ever caused Hepatitis B. However, persons who have been infected with HBV prior to receiving the vaccine may go on to develop clinical hepatitis in spite of immunization.

### **Dosage and Administration**

The vaccine is given in three intramuscular doses in the deltoid muscle. Two initial doses are given one month apart and the third dose is given six months after the first.

### **Possible Vaccine Side Effects**

The incidence of side effects is very low. No serious side effects have been reported with the vaccine. Ten to 20 percent of persons experience tenderness and redness at the site of injection and low-grade fever. Rash, nausea, joint pain, and mild fatigue have also been reported. The possibility exists that other side effects may be identified with more extensive use.

**Personnel**

**Series 400**

Policy Title **HEPATITIS B VACCINE INFORMATION AND RECORD**

Code No. 403.8E1  
Page Two of Two

**CONSENT OF HEPATITIS B VACCINATION**

I have knowledge of Hepatitis B and the Hepatitis B vaccination. I have had an opportunity to ask questions of a qualified nurse or physician and understand the benefits and risks of Hepatitis B vaccination. I understand that I must have three doses of the vaccine to obtain immediate immunity. However, as with all medical treatment, there is no guarantee that I will become immune or that I will not experience side effects from the vaccine. I give my consent to be vaccinated for Hepatitis B.

\_\_\_\_\_  
Signature of Employee (consent for Hepatitis B vaccination)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

**REFUSAL OF HEPATITIS B VACCINATION**

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring the Hepatitis B virus infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine at no charge to myself. However, I decline the Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with the Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

\_\_\_\_\_  
Signature of Employee (refusal for Hepatitis B vaccination)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

I refuse because I believe I have (check one)

\_\_\_\_\_ started the series

\_\_\_\_\_ completed the series

Reviewed: 4/14/10  
Reviewed: 11/19/18

**RELEASE FOR HEPATITIS B MEDICAL INFORMATION**

I hereby authorize \_\_\_\_\_ (individual or organization holding Hepatitis B records and address) to release to the Benton Community School District, my Hepatitis B vaccination records for required employee records.

I hereby authorize release of my Hepatitis B status to a health care provider, in the event of an exposure incident.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

Reviewed: 4/14/10  
Reviewed: 11/19/18

**Personnel**

**Series 400**

Policy Title **HEPATITIS B VACCINE INFORMATION AND RECORD**

Code No. 403.8E1

\_\_\_\_\_  
Employee Name (last, first, middle)

\_\_\_\_\_  
S.S. #

Job Title: \_\_\_\_\_

Hepatitis B Vaccination Date

Lot Number

Site

Administered by

1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

Additional Hepatitis B Status information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Post-exposure incident: (Date, time, circumstances, route under which exposure occurred)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Identification and documentation of source individual:

\_\_\_\_\_

Source blood testing consent:

\_\_\_\_\_

Description of employee's duties as related to the exposure incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Copy of information provided to health care professional evaluating an employee after an exposure incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach a copy of all results of examinations, medical testing, follow-up procedures, and health care professional's written opinion.

Training Record: (date, time, instructor, location of training summary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewed: 11/19/18

**Personnel**

**Series 400**

Policy Title **EMPLOYEE CONDUCT AND APPEARANCE**

Code No. 404.1

Employees are role models for the students who come in contact with them during and after school hours. The board recognizes the positive effect employees can have on students in this capacity. To this end, the board strongly suggests and encourages employees to dress themselves, groom themselves and conduct themselves in a manner appropriate to the educational environment.

Employees will conduct themselves in a professional manner. Employees will dress in attire appropriate for their position. Clothing should be neat, clean, and in good taste. Discretion and common sense call for an avoidance of extremes which would interfere with or have an effect on the educational process.

Licensed employees of the school district will follow the code of ethics for their profession as established by the Iowa Board of Educational Examiners.

Date of Adoption: 9/16/92

Revised: 7/14/97

Revised: 2/16/05

Reviewed: 2/23/11

Reviewed: 11/20/17

## **Personnel**

### **Series 400**

Policy Title **SCHOOL VOLUNTEERS**

Code No. 404.2

Volunteers, by lending their time, talents and resources to the educational team process, are an essential and valuable component of the Benton Community School District's mission to provide quality education to students K-12.

The district encourages the use of volunteers to:

1. Support and enhance instructional and co-curricular programs.
2. Enrich the curriculum and broaden student learning opportunities by adding a voice of experience or background knowledge.
3. Provide students with individual attention.
4. Assist students of varying abilities.
5. Provide teachers with more time to work with students.

To ensure safety for students, volunteers, and staff, all volunteers must adhere to volunteer guidelines outlined by the district and school(s) in which they serve. This includes the requirement that any potential volunteer at Benton Community School District allows us to do a Department of Criminal Investigation background search. This is a step by which we can ensure that everyone who works in our schools has met the criteria outlined for the safety of our students.

Volunteers shall work under the supervision of staff members.

In accordance with the privacy rights of staff, students and families, volunteers must keep personal and personnel matters confidential.

Date of Adoption: 10/20/99

Reviewed: 11/21/05

Revised: 3/17/10

Reviewed: 10/19/11

Reviewed: 8/17/16

Revised: 4/13/20

## Personnel

### **Series 400**

Policy Title **SCHOOL VOLUNTEERS**

Code No. 404.2R1

Volunteers make valuable contributions to the learning process by providing assistance to the students and staff members of the Benton Community School District.

**The following guidelines were created to ensure the safety of students, volunteers, and staff.**

#### **All Volunteers:**

1. Will receive a background check and fingerprinting at Central Office. Background checks and fingerprinting reports must be approved by the Superintendent.
2. Will adhere to volunteer guidelines outlined by the school district and building(s) in which they serve.
3. Will identify themselves to the building administrator/designee before beginning each volunteer assignment. They will report to the office or designated place prior to beginning volunteer service. There, the volunteer will receive volunteer identification and will sign in and out.
4. Who work directly with students or assist staff on a regular basis; supervise/chaperone students; or act as a primary authority figure must complete volunteer information and disclosure statements. Examples of volunteers who must complete this screening process include but are not limited to this list:
  - Classroom volunteers/teacher assistants
  - Field trip supervisors/trip chaperones/trip drivers
  - Volunteer sport coaches/assistants
  - Volunteer club or activity sponsors/assistants

Building Administrators/Central Administration Office Staff or delegated to the teacher, coach or sponsor who the volunteer is working with will provide:

1. Orientation and information sharing for volunteers.
2. Supervision, monitoring and evaluation of volunteer efforts.
3. Accounting and reporting of volunteer activities in the Benton Community School District.

Building Administrators will:

- Maintain the accounting and reporting of volunteer service in the Benton Community School District.
- Supervise, monitor and evaluate volunteer activities in his/her building.

Date of Adoption: 10/20/99

Reviewed: 11/21/05

Reviewed: 10/19/11

Reviewed: 8/18/14

Revised: 4/13/20

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE DEFINED**

Code No. 405.1

Licensed employees, including administrators, are those employees required to hold an appropriate license from the Iowa Department of Education for their position as required by the Board of Educational Examiners or others with professional licenses. Licenses required for a position will be considered met if the employee meets the requirements established by the Iowa Department of Education.

It is the responsibility of the superintendent to establish job specifications and job descriptions for licensed employees' positions, other than the positions of the superintendent. Job descriptions may be approved by the board.

Licensed employees must present evidence of current license to the board secretary prior to payment of salary each year.

Date of Adoption: 11/22/67

Revised: 01/21/85

Revised: 09/16/92

Revised: 06/11/97

Revised: 11/15/04

Reviewed: 1/21/10

Revised: 10/21/15

## Series 400

Policy Title **LICENSED EMPLOYEE QUALIFICATIONS, RECRUITMENT,  
SELECTION**

Code No. 405.2

Persons interested in a licensed position, other than administrative positions which will be employed in accordance with board policies in Series 300, "Administration", will have an opportunity to apply and qualify for licensed positions in the school district in accordance with applicable laws and school district policies regarding equal employment. Job applicants for licensed positions will be considered on the basis of the following:

- ❖ Training, experience, and skill;
- ❖ Nature of the occupation;
- ❖ Demonstrated competence; and
- ❖ Possession of, or ability to obtain, state license if required for the position.

All job openings shall be submitted to the Iowa Department of Education for posting on Teachlowa, the online state job posting system. Additional announcements of the position may occur in a manner which the superintendent believes will inform potential applicants about the position. Whenever possible, the preliminary screening of applicants will be conducted by the administrator who will be directly supervising and overseeing the person being hired.

