

WEST FARGO PUBLIC SCHOOLS

Classified Employee Handbook 2021-2023



WEST FARGO
PUBLIC SCHOOLS

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INTRODUCTION

Welcome to West Fargo Public Schools! You're an important part of the community of educators that makes up the West Fargo Public School District! The district's mission, to educate all learners for tomorrow's world, can only take place because of the work that you do each day. It is because of these contributions that a meaningful experience is created for all learners of West Fargo Public Schools!

This handbook describes general employee policies, procedures, and guidelines, along with an overview of compensation and benefits available. It is designed as an easy reference to guide and assist you in answering questions that may arise.

This handbook has been prepared solely to provide the West Fargo School District employees with information. It is intended to facilitate, not replace, any established district procedures or policies. **It is not intended to constitute an employment contract.**

We are excited that you are a part of West Fargo Public Schools!

Sincerely,

Beth Slette
WFPS Superintendent

Brittnee Nikle
Human Resources Director

GENERAL EMPLOYEE POLICIES AND INFORMATION

BOARD MEETINGS

PUBLIC ATTENDANCE AND PARTICIPATION OF BOARD MEETINGS

The Board may allot a time for general public participation on the regular meeting agenda. To address a monitoring report or an item in the action or consent section of the agenda, citizens who live within district boundaries may appear prior to the meeting and sign up to speak. Speakers may be asked to provide proof of residency. Current district employees who live outside of district boundaries may also sign up to speak to the Board. The Board will respectfully and carefully listen and acknowledge comments but might not comment or respond to questions at that time. Citizens who sign up to address the board during public comment will be called on in the order in which they signed up.

DEFINITION AND TERMS OF EMPLOYMENT

CLASSIFIED EMPLOYEES

Classified personnel are those employees for whom no teacher certification is required; however special training and/or licensing may be required for employment. Classified positions covered by this handbook include all positions in the A120 to C520 position classifications, with the exception of social workers and behavior coaches (non-licensed).

Registered physical therapists, registered occupational therapists, behavior coaches (unlicensed), and social workers please refer to the 2021-2023 employee handbook for registered physical therapists, registered occupational therapists, behavior coaches (unlicensed) and social workers.

EMPLOYMENT AT WILL

Classified Employee/District relationships are governed by the "employment-at-will" doctrine. The definition of "employment-at-will" is a presumption that the employee is employed at the employer's will for an indefinite period rather than for a fixed term. No representative of the district may change the at-will status of an employee through any oral or written promise to an employee.

The policies and procedures stated within this manual are not intended to alter the status of at-will employees. The policies and procedures stated within this manual are not intended to create an employment contract. Salary agreement letters and work calendars are not contracts, and do not alter the status of at-will employees.

FULL TIME EMPLOYEE

All classified personnel scheduled to work 30 hours or more per week during the academic year will be considered full-time employees for purposes of benefits eligibility. Only regularly scheduled hours shall be counted towards the initial determination of full-time equivalence. Field trip monitoring, school activity monitoring, field trip driving, athletic trip driving, additional temporary hours, summer employment (see below), and similar activities are not considered regularly scheduled hours. (Also see Benefits Eligibility Rules)

SUMMER EMPLOYMENT & OTHER TEMPORARY ASSIGNMENTS

Employees, who work less than 12 months, as delineated on their work calendars, may also be offered occasional summer employment or other temporary assignments during the regular school year. Summer employment may be in the District's extended school year programs, or in other departments and programs on an as needed basis.

Temporary assignments may be an extension of the employee's regularly scheduled workday or workweek to pick up temporary additional workload. The following rules shall apply to summer employment and to other temporary assignments:

1. Employees may be paid their regular school year rate, OR employees may be paid another rate designated by the school board and administration for a particular job.
2. Leaves will be earned and used based on regularly scheduled hours only. Summer employment and temporary assignments are excluded. Employees shall not accrue additional sick leave, emergency leave, personal leave, vacation, or funeral leaves based upon summer employment or temporary assignment hours worked, nor shall employees be allowed to apply any previously earned leave hours that they may have accrued during the regular work year to summer employment or temporary assignment hours missed.
3. Summer employment shall be completely voluntary on the part of the employee, and no employee shall be required to work additional days beyond their regular school year work schedule.
4. Employees desiring summer assignments or other temporary assignments that may be available must submit their requests in writing to the appropriate administrator. Approval of summer employment /temporary assignments shall be at the discretion of the administrator responsible for the program and the Human Resources Director.
5. Summer employment and temporary assignments shall not be counted towards determining full-time equivalence at the time of hire.

EQUAL OPPORTUNITY EMPLOYMENT POLICIES

EQUAL OPPORTUNITY EMPLOYER

The West Fargo Public School District is an Equal Opportunity Employer who fully and actively supports equal access for all people regardless of race, color, religion, national origin, sex, gender identity, age, veteran status, disability, marital status, or participation in lawful activities, in its education programs/activities and employment practices.

Furthermore, West Fargo School Policy assures that the District and its employees will not retaliate against any persons who file a complaint, orally or in writing, to the employer or the government, or against any individuals who assist or participate in the investigation of any complaint or otherwise oppose discrimination regarding these or any other OCR enforced statutes. Additionally, the District will discipline any individual who retaliates or takes adverse action against any person who reports alleged discrimination and/or harassment or who testifies, assists, or participates in any investigation relating to a discrimination and/or harassment complaint.

If you have concerns or need information regarding the existence and location of services, activities, and facilities that are accessible, please contact the 504 Coordinator for ADA, Jeffrey Goebel, director of building & grounds at (701) 499-1019. For information regarding Title IX compliance, please see the district contacts below.

