

**3000**  
**PROFESSIONAL STAFF**

3000	<b>PROFESSIONAL STAFF</b>
3111	Creating a Position
3112	Open Channels of Communication Between Board and Staff
3120	Employment of Professional Staff
3120.01	Job Descriptions
3120.04	Employment of Substitutes
3120.06	Selecting Student Teachers / Administrative Interns
3120.07	Employment of Casual Resource Personnel / Consultants
3120.08	Employment of Personnel for Co-Curricular Activities
3120.10	Volunteer Coaches / Advisors
3121	Criminal History Record Check
3122	Nondiscrimination of Equal Employment Opportunity
3122.01	Drug-Free Workplace
3123	Wisconsin Quality Educator Initiative
3124	Employment Contract
3125	Professional Employee Contract
3139	Staff Discipline
3140	Termination, Non-Renewal, and Resignation
3141	Exit Interview
3142	Non-Renewal of a Probationary Teacher
3143	Non-Renewal of Administrative Contracts
3160	Physical Examination
3161	Un-Requested Leaves of Absence
3162	Controlled Substance and Alcohol Policy for Employees That Transport Students
3170	Substance Abuse
3210	Staff Ethics
3211	Whistleblower Protection
3212	Professional Development
3213	Student Supervision and Welfare
3215	Use of Tobacco by Professional Staff
3216	Staff Dress and Grooming
3217	Weapons
3220	Professional Employee Evaluation and Educator Effectiveness
3230	Conflict of Interest
3231	Outside Activities of Staff
3243	Professional Meetings
3281	Personal Communication Devices of Staff Members
3310	Freedom of Speech in Non-Instructional Settings
3335	Use of Recording Devices During Meetings or Conversations
3340	Complaint Resolution Procedure
3362	Employee Anti-Harassment
3362.01	Threatening Behavior Toward Employees
3419	Group Health Plans
3419.02	Privacy Protections of Fully Insured Group Health Plans
3430.01	Family & Medical Leave of Absence ("FMLA")
3431	Employee Leave
3440	Job-Related Expenses
3450	Lactation in the Workplace

### **CREATING A POSITION**

The Board recognizes the need to establish positions which, when filled by competent, qualified professional staff members, will assist the District in achieving the education goals set by the Board. The District employs only U.S. citizens and others lawfully authorized to work in the United States.

Subject to and consistent with any applicable terms of an agreement, the Board reserves the right to

- A. create new positions; and
- B. specify the number of persons within each job category.

In the exercise of its authority to create new positions, the Board shall give primary consideration to:

- A. the number of students enrolled;
- B. the special needs of the District;
- C. the special needs of the students; and
- D. the operational services of the District.

The Board shall, upon the advice of the Superintendent, consider the advisability of creating a new position or of increasing the number of professional staff members in an existing position.

The Board delegates the right to fix and prescribe the duties of professional staff to the Superintendent.

Immigration Reform and Control Act of 1986  
8 U.S.C. 1255a

### **OPEN CHANNELS OF COMMUNICATION BETWEEN BOARD AND STAFF**

The Board has a legitimate interest in maintaining order by channeling employee communications to the Board through the chain of command to the Superintendent. Employees are expected to follow the established chain of communication as described in this policy. Failure to do so may result in employee discipline.

A. Staff Communications to the Board

All communications from staff members related to the performance of their job duties or responsibilities to the Board or its committees shall be submitted through the Superintendent. This procedure is not intended to deny any staff member the right to appeal to the Board on important matters through established procedures.

B. Board Communications to Staff

All official communications, policies, and directives of the Board of staff interest and concern to the staff will be communicated through the Superintendent, who shall also keep staff members fully informed of the Board's problems, concerns, and actions.

C. Social Interaction

Both staff and Board members share a keen interest in the schools and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action, discussions between staff and Board members related to the performance of job duties or responsibilities are inappropriate violations of the chain of command.

Garcetti v. Ceballos, 547 U.S. 401 (2006)

Samuelson v. LaPorte Comm. Sch. Dist., 526 F3d 1046 (7<sup>th</sup> Cir. 2008)

*Revised 09/28/09*

## **EMPLOYMENT OF PROFESSIONAL STAFF**

The Board recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with qualified and competent personnel.