The board will employ licensed employees after receiving a recommendation from the superintendent. The superintendent, however, will have the authority to employ a licensed employee on a temporary basis until a recommendation can be made and action can be taken by the board on the position.

Revision: 8/18/04  
Revised: 9/19/07  
Reviewed: 9/19/12  
Revised: 7/27/17

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE INDIVIDUAL CONTRACTS**

Code No. 405.3

The board will enter into a written contract with licensed employees, other than administrators, employed on a regular basis. Each contract will be for a period of one year.

It is the responsibility of the superintendent to complete the contracts for licensed employees and present them to the board for approval. The contracts, after being signed by the board president, are returned to the superintendent. The superintendent will obtain the employee's signature. After being signed, the contract is filed with the board secretary.

Date of Adoption: 1/10/73

Revised: 1/21/85

Revised: 9/16/92

Revised: 7/14/97

Revised: 8/18/04

Revised: 12/16/09

Reviewed: 10/21/15

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE CONTINUING  
CONTRACTS**

Code No. 405.4

Contracts entered into with licensed employees, other than an administrator, will continue from year to year unless the contract states otherwise, is modified by mutual agreement between the board and the employee, or the contract is terminated by the board.

The first three years of a new licensed employee's contract is a probationary period unless the employee has already successfully completed the three-year probationary period in an Iowa school district. New employees who have successfully completed a probationary period in a previous Iowa school district will serve a one-year probationary period. In the event of termination of the employee's contract during this period, the board will afford the licensed employee appropriate due process. The action of the board will be final.

Licensed employees whose contracts will be recommended for termination by the board will receive notice prior to April 30. The superintendent will make a recommendation to the board for the termination of the licensed employee's contract.

Licensed employees who wish to resign, to be released from a contract, or to retire must comply with board policies in those areas.

Date of Adoption: 11/22/67

Revised: 1/21/85

Revised: 9/16/92

Revised: 7/14/97

Revised: 3/19/03

Revised: 8/18/04

Revised: 12/16/09

Reviewed: 10/21/15

**Personnel**

**Series 400**

Policy Title **SEASON PASSES**

Code No. 405.5

Complimentary season passes will be issued to employees of the district.

Date of Adoption: 1/10/73

Revision: 8/04/76

Revision: 9/16/92

Revised: 7/14/97

Reviewed: 5/19/04

Revised: 11/19/07

Reviewed: 8/214/13

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE ASSIGNMENT**

Code No. 405.6

Determining the assignment of each licensed employee is the responsibility of and within the sole discretion of the board. In making such assignments the board will consider the qualifications of each licensed employee and the needs of the school district.

It is the responsibility of the superintendent to make recommendations to the board regarding the assignment of licensed employees.

Date of Adoption: 5/26/71

Revised: 1/21/85

Revised: 9/16/92

Revised: 7/14/97

Review: 5/19/04

Revised: 11/19/07

Reviewed: 8/21/13

Revised: 7/27/17

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE TRANSFERS**

Code No. 405.7

Determining the location where an employee's assignment will be carried out is the responsibility and within the sole discretion of the board. In making such assignments the board will consider the qualifications of each licensed employee and the needs of the school district.

A transfer may be initiated by the employee, the principal, or the superintendent.

It is the responsibility of the superintendent to make recommendations to the board regarding the transfer of licensed employees.

Date of Adoption: 5026/71

Revised: 1/21/85

Revised: 9/16/92

Revised: 7/14/97

Review: 5/19/04

Revised: 11/19/07

Reviewed: 8/21/13

Revised: 7/24/17

## Personnel

### **Series 400**

Policy Title **LICENSED EMPLOYEE EVALUATION**

Code No. 405.8

Evaluation of licensed employees on their skills, abilities, and competence is an ongoing process supervised by the building principals and conducted by approved evaluators. The goal of the formal evaluation of licensed employees, other than administrators, but including extracurricular employees, is to improve the education program, to maintain licensed employees who meet or exceed the board's standards of performance, to clarify the licensed employee's role, to ascertain the areas in need of improvement, to clarify the immediate priorities of the board, and to develop a working relationship between the administrators and other employees.

The formal evaluation criteria is in writing and approved by the board. The formal evaluation will provide an opportunity for the evaluator and the licensed employee to discuss performance and the future areas of growth. The formal evaluation is completed by the evaluator, signed by the licensed employee, and filed in the licensed employee's personnel file. This policy supports, and does not preclude, the ongoing informal evaluation of the licensed employee's skills, abilities, and competence.

Licensed employees will be required to:

- Demonstrate the ability to enhance academic performance and support for and implementation of the school district's student achievement goals.
- Demonstrate competency in content knowledge appropriate to the teaching position.
- Demonstrate competency in planning and preparation for instruction.
- Use strategies to deliver instruction that meets the multiple learning needs of students.
- Use a variety of methods to monitor student learning.
- Demonstrate competence in classroom management.
- Engage in professional growth.
- Fulfill professional responsibilities established by the school district.

It is the responsibility of the superintendent to ensure licensed employees are evaluated. New and probationary licensed employees are evaluated at least twice each year.

Date of Adoption: 1/10/73

Revised: 2/07/79

Revised: 1/21/85

Revised: 9/16/92

Revised: 7/14/97

Revised: 1/15/03

Revised: 8/18/04

Revised: 11/19/07

Revised: 11/19/12

Revised: 7/24/17

## Personnel

### **Series 400**

Policy Title **LICENSED EMPLOYEE PROBATIONARY STATUS**

Code No. 405.9

The first three years of a new licensed employee's contract is a probationary period unless the employee has already successfully completed the probationary period in an Iowa School District. New employees who have successfully completed a probationary period in a previous Iowa School District will serve a one year probation period. For purposes of this policy, an employee will have met the requirements for successfully completing a probationary period in another Iowa School District if, at the teacher's most recent performance evaluation, the teacher received at least a satisfactory or better evaluation and the individual has not engaged in conduct which would disqualify the teacher for a continuing contract.

Only the board, in its discretion, may waive the probationary period. The board may extend the probationary period for one additional year with the consent of the licensed employee. The board will make the decision to extend or waive a licensed employee's probationary status based upon the superintendent's recommendation. During this probation period the board may terminate the licensed employee's contract at year-end or discharge the employee in concert with corresponding board policies.

Licensed employees may also serve a probationary period based upon their performance. Such probationary period is determined on a case-by-case basis in light of the circumstances surrounding the employee's performance as documented in the employee's evaluations and personnel file.

Date of Adoption: 10/20/04

Reviewed: 2/15/10

Reviewed: 10/21/15

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE WORK DAY**

Code No. 405.10

The work day for licensed employees will begin each day of the school year at a time established by the superintendent. Licensed employees who are employed only during the academic year will have the same work day as other licensed employees. "Day" is defined as one work day regardless of full-time or part-time status of an employee.

Licensed employees are to be in their assigned school building during the work day. Advance approval to be absent from the school building must be obtained from the principal whenever the licensed employees must leave the school building during the work day.

The building principal is authorized to make changes in the work day in order to facilitate the education program. These changes are reported to the superintendent.

The work day outlined in this policy is a minimum work day. Nothing in this policy prohibits licensed employees from working additional hours outside the work day.

Date of Adoption: 8/16/17

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE TAX SHELTER PROGRAMS**

Code No. 406.6

The board authorizes the administration to make a payroll deduction for licensed employees' tax sheltered annuity premiums purchased from a company or program chosen by the board and collective bargaining units.

Licensed employees wishing to have payroll deductions for tax sheltered annuities will make a written request to the superintendent.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding the tax sheltered annuities of such employees will be followed.

Date of Adoption: 2/18/09

Reviewed: 6/17/15

## Personnel

### **Series 400**

Policy Title **LICENSED EMPLOYEE RESIGNATION**

Code No. 407.1

The district recognizes that the most important elements essential to the quality of instruction is the classroom teacher and the administrator in charge. Educational quality then, is directly related to the quality and dedication of the instructor. The basic responsibility of the district is to serve the educational needs of students, and therefore, to have available the best classroom teachers and administrators. In order to meet that responsibility, it is necessary to regulate resignations.

Teacher resignations will not be accepted or approved after the time for resignations specified in the Iowa Code, Section 279.13 and administrator resignations will not be accepted or approved after the time for resignations specified in Iowa Code 279.24, except under recommendation of the administrator where unusual or extenuating circumstances exist.