Name	Title	Building	Phone	Role
Logan Midthun	Activities Director	West Fargo Public Schools	(701) 356-2000	Title IX Coordinator
Carol Zent	Principal	Horace Elementary	(701) 356-2080	Title IX Coordinator
Elicia Hofmann	Assistant Principal	L.E. Berger Elementary	(701) 356-2010	Title IX Investigator
Jana Oistad	Assistant Principal	Sheyenne High School	(701) 356-2160	Title IX Coordinator
TBD	Assistant Principal	West Fargo High School	(701) 356-2050	Title IX Investigator
Brittnee Nikle	HR Director	Leidal Education Center	(701) 356-2001	Title IX Coordinator
Kristin Engelstad	Recruitment Manager	Leidal Education Center	(701) 356-2001	Title IX Investigator

West Fargo Public Schools also acknowledges your right to file a discrimination complaint at any time with U.S. Department of Education, Office for Civil Rights, Chicago Office, John C. Kluczynski Federal Building, 230 S. Dearborn St. 37th Floor, Chicago, IL, 60604.

NONDISCRIMINATION AND ANTI-HARASSMENT POLICIES

[Nondiscrimination and Anti-Harassment Policy AAC-AP](#)

[Title IX Sexual Harassment Grievance Procedure AAC-AR2](#)

EMPLOYEE SAFETY & WELFARE

BULLYING POLICY

[Bullying Policy ACEA-AP](#)

DRUG & ALCOHOL-FREE WORKPLACE

[Drug-Free Workplace Policy DEA-A](#)

EMPLOYEES WITH SIGNIFICANT CONTAGIOUS DISEASES

[Employees with Significant Contagious Diseases Policy ACB-B](#)

PRIVACY POLICY REGARDING HEALTH INFORMATION

Our Pledge to You

This notice is intended to inform you of the privacy practices followed by the **West Fargo Schools Group Health Plan** (the Plan) and the Plan's legal obligations regarding your protected health information under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The notice also explains the privacy rights you and your family members have as participants of the Plan.

The Plan often needs access to your protected health information in order to provide payment for health services and perform plan administrative functions. We want to assure the participants covered under the Plan that we comply with federal privacy laws

and respect your right to privacy. **West Fargo Schools** require all members of our workforce and third parties that are provided access to protected health information to comply with the privacy practices outlined below.

Protected Health Information

Your protected health information is protected by the HIPAA Privacy Rule. Generally, protected health information is information that identifies an individual created or received by a health care provider, health plan or an employer on behalf of a group health plan that relates to physical or mental health conditions, provision of health care, or payment for health care, whether past, present, or future.

How We May Use Your Protected Health Information

Under the HIPAA Privacy Rule, we may use or disclose your protected health information for certain purposes without your permission. This section describes the ways we can use and disclose your protected health information.

Payment. We use or disclose your protected health information without your written authorization in order to determine eligibility for benefits, seek reimbursement from a third party, or coordinate benefits with another health plan under which you are covered. For example, a health care provider that provided treatment to you will provide us with your health information. We use that information in order to determine whether those services are eligible for payment under our group health plan.

Health Care Operations. We use and disclose your protected health information in order to perform plan administration functions such as quality assurance activities, resolution of internal grievances, and evaluating plan performance. For example, we review claims experience in order to understand participant utilization and to make plan design changes that are intended to control health care costs. However, we are prohibited from using or disclosing protected health information that is genetic information for our underwriting purposes.

Treatment. Although the law allows use and disclosure of your protected health information for purposes of treatment, as a health plan we generally do not need to disclose your information for treatment purposes. Your physician or health care provider is required to provide you with an explanation of how they use and share your health information for purposes of treatment, payment, and health care operations.

As permitted or required by law. We may also use or disclose your protected health information without your written authorization for other reasons as *permitted* by law. We are *permitted* by law to share information, subject to certain requirements, in order to communicate information on health-related benefits or services that may be of interest to you, respond to a court order, or provide information to further public health activities (e.g., preventing the spread of disease) without your written authorization. We are also permitted to share protected health information during a corporate restructuring such as a merger, sale, or acquisition. We will also disclose health information about you when *required* by law, for example, in order to prevent serious harm to you or others.

Pursuant to your Authorization. When required by law, we will ask for your written authorization before using or disclosing your protected health information. Uses and disclosures not described in this notice will only be made with your written authorization. Subject to some limited exceptions, your written authorization is required for the sale of protected health information and for the use or disclosure of protected health

information for marketing purposes. If you choose to sign an authorization to disclose information, you can later revoke that authorization to prevent any future uses or disclosures.

To Business Associates. We may enter into contracts with entities known as Business Associates that provide services to or perform functions on behalf of the Plan. We may disclose protected health information to Business Associates once they have agreed in writing to safeguard the protected health information. For example, we may disclose your protected health information to a Business Associate to administer claims. Business Associates are also required by law to protect protected health information.

To the Plan Sponsor. We may disclose protected health information to certain employees of **West Fargo Schools** for the purpose of administering the Plan. These employees will use or disclose the protected health information only as necessary to perform plan administration functions or as otherwise required by HIPAA, unless you have authorized additional disclosures. Your protected health information cannot be used for employment purposes without your specific authorization.

Your Rights

Right to Inspect and Copy. In most cases, you have the right to inspect and copy the protected health information we maintain about you. If you request copies, we will charge you a reasonable fee to cover the costs of copying, mailing, or other expenses associated with your request. Your request to inspect or review your health information must be submitted in writing to the person listed below. In some circumstances, we may deny your request to inspect and copy your health information. To the extent your information is held in an electronic health record, you may be able to receive the information in an electronic format.

Right to Amend. If you believe that information within your records is incorrect or if important information is missing, you have the right to request that we correct the existing information or add the missing information. Your request to amend your health information must be submitted in writing to the person listed below. In some circumstances, we may deny your request to amend your health information. If we deny your request, you may file a statement of disagreement with us for inclusion in any future disclosures of the disputed information.

Right to an Accounting of Disclosures. You have the right to receive an accounting of certain disclosures of your protected health information. The accounting will not include disclosures that were made (1) for purposes of treatment, payment, or health care operations; (2) to you; (3) pursuant to your authorization; (4) to your friends or family in your presence or because of an emergency; (5) for national security purposes; or (6) incidental to otherwise permissible disclosures. Your request to for an accounting must be submitted in writing to the person listed below. You may request an accounting of disclosures made within the last six years. You may request one accounting free of charge within a 12-month period.