All employees other than the Superintendent or support staff are considered certified or professional employees (See Bylaw 0100, Definitions).

The Superintendent shall approve the employment and establish the term of employment for each professional employee of the District. Compensation shall be fixed by an established compensation structure for Board action. Such approval shall be given only to those candidates for employment as recommended by the Superintendent.

Relatives of Board members may be employed by the District, provided the Board member will not benefit financially either directly or indirectly. The Board member may not participate in any way in the discussion or vote on any matter relating to said relative's employment.

Any professional employee's intentional misstatement of fact material to his/her qualifications for employment or the determination of salary shall be considered by the Board to constitute grounds for dismissal.

The employment of professional employees prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Employment shall be recommended to the Board at the next regular meeting.

No candidate for employment as a professional employee group shall receive recommendation for such employment without having provided visual evidence of proper certification, when appropriate, or that application for such certification is in process. There must also be verification that a satisfactory background check has been conducted by the Department of Public Instruction or an appropriate state agency.

Any person who signs a contract to teach in the District must, within ten (10) days after signing the contract, file with the Office of the Superintendent a statement showing the date of expiration and the grade and character of the certificate or license held, or evidence of a timely filed extension of such certification with the Department of Public Instruction. Only teachers that hold the appropriate license, permit, or accepted application for extension of certificate for the subject matter and grade level taught shall be considered qualified.

The Superintendent shall prepare procedures for the recruitment and selection of all professional staff which includes reporting newly hired employees to the Wisconsin Department of Workforce Development.

### District Supported Alternative Licensing Programs

As part of the Board's efforts to provide the highest quality education for students in all subject areas, the Board authorizes the Superintendent, where appropriate, to support teacher licensure opportunities.

### Experienced-Based Licensure for Technical Education

The Superintendent may support the application for an experience-based license for a teacher to teach in a technical education field, provided that the individual can be credited with at least 100 points using the following system:

- A. The following points for experience in a technical field (must comprise at least 25 of the required 100 points):
  1. For a bachelor's degree in any science, technology, engineering, or mathematics field, and any teaching license or permit – 100 points;
  2. For a bachelor's degree in any science, technology, engineering, or mathematics field – 75 points
  3. For a bachelor's degree in a field other than any science, technology, engineering, or mathematics, or technical or technology education field – 65 points
  4. For industry certification – 90 points
  5. For industry experience in a trade or technical field – 5 points per 40 hours worked, up to a maximum of 90 points

6. For an internship in a trade or technical field – 25 points.
  7. For being mentored in a trade or technical skill by a colleague or a Wisconsin Technology Education Association-approved mentor – 25 points
  8. For an apprenticeship in a trade or technical field – 5 points per 40 hours worked, up to a maximum of 90 points.
- B. The following points for pedagogical experience (must be at least 25 out of 100 points)
1. For a bachelor's degree in technical or technology education – 100 points
  2. For a bachelor's degree in a field other than any science, technology, engineering, mathematics, or technical or technology education field, and any teaching license or permit – 75 points
  3. For credit earned at an accredited institution of higher education or technical college – 3 points per credit up to a maximum of 75 points for technical or technology education courses and science, technology, engineering, or mathematics courses, and 3 points per credit up to a maximum of 75 points for education and pedagogical courses.
  4. For completing at least 100 hours of training in pedagogy – 5 points per 50 hours up to a maximum of 75 points

Individuals that have sufficient points may be employed by the District under an experience-based license provided that the Superintendent implements a professional development curriculum for the teacher to follow during the three-year period of the initial license. The Superintendent shall monitor the teacher's progress in fulfilling the curriculum.

#### Professional Teaching Permit

The Superintendent may support the teaching license application of an individual to teach a course in engineering, mathematics, science, computer science, art, music or world languages that do not yet hold a professional teacher license, provided that the following criteria are met:

- A. The District is experiencing a shortage in the availability of teachers with professional teaching certification in the subject area and is unable to fill a position with an acceptable licensed teacher.
- B. The individual holds at least a bachelor's degree in engineering, mathematics, science, computer science, art, music, or world languages.
- C. The individual possesses at least five (5) years of verifiable industry experience in the same field as the bachelor's degree.
- D. The individual has completed at least 100 hours of pedagogical training in an alternative teacher licensing program approved by the Department of Public Instruction.
- E. The Superintendent shall implement a plan to provide supervision of the teacher by a teacher that holds regular professional teaching licensure during the two (2) year period of the permit.
- F. The hiring of the teacher under this alternative licensure program will not displace a regularly licensed teacher in the District.