The administration, after assessing the specific circumstances of a resignation received after established dates, may recommend the board grant individual exception. Such exception could include the following:

1. Teacher or administrators who are resigning and leaving the profession.
2. Teacher or administrator who is leaving for unavoidable and justifiable personal reasons.
3. Teacher or administrator who is leaving for professional advancement.
4. Teacher or administrator whose replacement would provide opportunity to strengthen the overall capability of the staff.

In recommending board acceptance of a resignation after the established dates, the administration will give priority consideration to the outlook for finding a suitable replacement for the resigning employee, and indicate to the board the general likelihood for recruiting a properly qualified replacement. The board may require an employee that submits a resignation after July 1<sup>st</sup> to pay for the cost of advertising for a replacement.

The board may require an individual who has resigned from an extracurricular contract to accept the resigned position for only the subsequent school year when the board has made a good faith effort to find a replacement and the licensed employee is continuing to be employed by the school district.

If an employee leaves without proper release, the superintendent is directed to file a complaint with the Board of Educational Examiners.

Date of Adoption: 11/22/67

Revised: 1/21/85

Revised: 9/16/92

Revised: 7/14/97

Revised: 2/21/01

Reviewed: 5/19/04

Revised: 11/16/09

Revised: 7/15/15

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE CONTRACT RELEASE**

Code No. 407.2

Licensed employees who wish to be released from an executed contract must give at least twenty-one days notice to the superintendent. Licensed employees may be released at the discretion of the board. Only in unusual and extreme circumstances will the board release a licensed employee from a contract. The board will have the sole discretion to determine what constitutes unusual and extreme circumstances.

Release from a contract will be contingent upon finding a suitable replacement. Licensed employees requesting release from a contract after it has been signed and before it expires may be required to pay the board for expenses incurred to locate and hire a suitable replacement. Upon written mutual agreement between the employee and the superintendent, the costs may be deducted from the employee's salary. Payment of these costs is a condition for release from the contract at the discretion of the board. Failure of the licensed employee to pay these expenses may result in a cause of action being filed in small claims court.

The superintendent is required to file a complaint with the Board of Educational Examiners against a licensed employee who leaves without proper release from the board.

Date of Adoption: 3/14/01

Revisions: 5/19/04

Reviewed: 2/18/09

Revised: 7/15/15

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE SUSPENSION & DISCHARGE**

Code No. 407.3

Licensed employees will perform their assigned job, respect and follow board policy and obey the law. The superintendent is authorized to suspend a licensed employee pending board action on a discharge, for investigation of charges against the employee, and for disciplinary purposes. It is within the discretion of the superintendent to suspend a licensed employee with or without pay.

In the event of a suspension, appropriate due process will be followed. The board may, by a majority vote, discharge personnel for just cause. The board shall follow current legal requirements in termination of contracts.

Date of Adoption: 11/22/67

Revised: 8/4/76

Revised: 9/16/92

Revised: 7/14/97

Reviewed: 5/19/04

Revised: 11/16/09

Reviewed: 7/15/15

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE RETIREMENT**

Code No. 407.4

Licensed employees who will complete their current contract with the board may apply for retirement. No licensed employee will be required to retire at a specific age.

Application for retirement will be considered made when the licensed employee states in writing to the superintendent, no later than the date set by the board for the return of the employee's contract to the board, the intent of the employee to retire. The letter must state the employee's desire to retire and be witnessed by another party other than the principal or the superintendent. Applications made after the date set by the board for the return of the employee's contract to the board may be considered by the board if special circumstances exist. It is within the discretion of the board to determine whether special circumstances exist.

Board action to approve a licensed employee's application for retirement is final and such action constitutes non-renewal of the employee's contract for the next school year.

Licensed employees who retire under this policy may qualify for retirement benefits through the Iowa Public Employees Retirement System.

Licensed employees and their spouse and dependents are allowed to continue coverage in the school district's group health insurance program at their own expense by meeting the requirements of the insurer.

Date of Adoption: 1/10/73

Revised: 1/21/85

Revised: 6/17/87

Revised: 9/16/92

Revised: 7/14/97

Revised: 2/21/01

Reviewed: 5/19/04

Revised: 11/16/09

Reviewed: 7/15/15

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE PROFESSIONAL DEVELOPMENT**

Code No. 408

The board encourages licensed employees to attend and participate in professional development activities to maintain, develop, and extend their skills. The board will maintain and support an in-service program for licensed employees.

Requests for attendance or participation in a development program, other than those development programs sponsored by the school district, are made to the superintendent. Approval of the superintendent must be obtained prior to attendance by a licensed employee in a professional development program when the attendance would result in the licensed employee being excused from their duties or when the school district pays the expenses for the program.

The superintendent will have sole discretion to allow or disallow licensed employees to attend or participate in the requested event. When making this determination, the superintendent will consider the value of the program for the licensed employee and the school district, the effect of the licensed employee's absence on the education program and school district operations and the school district's financial situation as well as other factors deemed relevant in the judgement of the superintendent. Requests that involve unusual expenses or overnight travel must also be approved by the board.

***NOTE: This is a mandatory policy.***

Date of Adoption: 9/20/17

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE TUTORING**

Code No. 408.1

Benton Community licensed employees may render tutorial services for students enrolled at the Benton Community School District. For the purpose of this policy a tutor is defined as a licensed employee who teaches another student(s) in a one-on-one or small group interaction at the request of a parent or guardian outside of the regular contract time of the licensed employee.

Every effort will be made by the licensed employees to help students with learning problems before recommending that the parents engage in a tutor. Since there are exceptional cases when tutoring will help students overcome learning difficulties, tutoring by licensed employees may be approved by the superintendent.

Tutoring for a fee may take place within the school facilities with the approval of the superintendent.

Date of Adoption: ?

Revised: 8/4/76

Revised: 9/16/92

Revised: 7/14/97

Reviewed: 6/16/04

Revised: 12/16/09

Reviewed: 7/15/15

**Personnel**

**Series 400**

Policy Title **TUTORING- ADMINISTRATIVE REGULATION**

Code No. 408.1R

Benton Community licensed employees requesting to use the district facilities for tutoring of Benton Community students must submit the proposed program to the appropriate building administrator.

To be included in the request is:

- ❖ Name of teacher (tutor):
- ❖ Type of activity:
- ❖ Length and date of program:
- ❖ Charge for services:
- ❖ Facilities and equipment required:
- ❖ A letter from the parent or guardian requesting the services:

Once approved by the building administrator, the superintendent will make the final determination as to approval for the tutoring services requested.

Reviewed: 6/17/04

Revised: 12/16/09

Reviewed: 7/15/15

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE VACATION-HOLIDAYS-PERSONAL LEAVE**

Code No. 409.1

The requirements stated in the Master Contract between employees in the certified collective bargaining unit and the board regarding the vacations, holidays, and personal leave of such employees will be followed.

It is the responsibility of the superintendent to make a recommendation to the board annually on vacations, holidays, and personal leave for licensed employees.

The board will determine the amount of vacation, holidays, and personal leave that will be allowed on an annual basis for licensed employees.

Date of Adoption: 1/10/73

Revised: 1/21/85

Revised: 9/16/92

Revised: 7/14/97

Reviewed: 5/16/04

Reviewed: 11/16/09

Revised: 10/21/15

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE SPECIAL LEAVE**

Code No. 409.2

Licensed employees may be granted special leave with or without pay at the sole discretion of the Superintendent or his/her designee. Unpaid leave may be used to excuse an involuntary absence not provided for in other leave policies of the board. Unpaid leave for licensed employees must be authorized by the superintendent.

The superintendent will have complete discretion to grant or deny the requested unpaid leave. In making this determination, the superintendent will consider the effect of the employee's absence on the education program and school district operations, length of service, previous record of absence, the financial condition of the school district, the reason for the requested absence and other factors the superintendent believes are relevant to making this determination.

If unpaid leave is granted, the duration of the leave period will be coordinated with the scheduling of the education program whenever possible to minimize the disruption of the education program and school district operations.

Whenever possible, licensed employees will make a written request for unpaid leave ten days prior to the beginning date of the requested leave, except in extenuating circumstances. If the leave is granted, the deductions in salary are made unless they are waived specifically by the superintendent.

The requirements stated in the Master Contract between employees in the certified collective bargaining unit and the board regarding the unpaid leave of such employees will be followed.