Right to Request Restrictions. You have the right to request that we not use or disclose information for treatment, payment, or other administrative purposes except when specifically authorized by you, when required by law, or in emergency circumstances. You also have the right to request that we limit the protected health information that we disclose to someone involved in your care or the payment for your care, such as a family member or friend. Your request for restrictions must be submitted

in writing to the person listed below. We will consider your request, but in most cases are not legally obligated to agree to those restrictions.

Right to Request Confidential Communications. You have the right to receive confidential communications containing your health information. Your request for restrictions must be submitted in writing to the person listed below. We are required to accommodate reasonable requests. For example, you may ask that we contact you at your place of employment or send communications regarding treatment to an alternate address.

Right to be Notified of a Breach. You have the right to be notified in the event that we (or one of our Business Associates) discover a breach of your unsecured protected health information. Notice of any such breach will be made in accordance with federal requirements.

Right to Receive a Paper Copy of this Notice. If you have agreed to accept this notice electronically, you also have a right to obtain a paper copy of this notice from us upon request. To obtain a paper copy of this notice, please contact the person listed below.

Our Legal Responsibilities

We are required by law to maintain the privacy of your protected health information, provide you with this notice about our legal duties and privacy practices with respect to protected health information and notify affected individuals following a breach of unsecured protected health information.

We may change our policies at any time and reserve the right to make the change effective for all protective health information that we maintain. In the event that we make a significant change in our policies, we will provide you with a revised copy of this notice. You can also request a copy of our notice at any time. For more information about our privacy practices, contact the person listed below.

If you have any questions or complaints, please contact: Brittnee Nikle, Human Resources Director, West Fargo Public Schools, 207 Main Avenue West, West Fargo, ND, 58078.

Complaints

If you are concerned that we have violated your privacy rights, or you disagree with a decision we made about access to your records, you may contact the person listed above. You also may send a written complaint to the U.S. Department of Health and Human Services — Office of Civil Rights. The person listed above can provide you with the appropriate address upon request or you may visit:

<https://www.hhs.gov/ocr/index.html> for further information. You will not be penalized or retaliated against for filing a complaint with the Office of Civil Rights or with us.

RISK MANAGEMENT PROGRAM

The West Fargo School District is committed to providing a safe and healthy environment for all of its employees. To facilitate this objective, the West Fargo Public School District has established a safety and risk management program which places a high priority on the prevention of accidents and injuries, quality health care for injured employees, and a return-to-work program. This program also aims to improve cost containment through safety training and claims management principles and practices.

The administration expects employees, regardless of their position within the district, to cooperate in every respect with the district's safety program. All injuries and accidents must be reported immediately to supervisors and to the Human Resources Office. When necessary, obtain medical treatment without delay. Personal protection equipment, where required must be worn by all employees with no exception. Hazardous conditions and other safety concerns must be reported immediately to supervisors.

Employees have the responsibility for their safety, as well as the safety of others. Employees must become familiar with the hazards of their jobs and do what is necessary to ensure safety. In this way, the district can achieve the safe working conditions deserved by all of its employees.

If you are injured on the job, you must obtain the information and form packet from your school office regarding work related injury. The injured employee is responsible for following all procedures and instructions listed and completing all required forms in a timely manner. The District has designated two occupational health medical providers to be utilized by employees who require medical attention for work-related injury. Details regarding the designated providers are contained in the information packets in your school office. Failure to access the designated provider(s) may result in a denial of your claim by workers compensation. Inquiries should be directed to the Human Resources office.

MEDICAL MARIJUANA (ACBF-AP)

[Medical Marijuana](#)

TOBACCO FREE ENVIRONMENT

[Comprehensive School Policy for Tobacco Use \(ABBA AP\)](#)

VISITORS

[Visitors Policy KAAA-AP](#)

GENERAL EMPLOYMENT POLICIES

ATTENDANCE POLICY

Every employee is expected to report for work regularly and on time. Prompt and reliable attendance is an essential function of all regular employment with the District. Excessive absenteeism may result in discipline up to and including discharge from employment. Absence from work without proper notification may result in termination of employment. An employee who is absent two consecutive days without notifying the District will be considered a voluntary quit and will be terminated from employment.

COMPUTER NETWORK AGREEMENT

[Use of the West Fargo School District Computer Network Policy ACDA-AP](#)

CONFIDENTIALITY

Given the sensitive and highly personal nature of much of the work performed by classified employees, it is expected that all employees who have access to sensitive information about students, co-workers, and others will consistently and uniformly

maintain the privacy and confidentiality of this information. For more information, refer to the section in Family Educational Rights and Privacy Act (FERPA) in this handbook.

EMPLOYEE SPEECH

[Employee Speech \(DEBF-AP\)](#)

EQUIPMENT

All employees are responsible for proper use of district equipment and for teaching students to do the same. Employees must report any equipment that needs repairing to the school office immediately.

IMPROVEMENT PLAN

In the case of inadequate performance of a classified employee, the employee's supervisor may choose to develop a performance improvement plan in cooperation with the employee. Procedures for the development of such a plan follow.

1. The improvement plan should be developed to delineate ways in which classified employees can improve their performance. The plan will be written to identify areas of growth and cooperatively determine resources for improvement required to successfully meet performance objectives.
2. The supervisor will initiate the plan but may consider input from the employee.
3. Reasonable options and timelines should be set for completing the improvement plan.
4. Provisions should be made for regular follow-up on the prescribed plan. Was it completed? Has the plan achieved the desired results?
5. An improvement plan may be initiated at any time during the school year.
6. Failure to successfully complete and sustain the improvement plan objectives will result in termination of employment.

KEYS

Keys are issued only to employees who have need of them for work related purposes. Upon termination of employment, all keys are to be turned in to the school office immediately.