118.19, 118.21, 118.21(2), 121.02, Wis. Stats  
20 U.S.C. 6319  
20 U.S.C. 7801

*Revised 09/09/2003*

*Revised 03/17/2014*

*Revised 10/20/2014*

*Revised 04/20/2015*

*Revised 9/19/2016*

## **JOB DESCRIPTIONS**

The Board recognizes that it is essential for District and employee accountability for each staff member to be fully aware of the duties and responsibilities of his/her position. Job descriptions document and describe the essential functions for professional staff positions, and thereby promote organizational effectiveness and efficiency. Therefore, the Superintendent shall maintain a current, comprehensive, and coordinated set of job descriptions for professional staff positions.

As long as the provisions of the job descriptions are not inconsistent with Board policies, or with Federal/State law, they will be considered to be an extension of the policy manual and binding upon all employees.

Each job description shall contain the following provisions:

“The employee shall remain free of any alcohol or illegal substance in the workplace throughout his/her employment in the District in compliance with Policy 3122.”

Employees will be evaluated, at least in part, against their job descriptions.

Job descriptions shall be brief, factual, and wherever possible, generically descriptive of similar jobs.

Each job description shall include the requirement that the staff member serve as a positive role model for students in how to conduct themselves as citizens and as responsible, intelligent human beings. In particular, each job description shall indicate the staff member’s responsibility to help instill in students the belief in and practice of ethical principles and democratic values.

During the hiring process, the current job description for the position for which the individual(s) interviewing shall be reviewed with the candidate. The emphasis during the review shall be placed on the essential functions of the position.

Upon employment by the Board, the staff member shall receive a copy of the current job description for the position for which s/he has been employed. The employee’s immediate supervisor shall review this job description with the staff member as part of the employment orientation process.

From time-to-time, the Board further recognizes that the Superintendent may find it necessary to revise job descriptions.

Upon employment by the Board, the staff member shall receive a copy of the current job description for the position for which he/she has been employed. The employee’s immediate supervisor shall review this job description with the staff member as part of the employment orientation process.

From time-to-time, the Board further recognizes that the Superintendent may find it necessary to revise job descriptions.

During the revision of a job description, the Superintendent may seek input from individuals who hold that position; however, their input may or may not be reflected within the revision of said job description is completed.

Following the revision of a job description, staff members who hold the positions for which the essential functions are described in that revised job description, shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

In addition, the Superintendent shall prepare administrative guidelines necessary for the proper implementation of this policy.

*Adopted 10/20/08  
Revised 03/16/09*

### **EMPLOYMENT OF SUBSTITUTES**

The Board recognizes it's the need to procure the services of substitutes in order to continue the operation of the schools as a result of the absence of regular personnel.

As services are required, the Superintendent shall employ substitutes for assignment to replace temporarily absent regular staff members and fill new positions. Such assignment of substitutes may be terminated when their services are no longer required.

Substitutes must possess a valid Wisconsin professional certificate and a permit if substitute teaching in a subject for which he/she is not certified. The District may declare that an emergency exists due to the lack of qualified available substitutes and permit the use of a substitute with a bachelor's degree but not a professional certificate. There must also be verification that the Wisconsin Department of Public Instruction or appropriate State agency has conducted a satisfactory background check.

In order to retain well-qualified substitutes for service in the District, the board will offer competitive compensation at a rate set by the Board.

A substitute employed for ten (10) consecutive days in the same professional position shall be paid at one and one-half (1 ½) the amount of a short term substitute. Pay shall be retroactive to the first day.

118.19 Wis. Stats.  
P.I. 3.03(8)

*Revised 08/19/2013*



### **EMPLOYMENT OF SUBSTITUTES**

People interested in substitute teaching must have an application on file with the Human Resource Office.