Date of Adoption: 1/10/73

Revised: 8/04/76

Revised: 1/21/85

Revised: 9/16/92

Revised: 9/17/97

Reviewed: 6/16/04

Revised: 11/16/09

Revised: 10/21/15

**Personnel**

**Series 400**

Policy Title **SCHOOL EMPLOYEE FAMILY AND MEDICAL LEAVE**

Code No. 409.3

Unpaid family and medical leave will be granted up to 12 weeks per year to assist employees in balancing family and work life. For purposes of this policy, "year" is defined as July 1 through June 30. Requests for family and medical leave will be made to the superintendent.

The district will require employees to use appropriate paid leave simultaneously with unpaid family and medical leave. Employees must meet the requirements set out in the family and medical leave administrative rules. Employees eligible for family and medical leave must comply with the family and medical leave administrative rules prior to starting family and medical leave. It is the responsibility of the superintendent to develop administrative rules to implement this policy.

The requirements stated in the applicable collective bargaining agreements between employees in those units and the board regarding family and medical leave of such employees shall be followed.

Date of Adoption: 11/13/00

Reviewed: 7/21/2004

Reviewed: 4/13/2009

Revised: 12/16/15

**Personnel  
Series 400**

Policy Title: **EMPLOYEE FAMILY AND MEDICAL  
LEAVE NOTICE TO EMPLOYEES**

Code No. 409.3E1

This document is available at <http://www.dol.gov/whd/forms/WH-381.pdf>.

Date of Adoption: 1/20/16

**Personnel**

**Series 400**

Policy Title **SCHOOL EMPLOYEE FAMILY AND MEDICAL  
LEAVE REQUEST FORM**

Code No. 409.3E2  
Page 1 of 2

Date: \_\_\_\_\_

I, \_\_\_\_\_, request family and medical leave for the following reasons:  
(check all that apply)

- \_\_\_\_\_ for the birth of my child;
- \_\_\_\_\_ for the placement of a child for adoption or foster care;
- \_\_\_\_\_ to care for my child who has a serious health condition;
- \_\_\_\_\_ to care for my parent who has a serious health condition;
- \_\_\_\_\_ to care for my spouse who has a serious health condition; or
- \_\_\_\_\_ because I am seriously ill and unable to perform the essential functions of my position.
- \_\_\_\_\_ because of a qualifying exigency arising out of the fact that my \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- \_\_\_\_\_ because I am the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.

I acknowledge my obligation to provide medical certification of my serious health condition or that of a family member in order to be eligible for family and medical leave within 15 days of the request for certification.

I acknowledge receipt of information regarding my obligations under the family and medical leave policy of the school district.

I request that my family and medical leave begin on \_\_\_\_\_ and I request leave as follows:  
(check one)

\_\_\_\_\_ continuous

\_\_\_\_\_ I anticipate that I will be able to return to work on \_\_\_\_\_.  
intermittent leave for the:

\_\_\_\_\_ birth of my child or adoption or foster care placement subject to agreement by the district;

\_\_\_\_\_ serious health condition of myself, parent, or child when medically necessary.

\_\_\_\_\_ because of a qualifying exigency arising out of the fact that my \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.

\_\_\_\_\_ because I am the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.

Details of the needed intermittent leave:

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**Personnel**

**Series 400**

Policy Title **SCHOOL EMPLOYEE FAMILY AND MEDICAL  
LEAVE REQUEST FORM**

Code No. 409.3E2  
Page 2 of 2

I anticipate returning to work at my regular schedule on \_\_\_\_\_.

\_\_\_\_\_ reduced work schedule for the:

- \_\_\_\_\_ birth of my child or adoption or foster care placement subject to agreement by the school district;
- \_\_\_\_\_ serious health condition of myself, parent, or child when medically necessary.
- \_\_\_\_\_ because of a qualifying exigency arising out of the fact that my \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- \_\_\_\_\_ because I am the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.

Details of needed reduction in work schedule as follows:

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I anticipate returning to work at my regular schedule on \_\_\_\_\_.

I realize I may be moved to an alternative position during the period of the family and medical intermittent or reduced work schedule leave. I also realize that with foreseeable intermittent or reduced work schedule leave, subject to the requirements of my health care provider, I may be required to schedule the leave to minimize interruptions to school district operations.

While on family and medical leave, I agree to pay my regular contributions to employer sponsored benefit plans. My contributions shall be deducted from monies owed me during the leave period. If no monies are owed me, I will reimburse the school district by personal check or cash for my contributions. I understand that I may be dropped from the employee-sponsored benefit plans for failure to pay my contribution.

I agree to reimburse the school district for any payment of my contributions with deductions from future monies owed to me or the school district may seek reimbursement of payments of my contributions in court.

I acknowledge that the above information is true to the best of my knowledge.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

If the employee requesting leave is unable to meet the above criteria, the employee is not eligible for family and medical leave.

Reviewed: 7/21/04  
Reviewed: 4/13/09  
Revised: 12/16/15

**Personnel**

**Series 400**

Policy Title **SCHOOL EMPLOYEE FAMILY AND MEDICAL  
CERTIFICATION FORM**

Code No. 409.3E3  
Page One

1. Employee's Name \_\_\_\_\_
2. Patient's Name (if different from employee) \_\_\_\_\_
3. The attached sheet describes what is meant by a "serious health condition" under the Family and Medical Leave Act. Does the patient's condition, for which the employee is taking FMLA leave, qualify under any of the categories described? If so, please check the applicable category.
4. Describe the medical facts which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:
5.
  - a. State the approximate date the condition commenced, and the probable duration of the condition and also the probable duration of the patient's present incapacity, i.e. inability to work, attend school or perform other regular activities due to the serious health condition, treatment therefor, or recovery therefrom, if different):
  - b. Will it be necessary for the employee to take work only intermittently or to work on a less than full schedule as a result of the condition (including for treatment described in Item 6 below)?  
  
If yes, give the probable duration:
  - c. If the condition is a chronic condition (condition #4) or pregnancy, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity.
6.
  - a. If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments.  
  
If the patient will be absent from work or other daily activities because of treatment on an intermittent or part-time basis, also provide an estimate of the probable number of and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:
  - b. If any of these treatments will be provided by another provider of health services (e.g., physical therapist), please state the nature of the treatments:
  - c. If a regimen of continuing treatment by the patient is required under your supervision, provide a general description of such regimen (e.g. prescription drugs, physical therapy requiring special equipment):
7.
  - a. If medical leave is required for the employee's absence from work because of the employee's own condition (including absence due to pregnancy or a chronic condition), is the employee unable to perform work of any kind?

**Personnel**

**Series 400**

Policy Title **SCHOOL EMPLOYEE FAMILY AND MEDICAL  
CERTIFICATION FORM**

Code No. 409.3E3  
Page Two

- b. If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or a chronic condition), is the employee unable to perform work of any kind?  
  
If yes, please list the essential functions the employee is unable to perform.
  - c. If neither a. or b. applies, is it necessary for the employee to be absent from work for treatment?
- 8.
- a. If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic medical or personal needs or safety, or for transportation?
  - b. If no, would the employee's presence to provide psychological comfort be beneficial to the patient or assist in the patient's recovery?
  - c. If the patient will need care only intermittently or on a part-time basis, please indicate the probable duration of this need:

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Signature of Health Care Provider  
(Type of Practice)