PERFORMANCE EVALUATIONS

POLICY

It is the policy of the West Fargo Schools that classified staff will be evaluated for performance annually.

PHILOSOPHY

It is the intent of the West Fargo Schools that an annual evaluation be conducted positively and constructively. The performance evaluation should give the employee a reliable means to know how well they are doing, and it should serve as a basis for improvement, identifying strengths and areas for growth.

PROCEDURES

A performance evaluation shall be completed for each classified employee by the end of their annual work year. Supervisors who complete the written evaluations may receive input from other individuals who work with the classified employee.

EVALUATION PROCESS

1. Supervisor may elicit feedback from outside sources, i.e. customers, vendors, colleagues, surveys, etc.
2. Supervisor completes the performance evaluation.
3. The evaluation meeting is held, and the employee acknowledges their receipt of the evaluation by signing and dating the evaluation.
4. The completed evaluation becomes part of the employee's personnel file.

An employee who disagrees with any of the content of the evaluation will have the opportunity to include comments or attach a written response to the evaluation.

PERSONNEL RECORDS

[Personnel Records](#)

PHYSICAL EXAMINATIONS

[Employee Physical Examination Policy DBB-B](#)

STORM POLICIES

[Inclement Weather and Other Emergency Building Closures DDEB-AP](#)

SOCIAL MEDIA

[Social Media Accounts](#)

TERMINATION OF EMPLOYMENT-SEPARATION

A written notice of intent to resign shall be filed with the appropriate supervisor at least 14 calendar days before the effective date of the resignation. For employees in classifications C410 and above, 4 weeks' notice of intent is requested. Such notices may be waived under extenuating circumstances. The separation date will be the last date physically worked. Vacation, personal leave, sick leave, and paid holidays do not extend the separation date past the last date physically worked. Exceptions to the use of sick leave may be approved under extenuating circumstances by the HR Director.

All classified employees are at-will employees of the district. The district may terminate at-will employees at any time. The Superintendent or their designees have the authority to discharge classified employees. No representative of the district may change the at-will status of an employee through any oral or written promise to an employee.

Please refer to the definition of "employment at will" included in the [Definitions and Terms of Employment](#) section of this handbook. It is important to note that all classified employees are at-will employees of the school district and therefore, employment may be terminated by administration at any time, with or without notice.

Benefit-eligible staff that separate from employment from the district are required to remain off payroll for 26 weeks from all substitute or temporary positions.

UNIFORMS

Food service, custodians, and maintenance employees are provided with uniform tops. The uniform is provided by the district, but the employee is responsible for the up-keep and laundering of the uniform. Upon termination the uniforms must be returned to the district.

WORK SCHEDULES

Each employee is assigned a work schedule when hired by the district. The work schedule specifies the employee's daily hours and total number of paid days that are scheduled for the employee, (including workdays, and paid holidays). Employees may not work additional time or hours beyond those designated on the work schedule unless they are requested to do so by their supervisor or building principal.

The work schedule is intended as a source of information and as a planning tool for the employee and supervisor. It is also used to create a district budget for salaries. It does not create an employment contract, nor does it alter the at-will status of employees.

COMPENSATION AND BENEFITS

SALARY

EXPERIENCE CREDIT

The anniversary date for all employees is July 1. Those employees, hired after July 1 but before January 1, will be credited with one (1) full year of service to the district. Those employees hired between January 1 and June 30 will not be entitled to advance a step for the following school year.

For salary schedule placement purposes, the school district generally does not recognize experience outside the district. New hires could receive credit on the salary schedule at the sole discretion of the human resources director. If a classified employee resigns and is rehired, the employee may be rehired at the previous experience level at the discretion of the human resources director, however this is not guaranteed. When employees move from one position to another position within the district, (whether full-time or part-time) the placement of the employee on the salary schedule of the new position shall be determined at the sole discretion of the human resources director. Consideration shall be given to the relevancy of experience in the former position and any other factors relevant to the proposed transfer.

OVERTIME

All overtime must be authorized by the appropriate supervisor. Overtime will be paid at one and one-half times the employee's regular rate of pay.

Overtime, at time and one-half, will be paid on actual hours worked (regular working hours) in excess of 40 hours in a workweek. Employees must reach 40 regular hours worked before overtime premium pay begins. Compensatory time may be used only for work assigned within the first forty hours per week. For example, an employee may be asked to work four hours in the evening in exchange for four hours of released time during that same workweek. Compensatory time may not be used to compensate employees who are assigned duty hours beyond forty hours in one week.

PAYROLL & TIME CLOCK PROCEDURES

Payroll disbursements will be made every other Friday based on the two-week period ending the previous Sunday. **All employees are required to utilize the District's direct deposit payroll system.**

All timekeeping information must be entered in the timekeeping system and each building's payroll must be signed off as approved by 10AM Monday morning. Requests for paid hours received after 10AM Monday morning will be paid on the following payroll (two weeks later.)

Missed time clock punches create a significant problem for payroll administration. It is extremely difficult to ensure accurate tracking and compensation for hours worked when time clock punches are missing, as well as time-consuming to investigate and correct. All missed punch entries must be approved by the building administrator or department director.

SALARY SCHEDULE RULES

Movement on the salary schedule is made on July 1 of each year. No adjustments are granted any other time unless there is a change of job category. Placement on the salary schedule is determined by the human resources director and/or the superintendent of schools.

SUBSTITUTE SALARY

During off-duty hours, a classified employee may be asked to substitute for another employee. The substitute salary for employees who substitute in departments other than their regular department, (while off-duty) shall be step 0 on the salary schedule for which they are substituting. At the discretion of the supervisor and the human resources director, other differential rates may be offered.

Classified employees, while on duty, may occasionally be directed by their supervisors to fill in for other positions, or asked to work extra hours due to increased workload within their regular department. No hourly salary differentials shall be given in these situations.