Only applicants providing evidence of a Wisconsin Department of Public Instruction teaching license with the Human Resource Office shall be considered for substitute teaching.

A list of qualified substitute teachers shall be prepared by the human Resource Office.

#### Making Arrangements for Substitute Teachers

1. The teacher is expected to enter the need for a substitute into the sub-calling software program. All absences have to be entered into Skyward as well.
2. Substitute teachers are called by the sub-calling software program. In cases where qualified substitutes cannot be obtained, the principal or immediate supervisor shall have the latitude to manage the situation as would best provide for the students' program health and safety.
3. If a teacher becomes ill at work prior to 10:00 a.m., he/she should call the sub-calling software program. After 10:00 a.m., the teacher shall notify his/her building principal or immediate supervisor.
4. When the teacher, building principal, or immediate supervisor arranges for the substitute teacher within the building, there is no need to contact sub-calling. (This may occur when there is a support staff employee in that building who is also a licensed teacher, subs for coaches, etc.)

Lesson plans, a seating plan, and/or class list of names for all classes should immediately be available to a substitute teacher.

A substitute teachers' daily performance should be evaluated by the regular building staff. A substitute teacher whose performance is consistently evaluated as unsatisfactory will be removed from the substitute list.

The substitute teachers' day is 7:45 a.m. to 3:45 p.m. or the same as the building they are substituting in. any deviation from this must be approved by the building principal.

#### Substitute Teacher Pay

For Pay Purposes: Substitute teachers who are not already teachers in the District will be paid at the Board-approved per day rate of pay.

For Certification Purposes (WI Administrative Code chapter PI 3 Licenses): All substitutes teachers must be certified by Wisconsin Administrative Code as administered by the Department of Public Instruction.

1. Definitions:
  - a. *Substitute Teacher*: A licensed teacher who temporarily occupies the position of an absent teacher.
  - b. *Short Term Substitute Teacher*: Employed up to a maximum of 20 consecutive school days in the same teaching assignment. Must be a licensed teacher but may teach any subject or grade level.
  - c. *Long Term Substitute Teacher*: Employed for 21 or more consecutive school days in the same teaching assignment. Substitute teacher must be licensed in the subject and/or grade level for long-term substitute teaching.

Revised 08/12/2013

Revised 10/17/2017

### **SELECTING STUDENT TEACHERS / ADMINISTRATIVE INTERNS**

The Board encourages cooperation with state-approved colleges and universities in the training of student teachers and administrative interns. The public school offers an essential ingredient – director experience with students and teachers at work in the classroom – but certain safeguards have been found to be necessary for the best interests of all concerned.

Colleges and universities should first make contact with the Superintendent or his/her designee regarding placement of a student teacher or administrative intern.

The Superintendent shall make the final placement of student teachers or administrative interns.

The supervising staff member shall have had no less than three (3) years of successful experience in the area of assignment.

Professional employees who agree to serve as supervisors of student teachers or administrative interns may accept honoraria or stipends directly from the college/university for those services rendered outside the regular school day and above and beyond the duties and responsibilities specified in their contracts.

The Board also authorizes the Superintendent to provide, in cooperation with appropriate colleges and universities, a “field experience” program in order for selected interns to gain first-hand knowledge of and experience in a school environment.

The Superintendent may terminate a teaching program if one or more aspects of the program are not of high quality or meeting District needs or expectations.

118.19 (3) Wis. Stats  
P.I. 3.03 (7) Wis. Adm. Code

***SELECTING STUDENT TEACHERS / ADMINISTRATIVE INTERNS***

*Student teachers and administrative interns will be assigned by the Superintendent upon the recommendation of the administrators and/or supervisors.*

### **EMPLOYMENT OF CAUSAL RESOURCE PERSONNEL / CONSULTANTS**

The District will plan, organize, and staff positions in the District that are necessary to provide instructional and support services. It is the intention of the District to use its own staff whenever possible.

In situations where knowledge and/or technical skills are needed that cannot be supplied by regular staff positions, technical and consultant assistance will be considered as one alternative for providing the desired service. The service to be provided will be carefully planned consistent with budget appropriations and related implementation procedures. The selection of consultant and technical resources will include criteria of background, professional standing in the field, knowledge, and quality of past performance as related to the requirements needed for the task to be performed.