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Address

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Telephone Number

Reviewed: 07/21/04  
Reviewed: 04/13/09  
Reviewed: 12/16/15

**Personnel**  
**Series 400**

Policy Title **SCHOOL EMPLOYEE FAMILY AND MEDICAL**  
**LEAVE REGULATIONS**

Code No. 409.3R1  
Page 1 of 6

- A. School district notice.
1. The school district will post the notice in Exhibit 409.3E1 regarding family and medical leave.
  2. Information on the Family and Medical Leave Act and the board policy on family and medical leave, including leave provisions and employee obligations will be provided annually. The information will be in the *employee handbook*.
  3. When an employee requests family and medical leave, the school district will provide the employee with information listing the employee's obligations and requirements. Such information will include:
    - a. a statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement or 26 week entitlement depending on the purpose of the leave;
    - b. a reminder that employees requesting family and medical leave for their serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so or proof of call to active duty in the case of military family and medical leave;
    - c. an explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school district requires substitution of paid leave and the conditions related to the substitution; and
    - d. a statement notifying employees that they must pay and must make arrangements for paying any premium or other payments to maintain health or other benefits.
- B. Eligible employees.  
Employees are eligible for family and medical leave if three criteria are met.
1. The school district has more than 50 employees on the payroll at the time leave is requested;
  2. The employee has worked for the school district for at least twelve months or 52 weeks (the months and weeks need not be consecutive); and
  3. The employee has worked at least 1,250 hours within the previous year. Full-time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.
- If the employee requesting leave is unable to meet the above criteria, the employee is not eligible for family and medical leave.
- C. Employees requesting leave – two types of leave.
1. Foreseeable family and medical leave.
    - a. Definition – leave is foreseeable for the birth or placement of an adopted or foster child with the employee or for planned medical treatment.
    - b. Employee must give at least thirty days notice for foreseeable leave. Failure to give the notice may result in the leave beginning thirty days after notice was received. For those taking leave due to military family and medical leave, notice should be given as soon as possible.
    - c. Employee must consult with the school district prior to scheduling planned medical treatment leave to minimize disruption to the school district. The scheduling is subject to the approval of the health care provider.
  2. Unforeseeable family and medical leave.
    - a. Definition – leave is unforeseeable in such situations as emergency medical treatment or premature birth.
    - b. Employee must give notice as soon as possible but no later than one to two work days after learning that leave will be necessary.
    - c. A spouse or family member may give notice if the employee is unable to personally give notice.

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D. Eligible family and medical leave determination. The school district may require the employee giving notice of the need for leave to provide reasonable documentation or a statement of family relationship.

1. Six purposes.

- a. The birth of a son or daughter of the employee and in order to care for that son or daughter prior to the first anniversary of the child's birth;
- b. The placement of a son or daughter with the employee for adoption or foster care and in order to care for that son or daughter prior to the first anniversary of the child's placement;
- c. To care for the spouse, son, daughter or parent of the employee if the spouse, son, daughter or parent has a serious health condition; or
- d. Employee's serious health condition that makes the employee unable to perform the essential functions of the employee's position.
- e. because of a qualifying exigency arising out of the fact that an employee's \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- f. because the employee is the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.

2. Medical certification.

a. When required:

- (1) Employees may be required to present medical certification of the employee's serious health condition and inability to perform the essential functions of the job.
- (2) Employees may be required to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.
- (3) Employees may be required to present certification of the call to active duty when taking military family and medical leave.

b. Employee's medical certification responsibilities:

- (1) The employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.
- (2) The school district may require the employee to obtain a second certification by a health care provider chosen by and paid for by the school district if the school district has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the school district on a regular basis.
- (3) If the second health care provider disagrees with the first health care provider, then the school district may require a third health care provider to certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the school district.

c. Medical certification will be required fifteen days after family and medical leave begins unless it is impracticable to do so. The school district may request recertification every thirty days. Recertification must be submitted within fifteen days of the school district's request.

d. Employees taking military caregiver family and medical leave to care for a family service member cannot be required to obtain a second opinion or to provide recertification.

Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification will be denied until such certification is provided.

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E. Entitlement.

1. Employees are entitled up to twelve weeks of unpaid family and medical leave per year. Employees taking military caregiver family and medical leave to care for a family service member are entitled to 26 weeks of unpaid family and medical leave but only in a single 12 month period.
2. Year is defined as:
  - a. Fiscal year
3. If insufficient leave is available, the school district may:
  - a. Deny the leave if entitlement is exhausted.
  - b. Award leave available

F. Type of Leave Requested.

1. Continuous – employee will not report to work for set number of days or weeks.
2. Intermittent – employee requests family and medical leave for separate periods of time.
  - a. Intermittent leave is available for:
    - \_\_\_\_\_ birth of my child or adoption or foster care placement of subject to agreement by the district;
    - \_\_\_\_\_ serious health condition of spouse, parent, or child when medically necessary without the school district's agreement.
    - \_\_\_\_\_ because of a qualifying exigency arising out of the fact that my \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves;
    - \_\_\_\_\_ because I am the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.
  - b. In the case of foreseeable intermittent leave, the employee must schedule the leave to minimize disruption to the school district operation.
  - c. During the period of foreseeable intermittent leave, the school district may move the employee to an alternative position with equivalent pay and benefits.
3. Reduced work schedule – employee requests a reduction in the employee's regular work schedule.
  - a. Reduced work schedule family and medical leave is available for:
    - \_\_\_\_\_ birth of my child or adoption or foster care placement subject to agreement by the district;
    - \_\_\_\_\_ serious health condition of myself, spouse, parent, or child when medically necessary;
    - \_\_\_\_\_ because of a qualifying exigency arising out of the fact that my \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves;
    - \_\_\_\_\_ because I am the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.
  - b. In the case of foreseeable reduced work schedule leave, the employee must schedule the leave to minimize disruption to the school district operation.
  - c. During the period of foreseeable reduced work schedule leave, the school district may move the employee to an alternative position with equivalent pay and benefits.

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G. Special Rules for Instructional Employees

1. Definition - an instructional employee is one whose principal function is to teach and instruct students in a class, a small group or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors and special education assistants.
  
2. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule family and medical leave greater than twenty percent of the work days in the leave period may be required to:
  - a. Take leave for the entire period or periods of the planned medical treatment; or,
  - b. Move to an available alternative position, with equivalent pay and benefits, but not necessarily equivalent duties, for which the employee is qualified.
  
3. Instructional employees who request continuous family and medical leave near the end of a semester may be required to extend the family and medical leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter or spring break.
  - a. If an instructional employee begins family and medical leave for any purpose more than five weeks before the end of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last at least three weeks and the employee would return to work during the last three weeks of the semester if the leave was not continued.
  - b. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks and the employee would return to work during the last two weeks of the semester.
  - c. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.
  
4. The entire period of leave taken under the special rules is credited as family and medical leave. The school district will continue to fulfill the school district's family and medical leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's family and medical leave entitlement ends before the involuntary leave period expires.

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- H. Employee responsibilities while on family and medical leave.
1. Employee must continue to pay health care benefit contributions or other benefit contributions regularly paid by the employee unless employee elects not to continue the benefits.
  2. The employee contribution payments will be deducted from any money owed to the employee or the employee will reimburse the school district at a time set by the superintendent.
  3. An employee who fails to make the health care contribution payments within thirty days after they are due will be notified that their coverage may be canceled if payment is not received within an additional 15 days.
  4. An employee may be asked to re-certify the medical necessity of family and medical leave for the serious medical condition of an employee or family member once every thirty days and return the certification within fifteen days of the request.
  5. The employee must notify the school district of the employee's intent to return to work at least once each month during their leave and at least two weeks prior to the conclusion of the family and medical leave.
  6. If an employee intends not to return to work, the employee must immediately notify the school district, in writing, of the employee's intent not to return. The school district will cease benefits upon receipt of this notification.
- I. Use of paid leave for family and medical leave.
1. An employee may substitute unpaid family and medical leave for the serious health condition of the employee with paid sick, vacation and personal leave. Upon the expiration of paid leave, the family and medical leave for the serious health condition of the employee is unpaid.
  2. An employee may substitute unpaid family and medical leave for the serious health condition of an employee's family member or to care for a family service member with paid sick, vacation and personal leave. Upon the expiration of paid leave, the family and medical leave for the serious health condition of an employee's family member is unpaid.
  3. An employee may substitute unpaid family and medical leave for the birth of a child of the employee and in order to care for that child prior to the first anniversary of the child's birth with sick, vacation and personal leave. Upon the expiration of paid leave, the family and medical leave for the birth of a child of the employee and in order to care for that child prior to the first anniversary of the child's birth is unpaid.

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4. An employee may substitute unpaid family and medical leave for the placement of a child with the employee for adoption or foster care and in order to care for that child prior to the first anniversary of the child's placement or adoption with sick, vacation and personal leave. Upon the expiration of paid leave, the family and medical leave for the placement of a child with the employee for adoption or foster care and in order to care for the child prior to the first anniversary of the child's placement or adoption is unpaid.
5. An employee may substitute unpaid family and medical leave when a family service member is called to active duty or on call to active duty with sick, vacation and personal leave. Upon expiration of the paid leave, the leave is unpaid.
6. When the school district determines that paid leave is being taken for an FMLA reason, the school district will notify the employee within two business days that the paid leave will be counted as FMLA leave.