W-4 WITHHOLDING FORM

All employees of the district must have a W-4 on file before being paid. This form indicates marital status and number of dependents to be claimed. An employee can change the W-4 anytime during the year. For payroll purposes, the most current W-4 file is used to determine withholding for federal and state income tax.

BENEFITS-GENERAL INFORMATION

BENEFITS ELIGIBILITY

Employees regularly scheduled to work in more than one job classification shall have their regularly scheduled hours totaled from all job classifications to determine qualification for fringe benefits. Employees are eligible for some benefits at 20 hours per week. Full-time employment is considered to be 30 hours or more per week. Summer employment and other temporary assignments shall not be included in determining initial eligibility for fringe benefits.

EMPLOYEE ASSISTANCE PROGRAM

The West Fargo School District maintains an Employee Assistance Program available to all employees that qualify for the long-term disability insurance plan. The EAP program can assist employees and their family members with financial problems, relationship or family difficulties, depression, drug & alcohol issues, conflicts at work and other issues. EAP services are strictly confidential, and the services provided under the

district's plan are free of charge. For more information, contact the Human Resources Office or consult the Human Resources Staff page on the district website.

FLEXIBLE BENEFITS

The West Fargo School District offers an optional Flex Benefit Spending Account. A Flexible Spending Account plan is an IRS Section 125 plan that allows employees the option of pre-tax payroll deduction for some insurance premiums; unreimbursed medical expenses and child/dependent care expenses. Employees benefit because expenses for such items as health insurance premiums, unreimbursed medical, vision, dental and child/dependent care expenses paid pre-tax result in immediate tax savings.

Employees switch these expenses to "before tax" and save Social Security Tax, Federal Income Tax and State Tax on these amounts. The flex plan year begins on January 1. For more information the Human Resources Office at Leidal Education Center

WORKERS' COMPENSATION (also see **RISK MANAGEMENT PROGRAM**)

All employees are protected by Worker's Compensation against loss of income due to accidental injury in the performance of their job. Any employee who is injured in the line of duty shall receive compensation and expenses as prescribed by the Worker's Compensation Law of the State of North Dakota. Injuries must be reported immediately to the employee's supervisor and to the Human Resources Office. Information and forms are available in every school office, including the bus barn.

An employee who is injured in the course of employment will be required to use accumulated sick leave while receiving Worker's Compensation benefits; however, the combination of worker's compensation benefits and sick leave pay shall not exceed the employee's base salary. The employee will be paid by the district the difference between the base salary and the benefits received by the employee under Worker's Compensation while on sick leave or, in some cases, the employee may receive their normal salary, and must remit to the district any wage loss compensation amounts received from Worker's Compensation. However, the employee's sick leave account shall only be charged that percentage of hours which corresponds to the percentage of salary that the district shall pay. After all accumulated sick leave has been exhausted, the employee may request a leave without pay as permitted in policy:

[Extended Leave for Health Restoration Policy DDAB-AP](#)

WORK BREAKS

Paid work breaks for classified staff may be permitted as follows:

Hours Worked Per Day	Breaks Allowed Per Day
8 Hours	Two 15 Minute Breaks
4 Hours to 7.5 Hours	One 15 Minute Break
Less Than 4 Hours	No Break

Paid work breaks should be scheduled at times approved by supervisors. Breaks may not be accumulated if not taken. Breaks may not be used for coming to work late, leaving early, or in conjunction with the employee's lunch period. The 15-minute break time is not subtracted from a leave that is occurring across that time frame. Employees should not leave the premises during their paid work break without notifying their supervisors.

Employees scheduled to work five hours or more must punch out for a ½ hour unpaid lunch break, unless otherwise approved by your supervisor. Supervisors must notify the Human Resources Office of any exceptions to the ½ hour unpaid lunch break rule.

INSURANCE

HEALTH/DENTAL/VISION INSURANCE

The district will pay eighty-five (83.85%) per month of a single or single plus dependent, or 73.85% of a family monthly health insurance premium for classified staff members who are regularly scheduled to work 30 hours or more per week.

Employees who are scheduled to work 20 or more hours per week are also eligible to join the West Fargo District group health insurance plan. Information on premiums is available in the HR Department.

Full-time employees will receive a single dental and vision policy for themselves. Should they desire to include their family on the dental or vision policy, they may do so by paying the difference between the single premium and the family premium. Employees who work less than 30 hours per week are not eligible for dental & vision insurance.

Employees must inform the Human Resources office as to any change in dependent status of children. For insurance purposes, any change in marital status such as marriage, legal separation, divorce, or death of spouse must be reported to the Human Resources within 10 days of such date.

HEALTH INSURANCE CONTINUATION

CONTINUATION OF HEATH INSURANCE FOR TERMINATING EMPLOYEES

The Consolidated Omnibus Budget Reconciliation Act (COBRA) requires that all employer-sponsored health insurance plans offer certain employees and their family members the opportunity to continue health insurance coverage under the employer’s group insurance plan upon termination of employment. The full cost of this continuing coverage is the responsibility of the employee.

Continued coverage for qualified beneficiaries (covered employees and their spouses or dependent children) is only required for any of the following events which normally would result in the loss of coverage:

<u>Qualifying Event</u>	<u>Months of Continuation</u>	<u>Qualified Beneficiary</u>
-Reduced hours, lay-off	18	Employee, Spouse, covered dependents
-Voluntary termination,	18	Employee, Spouse, covered dependents
-Discharge (other than gross misconduct)	18	Employee, Spouse, covered dependents
-Death of Employee	36	Employee, Spouse, covered dependents
-Legal Separation	36	Ex-Spouse and covered dependents
-Employee becomes eligible for Medicare	36	Spouse and other covered dependents
-Dependent Child attains maximum age	36	Covered Child

An employer is not required to provide continuation of coverage if:

- The employer ceases to provide the health insurance plan to all if its employees;
- The qualified beneficiary fails to make timely payment to the premiums due;
- The qualified beneficiary becomes covered by another group health plan or becomes entitled to Medicare benefits, after the date the of initial election of continuation;
- In the case of a covered spouse, the spouse remarried and becomes covered or is entitled to Medicare benefits; or

- In the case of a covered spouse, the spouse remarried and becomes covered or is eligible to be covered by another group plan.

All premiums for the coverage discussed above are the responsibility of the employee, spouse or dependents being covered by the plan. Any increase in premiums is also the responsibility of the person covered by the plan. Questions regarding any portion of this policy may be directed to the Human Resources Office, West Fargo Public Schools or call 356-2001.

LIABILITY INSURANCE

The Board of Education annually purchases a comprehensive school liability insurance policy. The policy covers all employee groups regardless of classification or full-time equivalence. An employee involved in a liability suit resulting from a school related activity is protected for resultant judgments up to \$3,000,000 per occurrence plus all legal fees, subject to standard policy exclusions.

LIFE INSURANCE

All full-time employees (scheduled to work 30 hours or more per week) receive basic term life insurance in the amount of \$25,000. (For employees age 65 and over, the policy amount will be reduced in accordance with policy provisions). The premium is paid by the district. Full-time employees are eligible to purchase additional life insurance for themselves and/or their spouse and dependents at their own expense. Upon resignation or termination individual policy continuation is possible. The employee will apply directly with the insurance company regarding continuation.

LONG-TERM DISABILITY

All full-time employees (scheduled to work 30 hours or more per week) receive long-term disability insurance fully paid for by the school district. This insurance covers both job related and non-job related disabilities. Once approved, scheduled benefits begin on the 61st workday after disability and may continue until an employee reaches age 65 or is no longer deemed disabled.

Individuals hired prior to April 1 will be provided LTD and life insurance continuous summer coverage without cost to them. Employees hired on April 1 and after will not be eligible for coverage until September 1 unless they are 11 or 12-month employees.

SUMMER INSURANCE/BENEFITS

Employees who work less than 12 months (specifically, employees who work the 9-month school year) are considered to have earned the benefits for the summer following the school year, provided they have worked the entire nine-month school year as scheduled.

Staff who begin after April 1 will be on a temporary status and are not eligible for benefits. Should these staff be asked to return for the following school year, in a regular, benefits-eligible position, benefits would be offered based on the formal hire date. Eligible new employees who are hired prior to April 1 will be eligible for insurance benefits for all three (3) summer months.

Benefit eligible staff that separate from employment from the district are required to remain off payroll for 26 weeks from all substitute or temporary positions.

RETIREMENT

RETIREMENT BENEFITS

All classified employees who work 20 or more hours per week are required to enroll in the North Dakota Public Employee's Retirement System (ND PERS).

Employee Contribution	7.00%	of Gross Wages deducted from employee's Paycheck
District Contribution	8.26%	of Gross Wages paid by WFPS
Total Contribution	15.26%	of Gross Wages

ND PERS also offers a Portability Enhancement Plan (PEP), which allows employees to also receive credit in their account for a portion of the pooled fund dollars. In order to access these dollars, the employee must make an elective contribution to a separate 403b account. Contact the Human Resources office for information on the PEP program or call ND PERS at 1-800-803-7377.

Employees who do not work the minimum 20 hours per week have the option of participating in the group retirement plan at their own expense (15.26% of their salary). Contact the Human Resources Office for information on optional participation.

LEAVES

CATASTROPHIC LEAVE

All Classified employees may receive catastrophic leave under the following conditions:

- a) To be eligible for catastrophic leave, an employee must:
 - 1) First qualify for sick leave under the sick leave provisions contained in this handbook.
 - 2) Have less than 60 days of available sick leave and all other applicable paid leaves at the start of such sick leave;
 - 3) Have exhausted all sick leave and other applicable paid leaves; and
 - 4) The reason for the sick leave must be an illness or injury of an extraordinary or severe nature causing extreme hardship on the employee.
- b) The granting or denial of catastrophic leave shall be in the sole discretion of the superintendent of schools.
- c) The superintendent of schools shall set the length of the catastrophic leave in their sole discretion but, in no event, shall it exceed 60 days, with all types of leave being combined to reach this 60-day limit.
- d) Catastrophic leave, once granted, shall be taken as follows:

Catastrophic leave days granted shall be taken from sick leave days donated by other classified employees for such purpose.

The superintendent of schools shall establish rules and procedures for the implementation of catastrophic leave as they shall, in their sole discretion, determine are necessary for its implementation.

EMERGENCY LEAVE

Two days of emergency leave cumulative to a maximum of 4 days will be available for the following events:

1. the employee is involved in a traffic accident occurring on their commute to work;
2. damage to the employee's residence; flood, fire, or imminent damage due to systems failure needing immediate attention;
3. surgery or illness involving a member of the immediate family limited to the following: spouse, child, parent, step-parent, sibling, step-sibling, grandparent, grandchild, parent-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law or a member of the employee's household for whom the employee is the legal guardian;
4. health-related issues of the employee's parent;
5. in the event the employee is traveling away from his/her residence and prevented from reaching his/her building due to an involuntary delay. This is not to include the regular daily commute to work from the employee's home; or
6. in the event the employee's childcare provider is leaving the employee's without adequate care for the employee's child.

All requests for emergency leave shall be made to the appropriate building administrator or department director. The granting or denial of emergency leave shall be determined by the district administration.

EXTENDED ILLNESS OF EMPLOYEES

[Extended Leave for Health Restoration Policy DDAB-AP](#)

FAMILY AND MEDICAL LEAVE POLICY (FMLA)

A. General Provision

It is the policy of West Fargo Public Schools to grant up to 12 weeks of family and medical leave during a 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy. While on an approved FMLA leave, the employee's health, dental & vision insurance benefits are maintained as if the employee were on the job.

B. Eligibility

In order to qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the district for at least 1 year.
- 2) The employee must have worked at least 1,250 hours during the twelve-month period immediately before the date when the leave is requested to commence.