Reviewed: 07/21/04  
Reviewed: 04/13/09  
Revised: 12/16/15

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Active Duty-duty under a call or order to active duty under a provision of law referring to in section 101(a)(13) of title 10, U.S. Code.

Common law marriage-according to Iowa law, common law marriages exist when there is a present intent by the two parties to be married, continuous cohabitation, and a public declaration that the parties are husband and wife. There is no time factor that needs to be met in order for there to be a common law marriage.

Contingency Operation-has the same meaning given such term in section 101(a)(13) of title 10, U.S. Code.

Continuing treatment-a serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:
  - treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or in referral by, a health care provider; or
  - treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a the health care provider.
- Any period of incapacity due to pregnancy or for prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
  - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- Any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.
- Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Covered Service Member-a current member of the Armed Forces, including a member of the National Guard or 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.

Eligible Employee-the district has more than 50 employees on the payroll at the time leave is requested. The employee has worked for the district for at least twelve months and has worked at least 1250 hours within the previous year.

Essential Functions of the Job-those functions which are fundamental to the performance of the job. It does not include marginal functions.

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Employment benefits-all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan."

Family Member-individuals who meet the definition of son, daughter, spouse or parent.

Group health plan-any plan of, or contributed to by, an employer (including a self-insured plan) to provide health care (directly or otherwise) to the employer's employees, former employees, or the families of such employees or former employees.

Health care provider-

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or
- Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X ray to exist) authorized to practice in the state and performing within the scope of their practice as defined under state law; and
- Nurse practitioners and nurse-midwives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law; and
- Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts;
- Any health care provider from whom an employer or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits;
- A health care provider as defined above who practices in a country other than the United States who is licensed to practice in accordance with the laws and regulations of that country.

In loco parentis-individuals who had or have day-to-day responsibilities for the care and financial support of a child not their biological child or who had the responsibility for an employee when the employee was a child.

Incapable of self-care-that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" or "ADLs." Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Instructional employee-an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees.

Intermittent leave-leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave or periods from an hour or more to several weeks.

Medically Necessary-certification for medical necessity is the same as certification for serious health condition.

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“Needed to Care For”-the medical certification that an employee is “needed to care for” a family member encompasses both physical and psychological care. For example, where, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic or nutritional needs or safety or is unable to transport himself or herself to medical treatment. It also includes situations where the employee may be needed to fill in for others who are caring for the family member or to make arrangements for changes in care.

Next of Kin-an individual's nearest blood relative

Outpatient Status-the status of a member of the Armed Forces assigned to –

- either a military medical treatment facility as an outpatient; or
- a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Parent-a biological parent or an individual who stands in loco parentis to a child or stood in loco parentis to an employee when the employee was a child. Parent does not include parent-in-law.

Physical or mental disability-a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

Reduced leave schedule-a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Serious health condition

- An illness, injury, impairment, or physical or mental condition that involves:
- Inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such inpatient care; or
  - Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes:
    - A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:
      - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders or, or on referral by, a health care provider; or
      - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
    - Any period of incapacity due to pregnancy or for prenatal care.
    - Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
      - Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
      - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
      - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

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- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
- Treatment for purposes of this definition includes, but is not limited to, examinations to determine if a serious health condition exists and evaluation of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. Under this definition, a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.
- Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.
- Absence attributable to incapacity under this definition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Serious Injury or Illness-an injury or illness incurred by a member of the Armed forces, including the National Guard or Reserves in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

Son or Daughter-a biological child, adopted child, foster child, stepchild, legal ward, or a child of a person standing in loco parentis. The child must be under age 18 or, if over 18, incapable of self-care because of a mental or physical disability.

Spouse-a husband or wife recognized by Iowa law including common law marriages.

Date of Adoption: 5/20/09

Revised: 12/16/15

**Personnel**

**Series 400**

Policy Title **LICENSED EMPLOYEE MILITARY SERVICE**

Code No. 409.7

The board recognizes licensed employees may be called to participate in the armed forces, including the national guard. If a licensed employee is called to serve in the armed forces, the employee will have a leave of absence for military service until the military service is completed.

The leave is without loss of status or efficiency rating, and without loss of pay during the first thirty calendar days of the leave.

NOTE: This policy reflects Iowa law

Date of Adoption: 8/18/04

Reviewed: 12/16/09

Reviewed: 10/21/2015

**Personnel**

**Series 400**

Policy Title: **SUBSTITUTE TEACHERS**

Code No. 410.1

The board recognizes the need for substitute teachers. Substitute teachers shall be licensed to teach in Iowa.

It shall be the responsibility of the building principal to maintain a list of substitute teachers who may be called upon to replace regular contract licensed employees. Individuals whose names do not appear on this list will not be employed as a substitute without specific approval of the superintendent. It shall be the responsibility of the building principal to fill absences with substitute teachers immediately.

Properly certificated substitutes shall be paid on a daily or hourly rate for their teaching services. Such rate shall be set annually by the superintendent.

Date of Adoption: 1/10/73

Revised: 1/21/85

Revised: 9/16/92

Revised: 9/17/97

Reviewed: 9/22/04

Revised: 6/17/09

Reviewed: 2/17/15

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**Series 400**

Policy Title **STUDENT TEACHERS**

Code No. 410.2

The district will cooperate with the higher education institutions in the practical preparation of future teachers. Contracts shall be confirmed annually for each institution that places student teachers in the district.

Date of Adoption: 11/22/67

Revised: 1/21/85

Revised: 9/16/92

Revised: 9/16/97

Reviewed: 9/22/04

Reviewed: 6/17/09

Reviewed: 2/17/15

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**Series 400**

Policy Title: **SUMMER SCHOOL LICENSED EMPLOYEES**

Code No. 410.3

The Benton Community School District shall offer summer school options in accordance with law and may, in its discretion offer additional programming during the summer recess. Licensed employees who volunteer or who are appointed to deliver the summer education program are compensated in addition to their regular duties during the school academic year, unless such arrangements are made prior to determining the employee's compensation for the year.

Licensed employees will be given the opportunity to volunteer for the positions available. If the board determines a course must be offered and no licensed employee volunteers for the position, the board will make the necessary arrangements to fill the position. The board will consider applications from volunteers of current licensed employees in conjunction with other applications.

It is the responsibility of the superintendent to make a recommendation to the board regarding the need for and the delivery of the summer education program.

Date of Adoption: 9/16/15

## Personnel

### Series 400

Policy Title CLASSIFIED EMPLOYEE ASSIGNMENT/TRANSFER

Code No. 411.1

Determining the assignment of each classified employee is the responsibility of the superintendent and within the sole discretion of the board. In making such assignments each year the superintendent will consider the qualifications of each classified employee and the needs of the school district.

It is the responsibility of the superintendent to assign classified employees and report such assignments to the board.

Determining the location where a classified employee's assignment will be performed is the responsibility of the superintendent and within the sole discretion of the board. In making such assignments each year the superintendent will consider the qualifications of each classified employee and the needs of the school district.

A transfer may be initiated by the employee, the principal or the superintendent.

It is the responsibility of the superintendent to transfer classified employees and report such transfers to the board.

Date of Adoption: 11/22/67  
Revised: 1/21/85  
Revised: 9/16/92  
Revised: 9/17/97  
Revised: 9/22/04  
Revised: 12/16/09  
Reviewed: 11/16/15

## Personnel

### Series 400

Policy Title **CLASSIFIED EMPLOYEE – QUALIFICATIONS,  
RECRUITMENT, SELECTION**

Code No. 411.2

Persons interested in a classified employee position will have an opportunity to apply and qualify for classified employee positions in the school district without regard to age, race, creed, color, sex, national origin, religion, sexual orientation, gender identity, or disability. Job applicants for classified employee positions will be considered on the basis of the following:

- Training, experience, and skill;
- Nature of the occupation;
- Demonstrated competence; and
- Possession of, or ability to obtain, state or other license or certificate, if required, for the position.

Announcement of the position will be through means the superintendent believes will inform potential applicants about the position. Applications for employment may be obtained from and completed applications will be returned to the central administration office. Whenever possible, the preliminary screening of applicants will be conducted by the administrator who directly supervises and oversees the position.

The superintendent will recommend employment of classified employees to the board for approval. The superintendent has the authority to sign individual contracts if applicable.