C. Types of Leave Covered

In order to qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) the birth of a child and to bond with the newborn child within one year of birth;
- 2) the placement of a child for adoption or foster care, and to bond with the newly placed child within one year of placement;
- 3) to care for the employee's spouse, child, or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care
- 4) a serious health that makes the employee unable to perform the functions of their job, including incapacity due to pregnancy and for prenatal medical care

- 5) Any qualifying exigency arising out of the fact that the employee's spouse child or parent is a military member on covered active duty or call to covered active duty status

D. Advance Notice and Medical Certification

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

E. Enforcement

The US Department of Labor is authorized to investigate and resolve complaints of violations.

Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under US Government, Department of Labor.

An eligible employee may bring a civil action against an employer for violations. FMLA does not affect any Federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement, which provides greater family or medical leave rights. Additional information on FMLA is posted in every district building or contact the Human Resources Office 356-2001.

FUNERAL LEAVE

In the event of the death of a member of the immediate family (spouse, parent, step-parent, sibling, step-sibling, child, step-child, grandparent, grandchild, parent-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law) each classified employee is eligible for up to a maximum of five (5) workdays of funeral leave without salary deductions. A maximum of two (2) workdays of funeral leave per year (July 1 to June 30) may be granted without salary deduction for funerals other than immediate family. A workday is defined as the scheduled hours each classified employee is to work as indicated on their work schedule.

The granting or denial of the funeral leave shall be determined by the appropriate building administrator or department director. Under extraordinary circumstances, additional paid funeral leave days may be approved at the sole discretion of the Superintendent of Schools or their designee.

Part time swimming pool employees and employees who work less than 9 months are **not** eligible for funeral leave.

HOLIDAY PAY

Paid holidays are indicated on each classified employee's work calendar. Twelve-month employees will receive eight paid holidays (Independence Day, Labor Day, Veterans' Day, Thanksgiving, Christmas Day, New Year's Day, Good Friday, Memorial Day) in their first ten years of employment with the school district. After completing ten years of employment, twelve-month employees will receive nine paid holidays per year. The holiday added after the tenth year will be the Friday after Thanksgiving. After completing 15 years of employment, twelve-month employees will receive ten paid holidays per year. The holiday added will be Christmas Eve. After completing 20 years of employment, twelve-month employees will receive eleven paid holidays per year. The holiday added will be New Year's Eve.

Employees who work at least 9 months but less than twelve months, will receive seven paid holidays (Labor Day, Veterans Day, Thanksgiving, Christmas, New Year's Day, Good Friday, Memorial Day) in their first ten years of employment with the school district, and after completing ten years of employment will receive eight paid holidays per year. The holiday added after the tenth year will be the Friday after Thanksgiving. After completing 15 years of employment, employees will receive nine paid holidays per year. The holiday added will be Christmas Eve. After completing 20 years of employment, employees will receive ten paid holidays per year. The holiday added will be New Year's Eve.

An employee on leave without pay for the week will not receive holiday pay for any holiday occurring during that workweek.

An employee who is asked to work on a holiday will be given holiday pay and hours worked.

Part time swimming pool employees are **not** eligible for paid holidays.

JURY AND WITNESS LEAVE

A classified employee who is involuntarily summoned to serve on jury duty or subpoenaed to testify in court or by deposition may elect to receive either normal compensation from the school district or compensation received for serving on jury duty or for testifying, but not both. A classified employee who elects to receive compensation from the school district must remit to the school district any compensation (excluding mileage and meal reimbursement) received for serving on jury duty or for testifying. The scheduled hours indicated on a classified employee's work calendar will serve as the basis for determining normal compensation. Part time swimming pool employees and employees who work less than 9 months are **not** eligible for jury/witness leave.

MILITARY LEAVE

Employees who are members of the National Guard or the armed forces reserve when ordered by proper authority to active non-civilian employment shall be entitled to leave of absence. The first 20 days of such leave of absence shall be without loss of pay. If the leave of absence is necessitated by a full or partial mobilization of the National Guard or armed forces reserve, or emergency state active duty, the first 30 days of leave shall be without loss of pay.

PERSONAL LEAVE

Employees who do not qualify for paid vacation shall be entitled to personal leave with pay. See the chart below for annual personal leave amounts and maximum accumulations allowed. The employee's day shall be the number of hours designated on the employee's payroll record. The following conditions must be met:

- (a) Employees must work a regular schedule of at least nine months.
- (b) The employee must have been employed for at least sixty days.
- (c) Personal leave must be requested two days in advance and is subject to supervisory approval.
- (d) Under extraordinary circumstances, the supervisor may waive the 48-hour notice requirement.

Years of service:	Number of personal days per year	Maximum Accumulation
Employees with less than 15 years of service	2	6
Employees who have completed 15 years of service	3	6
Employees who have completed 25 years of service	4	6

Unused personal leave not eligible for carryover to the next school year shall be payable at the employees' current hourly rate of pay, except that no payment shall be made for unused personal leave that is less than (1) hour in duration.

PERSONAL LEAVE WITHOUT PAY

One full day of unpaid personal leave may be approved by the principal and the HR Director. On occasion, under specific circumstances, additional days at a full deduction of pay may be granted at the discretion of the superintendent or assigned designee. This request should be made after all paid personal days have been used. The criteria for consideration are:

- The reason for the request must be due to a unique, once-in-a-lifetime circumstance or event.
- The circumstance or event scheduling is not in the control of the employee. The supervisor will examine the request to determine if it meets the above criteria. If the request does not meet the criteria, the supervisor will deny the request. If the request meets the criteria, the supervisor should forward the request, along with their recommendation to the HR Director. The HR Director will bring the request to the Superintendent or assigned designee.

[Unpaid Leave – Policy DDC-AP](#)

Part time swimming pool employees and employees who work less than 9 months are **not** eligible for personal leave.