Date of Adoption: 1/10/73

Revised: 1/21/85

Revised: 9/16/92

Revised: 9/17/97

Revised: 9/22/04

Revised: 9/19/07

Reviewed: 9/19/12

**Personnel**

**Series 400**

Policy Title **CLASSIFIED EMPLOYEE CONTRACTS**

Code No. 411.3

The board may enter into written contracts with classified employees employed on a regular basis. The contract will state the terms of employment.

Each contract will include a thirty-day cancellation clause. Either the employee or the board must give notice of the intent to cancel the contract at the end of thirty days. This notice will not be required when the employee is terminated during a probationary period or for cause.

Classified employees will receive a job description stating the specific performance responsibilities of their position.

It is the responsibility of the superintendent to draw up and process the classified employee contracts/work agreements and present them to the board for approval.

Date of Adoption: 1/10/73

Revised: 1/21/85

Revised: 9/16/92

Revised: 9/17/97

Revised: 9/22/04

Reviewed: 12/16/09

Reviewed: 11/16/15

**Personnel**

**Series 400**

Policy Title: **EVALUATION OF SUPPORT (CLASSIFIED) PERSONNEL**

Code No. 411.4

Evaluation of classified employees on their skills, abilities, and competence is an ongoing process supervised by the superintendent. The goal of the formal evaluation of classified employees is to maintain classified employees who meet or exceed the board's standards of performance, to clarify each classified employee's role, to ascertain the areas in need of improvement, to clarify the immediate priorities of the board, and to develop a working relationship between the administrators and other employees.

It is the responsibility of the superintendent to ensure classified employees are formally evaluated annually. New and probationary classified employees are formally evaluated at least twice a year.

Date of Adoption: 1/11/73

Revised: 1/21/85

Revised: 9/16/92

Revised: 9/17/97

Revised: 3/16/05

Revised: 8/18/10

Reviewed: 11/19/12

**RESCINDED**

**Personnel**

**Series 400**

Policy Title **GENERAL PERSONNEL CHEMICAL  
DEPENDENCY**

Code No. 411.5  
Page 1 of 3

The board is genuinely concerned about the instructional program for students and, as a result of that concern, wishes to express a real regard for such employee as a person and as a worker. Should the job performance of any worker drop below expected standards for any reason, the concern of the board shall be noted. This would be especially true in the case of chemical dependence. The board recognizes chemical dependency as a health problem and believes dependency on any chemical is a treatable disease which, in most cases, can be arrested. In view of this, and with the hope people so afflicted can return to a healthy and productive life, the following guidelines are presented:

1. Identification: Early identification is of benefit to the employee, to the students, and to the school district. Those responsible for identification should do whatever is necessary to document the problem and, when satisfied a chemical dependency problem exists, bring it to the attention of the employee involved.
2. Referral: Once the employee determines the need for requesting referral, the employee will be encouraged to seek professional assistance. Participating in the corrective program is completely voluntary, and self-referral is considered the first positive step toward a good recovery program.

Referral for treatment will be based upon unsatisfactory job performance, performing duties while under the influence of a chemical, and/or other significant indications of chemical dependency.

3. It should be noted that the use of chemical, as referred to in this policy on school property is prohibited.
4. Should the employee:
  - a. choose not to seek help,
  - b. not respond to treatment or fail to carry out the treatment plan,
  - c. continue to use a chemical while on duty.
  - d. continue to demonstrate poor job performance.
  - e. and/or not work cooperatively with others for the good of students and/or the district the case will be treated as any other employee discipline case.

## Personnel

### Series 400

Policy Title GENERAL PERSONNEL CHEMICAL  
DEPENDENCY

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5. In all cases, the safety and welfare of the students is paramount.

It is incumbent upon the administration to act responsibly in all cases dealing with chemical dependency. It is important that the best interests of the employee and the students be protected.

It is also important that fellow employees become involved in procedures of identification, referral, and follow-up. It is imperative that fellow employees cooperate with the administration for the same reason, the best interest of the employee and the students.

There are many behavioral problems and identification may or may not be an easy task. However, there are some identifiable signs either occurring alone or in groups of two (2) or more. Some of the signs to look for are as follows:

- ❖ Unauthorized absences from the job
- ❖ Excessive sick leave
- ❖ Monday, Friday absences
- ❖ Repeated absences of two (2) to four (4) days or more,
- ❖ Repeated tardiness,
- ❖ Not feeling well and leaving work early,
- ❖ Improbable excuses for absences and/or tardiness,
- ❖ Away from the job during the day for short periods of time,
- ❖ Missing deadline,
- ❖ Forgetting,
- ❖ Making bad decisions,
- ❖ Over reacting to real or imagined criticism,
- ❖ Continued complaints from co-workers, parents, and students,
- ❖ Avoiding association with fellow workers and people in general
- ❖ Spasmodic work patterns, and
- ❖ Being critical of any type of supervision.

These patterns of behavior will vary from person to person, and in some cases will not indicate a chemical problem, but possibly some other problem. Also, the patterns listed above in no way exhaust the possible patterns which may occur.

In view of the above and in view of the fact that chemical dependency is considered a health problem, the following steps should be taken in the identification of a problem and the recommendation of solutions.

1. Observe.
2. Document. Be specific – be positive – stick to facts which are observed.
3. Confront. Do not delay or beat around the bush – present facts – be consistent – insist upon improvement – follow through.
  - a. Set performance standards and document reactions of the employee. Establish follow-up procedures with the employee.
  - b. Request the employee seek professional assistance. Do not try to treat problems you know little about. Recommend professional help centers if necessary.

- c. If the situation does not change, then ultimatums must be issued; document the reactions of the employee. Set the time-span within which corrections must take place and set time for a follow-up conference with the employee.
- d. If problems persist, consult the employee's counselor, if there is one who is known to the administrator.
- e. As a last resort, consider termination.
- f. Throughout, observe as much confidentiality as possible.

Once the employee has returned to the job:

1. Both the employee and employer might feel apprehensive.
2. Expect improvement from previous conditions, be it immediate or slow.
3. Work toward an "out front" relationship, do not pass over poor performance because of sympathy; encourage and reinforce.
4. If old problems return, this does not necessarily mean failure. Discuss the problem openly, act to get the problem resolved, and follow up to assure the employee seeks the guidance again. Encourage long-term supportive help.
5. Determine prospects for improvement:
  - a. Is the employee following the prescribed treatment program?
  - b. Are the actions which attributed to loss of job effectiveness no longer evident?
  - c. Consult with the counselor if loss of effectiveness is still evident.
  - d. Involve other staff members in follow-up procedures, perhaps one-on-one or with a peer helper group.
  - e. If no cooperation on the part of the employee is evident, treat as any other case for termination.

Date of Adoption: 9/16/92  
Revised: 9/17/97  
Review: 3/16/05  
Reviewed: 8/18/10  
Rescinded: 12/19/19

## **Personnel**

### **Series 400**

Policy Title: **NON-EXEMPT EMPLOYEE WAGE AND OVERTIME COMPENSATION**

Code No. 412.2

The District will follow all state and federal laws regarding minimum wage and overtime pay for its employees. For purposes of this policy, a non-exempt employee is defined as an employee who is not exempt pursuant to the Fair Labor Standards Act ("FLSA"). Generally, a non-exempt employee is an employee who is paid on an hourly (non-salary<sup>1</sup>) basis and who does not perform executive, administrative/managerial, or professional duties, as specifically outlined in the FLSA.

Each non-exempt employee, whether full- or part-time, permanent or temporary, will be paid no less than the prevailing minimum wage. Whenever a non-exempt employee works more than forty (40) hours in a given work week, the employee will be compensated at one and one-half times their regular rate of pay. This compensation is in the form of overtime pay or compensatory time.

Overtime will not be permitted without prior authorization of the Superintendent or designee. In some cases, it may be possible that employees have dual roles with the District, filling two different non-exempt positions (i.e., bus driver and educational associate). For these employees, the Superintendent or designee may provide automatic prior authorization that the employees may work up to a certain number of overtime hours each week. Whether the Superintendent or designee provides automatic prior authorization is in the sole discretion of the Superintendent or designee, and will include an analysis of various factors, including, but not limited to, the effective operation of the District, the needs of the educational program and the students, and the qualifications of the employee. The Superintendent or designee reserve the right to withdraw automatic prior authorization at any point, and to require an employee to obtain prior authorization for overtime each week. At all times, the Superintendent or designee retains the right to approve or disapprove of any requests to work overtime.

Each non-exempt employee paid on an hourly basis must complete, sign, and turn in a time record showing the actual number of hours worked each week. Failure of the employee to maintain appropriate time records or falsification of any time records will be grounds for disciplinary action, up to and including, termination.

Adopted: 3/21/18

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<sup>1</sup> Employees paid on a stipend basis are typically considered as being paid on a non-salary basis.

**Personnel**

**Series 400**

Policy Title **CLASSIFIED EMPLOYEE TAX SHELTER PROGRAMS**

Code No. 412.4

The board authorizes the administration to make a payroll deduction for classified employees' tax sheltered annuity premiums purchased from a company or program chosen by the board and collective bargaining units.

Classified employees wishing to have payroll deductions for tax sheltered annuities will make a written request to the superintendent.

Date of Adoption: 2/18/09

Reviewed: 6/17/15

**Personnel**

**Series 400**

Policy Title **CLASSIFIED EMPLOYEE RESIGNATION**

Code No. 413.1

Classified employees who wish to resign during the school year will give the board notice of their intent to resign and final date of employment and cancel their work agreement ten (10) days prior to their last working day.

Notice of the intent to resign will be in writing to the superintendent.

Date of Adoption: 6/09/71

Revised: 1/21/85

Revised: 9/16/92

Revised: 9/17/97

Revised: 2/21/01

Revised: 3/22/06

Reviewed: 2/15/12

Reviewed: 4/10/19

**Personnel**

**Series 400**

Policy Title **CLASSIFIED EMPLOYEE SUSPENSION**

Code No. 413.3

Classified employees will perform their assigned job, respect and follow board policy and obey the law. The superintendent is authorized to suspend a classified employee with or without pay pending board action on a discharge or during investigation of charges against the employee or for disciplinary purposes. It is within the discretion of the superintendent to suspend a classified employee with or without pay.

In the event of suspension, due process will be followed.

Date of Adoption: 3/14/01

Revised: 3/22/06

Reviewed: 2/15/12

Reviewed: 4/10/19

**Personnel**

**Series 400**

Policy Title **CLASSIFIED EMPLOYEE DISMISSAL**

Code No. 413.4

The board believes classified employees should perform their jobs, respect board policy and obey the law. A classified employee may be dismissed upon thirty day notice or immediately for cause. Due process procedures will be followed.

It is the responsibility of the superintendent to make a recommendation for dismissal to the board. A classified employee may be dismissed for any reason, including, but not limited to, incompetence, willful neglect of duty, reduction in force, willful violation of board policy or administrative regulations, or a violation of the law.

Date of Adoption: 3/14/01  
Revised: 3/22/06  
Reviewed: 2/15/12  
Reviewed: 4/10/19

Personnel

Series 400

Policy Title **VACATIONS OF SUPPORT (CLASSIFIED) PERSONNEL**

Code No. 414.1

The board shall determine the amount of vacation, holidays and personal leave that will be allowed for classified employees.

Classified employees will be paid only for the hours they would have been scheduled for the day. Vacations will be generally taken during the school year in which they are earned or in the month of July immediately following the end of the fiscal year. Vacation shall not be accrued from year to year without a prior arrangement with the superintendent.

It shall be the responsibility of the superintendent to make a recommendation to the board annually on vacation and personal leave for classified employees.

Date of Adoption: 10/10/73

Revised: 1/21/85

Revised: 9/16/92

Revised: 9/17/97

Revised: 3/16/05

Reviewed: 8/18/10

Reviewed: 5/18/16

**Personnel**

**Series 400**

Policy Title **PERSONAL ILLNESS**

Code No. 414.2

The Iowa law on sick leave for public employees provides for leaves of absence with full pay for personal injury or illness which prevents employees from being present for work. The board has made the following provisions:

first year of employment	10 days
second year of employment	11 days
third year of employment	12 days
fourth year of employment	13 days
fifth year of employment	14 days
subsequent years	15 days

The above schedule of days applies only to consecutive years of employment and unused portions shall be cumulative to a maximum of 120 days.

If an employee is eligible to receive workers' compensation benefits, the employee will contact the board secretary to implement these benefits.

Date of Adoption: 1/10/73

Revised: 9/16/92

Revised: 9/17/97

Reviewed: 1/19/05

Revised: 5/20/09

**Personnel**

**Series 400**

Policy Title: **CLASSIFIED EMPLOYEE BEREAVEMENT LEAVE**

Code No. 414.3

Funeral benefits for employees not covered by a negotiated contract, shall be determined by the board upon the recommendation of the superintendent.

In case of necessary absence of a classified employee to attend or make arrangements for a funeral of a member of the employee's immediate family (spouse, children, sister, brother, parent, parent-in-law, legal dependent or legal guardian), such employee will be paid for scheduled time lost to and including the day of the funeral, but not to exceed five (5) non-consecutive school days, to be used within thirty (30) days of the requested leave. Three (3) days of funeral leave shall be granted for the purpose of attending the funeral in the event of the death of a brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent or a grandchild. One (1) day of funeral leave shall be granted for the purpose of attending the funeral in the event of the death of other relatives. Requests for funeral leave shall be made in advance to the Superintendent or designee and if requested by the Superintendent or designee, the employee shall furnish proof of death and of the employee's relationship to the deceased.

A day is defined as one work day regardless of full-time or part-time status of the employee. It is within the discretion of the superintendent to determine the number of bereavement days to be granted.

Date of Adoption: 1/10/73

Revised: 1/21/85

Revised: 9/16/92

Revised: 9/17/97

Reviewed: 1/19/05

Reviewed: 5/20/09

Revised: 2/17/15

Reviewed: 7/15/20

**Personnel**

**Series 400**

Policy Title **CLASSIFIED EMPLOYEE JURY DUTY LEAVE**

Code No. 414.4

The board will allow classified employees to be excused for jury duty unless extraordinary circumstances exist. The superintendent has the discretion to determine when extraordinary circumstances exist.

Employees who are called for jury service will notify the direct supervisor within twenty-four hours after notice of call to jury duty and suitable proof of jury service pay must be presented to the school district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Classified employees will receive their regular salary. Any payment for jury duty is turned over to the school district.

Date of Adoption: 1/10/73

Revised: 1/21/85

Revised: 9/16/92

Revised: 9/17/97

Revised: 1/19/05

Revised: 7/15/09

Reviewed: 2/17/15

**Personnel**

**Series 400**

Policy Title: **CLASSIFIED EMPLOYEE UNPAID LEAVE**

Code No. 414.5

Unpaid leave may be used to excuse an involuntary absence not provided for in other leave policies. Unpaid leave for classified employees must be authorized by the superintendent. Whenever possible, classified employees will make a written request for unpaid leave ten days prior to the beginning date of the requested leave. If the leave is granted, the deductions in salary are made unless they are waived specifically by the superintendent.

The superintendent will have complete discretion to grant or deny the requested unpaid leave. In making this determination, the superintendent will consider the effect of the employee's absence on the education program and school district operations, the financial condition of the school district, length of service, previous record of absence, the reason for the requested absence and other factors the superintendent believes are relevant in making this determination.

If unpaid leave is granted, the duration of the leave period is coordinated with the scheduling of the education program whenever possible, to minimize the disruption of the education program and school district operations.

Date of Adoption: 1/10/73

Revised: 1/21/85

Revised: 9/16/92

Revised: 9/17/97

Revised: 3/16/05

Revised: 5/19/10

Reviewed: 5/18/16

**Personnel**

**Series 400**

Policy Title **SUBSTITUTE FOR SUPPORT (CLASSIFIED)**  
**PERSONNEL**

Code No. 414.6

The administration will attempt to fill temporary support (classified) positions with substitutes who have preparation equal to that of regular contract personnel.

Date of Adoption: 1/10/73  
Revised: 9/16/92  
Revised: 9/17/97  
Reviewed: 2/16/05  
Reviewed: 5/19/10  
Reviewed: 6/17/15

**Personnel**

**Series 400**

Policy Title **CLASSIFIED EMPLOYEE POLITICAL LEAVE**

Code No. 414.8

The board will provide a leave of absence to classified employees to run for elective public office. The superintendent will grant a classified employee a leave of absence to campaign as a candidate for an elective public office as unpaid leave.

The classified employee will be entitled to one period of leave to run for the elective public office, and the leave may commence any time within thirty days of a contested primary, special, or general election and continue until the day following the election.

The request for leave must be in writing to the superintendent at least thirty days prior to the starting date of the requested leave.

Date of Adoption: 6/17/09

Reviewed: 2/17/15