POLITICAL ACTIVITIES and LEAVE (DDC-A)

The Board of Education recognizes the right of employees to participate in political governmental affairs in a manner afforded any other citizen, including the right to vote, the right to be an active member of a political party of his/her choice, the right to campaign for candidates for election to public office, the right to seek, campaign for, and serve in public office. Political activities of any employee seeking or holding office will be conducted outside the classroom and school premises. (Additional policies regarding Legislative or Other Elective Office leaves see [Political Leave Policy DDCA-AP](#))

PROCEDURES FOR LEAVE USAGE

All employees must follow the District Absence Reporting Procedures applicable to your employee classification. Absence reporting procedures are available on the Human Resources employee portal. Personal leave and vacation requests must be submitted at least two days in advance. A supervisor may waive this two-day requirement under extraordinary circumstances.

All requested leaves must be verified and approved by supervisors before the hours will be entered into the payroll system for payment.

The following guidelines will apply for employees using any type of leave for a partial day: ***When requesting leave hours for a partial workday, employees may not request an amount of leave hours which, when combined with regular hours worked on that day would result in a workday longer than the employee's standard workday as defined on the employee's work schedule. Exceptions may be approved by the human resources director after review of the circumstances.***

PROFESSIONAL LEAVE

Professional Leave may be taken upon approval from the building principal and the assistant superintendent.

SICK LEAVE

Classified employees earn one workday of sick leave per month accumulative to 120 workdays. A workday is defined as the scheduled hours each classified employee is to work as indicated on his/her work schedule. In the case of bus drivers, a workday is defined as the regular route time as assigned by his/her supervisor. Employees must work or be on paid leave for 10 scheduled workdays in a given month in order to accrue sick leave in that month. Usage of catastrophic leave does not count toward this 10-day requirement.

Maximum number of sick leave days that may be earned per year:

12-month employees	12 days
11-month employees	11 days
10-month employees	10 days
9-month employees	9 days

Sick leave can be used for personal medical appointments at the approval of appropriate supervisors. Requests must be made in advance. Employees may also use their sick for the illness of their spouse or child under the age of 21. Such leave should be indicated as **FAMILY SICK** leave and also must be approved by the employee's supervisor.

After first using all paid emergency leave, an employee may request up to five days per year of sick leave for the care of the employee's parent/stepparent, or the employee's child age 21 or older, who has a serious health condition. A request to use sick leave for such purpose shall be submitted to the superintendent or his/her designee, and the granting or denial of such leave shall be in the sole discretion of the superintendent or his/her designee.

Upon retirement from the District, eligible classified staff members with ten to nineteen (10-19) completed years of service will receive payment for any unused sick leave hours at the hourly substitute teacher pay rate then in effect in the District. This sick leave payout shall be limited to the equivalent of forty-five (45) sick days with regard to the specific employee. Eligible classified staff members with twenty (20) or more completed years of service will receive payment for any unused sick leave hours at the hourly substitute teacher pay rate then in effect in the District. This sick leave payout shall be limited to the equivalent of sixty (60) sick days with regard to the specific employee. The following calculation shall be made to determine the maximum hours available: The lesser of the number of hours assigned as the standard workday for the employee at the time of retirement times forty-five (45), or times sixty (60), based on the years of completed service; or the number of sick leave hours available. To be eligible

for this payment, the classified staff member must meet all of the following requirements:

1. Have at least 10 years of employment in the district.
2. Attain retirement eligibility as follows:
 - a) For employees who are PERS eligible: qualify for a non-reduced retirement benefit under the Public Employees Retirement System, either by reaching the applicable: Rule of 85 (if hired before 1/1/2016) Rule of 90 (if hired after 1/1/2016) or by attaining age sixty-five (65).
 - b) For employees who do not participate in PERS, the attainment of age 65.
 - c) Formally declare their intention to retire by submission of letter to the Human Resources Office at least four weeks in advance of the retirement date. *For less than 12-month staff, the four-week notice must be given during their regular working period. In extenuating circumstances, the four-week notice for less than 12-month staff given outside of the regular working period may be waived by the HR Director in their sole discretion.*

Part-time swimming pool employees and employees who work less than 9 months are **not** eligible for sick leave.

VACATION

All classified employees who are scheduled to work thirty (30) hours or more per week for twelve (12) months earn vacation days as per the schedule below: (An employee's day is defined as the daily scheduled hours as indicated on the work calendar).

Years 1-4	12 days
Years 5-8	15 days
Years 9-15	18 days
Years 16-20	21 days
Years 21 +	24 days

An employee who is on leave **without pay** from the district for more than 10 workdays per month will earn **no** vacation for that month.

Newly hired classified employees must wait two (2) months before taking any vacation that has been earned during the first two months of employment. Upon separation from employment, vacation payout does not extend the separation date past the last day actually worked. Employees must work their last physical day of employment.

Vacation earned during the fiscal year (July 1-June 30) must be used by June 30th of the next fiscal year or be forfeited. Unpaid time off for employees who have exhausted their available vacation must be approved by the employee's supervisor and the human resources director.

Swimming pool employees and bus drivers are **not** eligible for vacation.

POLICIES CONCERNING STUDENTS

CHILD ABUSE AND NEGLECT

[Child Abuse & Neglect Policy FCA-D](#)

CORPORAL PUNISHMENT, STUDENT CONDUCT AND DISCIPLINE

[Corporal Punishment, Student Conduct & Discipline Policy FFL](#)

STAFF-STUDENT RELATIONS/ETHICAL BOUNDARIES

[Staff-Student Relations Policy DEBD-AP](#)

DISPENSING OF MEDICATIONS TO STUDENTS

[Medication Administration Policy ACBD-AP](#)

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

[Student Education Records & Privacy Policy FGA-AP](#)

MEDICAL MARIJUANA (ACBF-AP)

[Medical Marijuana](#)

MEDICATION ADMINISTRATION (ACBD-AP)

[Medication Administration to Students](#)

PHYSICAL INTERVENTION AND CRISIS PREVENTION (FCC-AP)

[Physical Intervention Policy, Training, and Guidance](#)