All services provided in this manner will be evaluated during the progress and upon the completion of the assignment. All services, financial arrangements, and consultants must be approved by the Superintendent or his/her designee prior to the invitation and visitation by such person(s) to the District.

### **EMPLOYMENT OF PERSONNEL FOR CO-CURRICULAR ACTIVITIES**

The employment of an individual for a co-curricular duty is primarily related to the formulation of educational policy and to the management, operation, and direction of the District; and clearly within the scope of responsibilities outlined in the Activities Handbook.

The District has an obligation to hire coaches and/or advisors to all Board-approved extra co-curricular activities, as they are an integral part of the total educational program. These employees may be subject to the Fair Labor Standards Act of 1947 (as amended), WIAA rules and guidelines, the District's Activities Handbook, and the rules and guidelines of the National Federation of High Schools. Employees will also be subject to the District's policies and procedures, and the evaluation process.

The Board may find it necessary to employ, on a part-time basis, coaches or activity sponsors who are not members of the professional staff. Subject to and consistent with any applicable terms of the Activities Handbook and Wisconsin Interscholastic Athletic Association (WIAA) rules and guidelines, such part-time employees may not be members of the District's support staff.

The Board authorizes the Superintendent and/or designee to recommend candidates for employment by the Board.

The Board does not authorize employing building principals, associate principals, the activities director, or central office administrators for co-curricular activities since their workday extends beyond the traditional school day.

Each person employed as a coach or activity advisor has the appropriate qualifications, has been properly interviewed, has been approved by the Board, and signs an employment contract which includes the conditions of employment, compensation arrangements, as outlined in appendix a of the Activities Handbook and contract termination procedures. There must also be verification that a satisfactory background check has been conducted by the District through appropriate state agencies or other applicable means.

The Board does not authorize employing a professional employee for co-curricular activities if he/she has been identified by his/her immediate supervisor as not having met District expectations and is, therefore, on an improvement plan.

*Revised 02/21/2011*

*Revised 02/02/2012*

*Revised 09/17/2012*

## **EMPLOYMENT OF STAFF**

### Recruitment

*The Superintendent or his/her designee will be responsible for*

- 1. the recruitment of applicants for all positions;*
- 2. responding to all inquiries;*
- 3. answering general questions for applicants pertaining to the District;*
- 4. maintaining a current list of vacancies; and*
- 5. keeping applications current for one year, unless requested to withdraw an application.*

*The Superintendent or his/her designee will perform the following when recruiting applicants:*

- 1. Post the job after receiving an employee's resignation and a job posting form;*
- 2. Post the vacancy with the appropriate employee group(s);*
- 3. Advertise the positions with appropriate placement agencies and media;*
- 4. Revise the credentials to assure that candidates possess the necessary qualifications including eligibility for certification in Wisconsin.*

*All applications for employment are to be received and processed by the Superintendent or his/her designee.*

- 1. When requested, the Superintendent or his/her designee will screen applications and submit credentials of qualified candidates to the administrator for interviewing.*
- 2. The administrator may screen all applications and select the candidates to be interviewed.*

*All candidates to be interviewed must be approved by the Superintendent.*

*The candidate may be approved for interview if under contract; however, the Superintendent will contact the interviewee's present employer to determine if he/she could be released and if the candidate cannot be released, the candidate will be notified and the recommending administrator will be asked to submit another recommendation.*

*Whenever possible, the minimum number on the interviewing team will be four persons, including at least one building administrator and, where applicable, the supervisor of the department.*

*If qualified candidates are available, a minimum of three (3) candidates shall be interviewed for a permanent position.*

*In credentials and in interviews, the interviewees will seek a candidates*

- 1. concern for students;*
- 2. license eligibility;*
- 3. leadership potential;*
- 4. response to evaluation, criticism, correction;*
- 5. potential growth;*
- 6. ability to work with peers and supervisors;*
- 7. competency in their field, versatility; and*
- 8. professional experience and teaching performance.*

*The Superintendent will interview all final candidates.*

*The Superintendent will discuss salary and fringe benefits with the candidate. The administrator is not to promise anything in the way of salary schedule placement, salary, fringe benefits, or special consideration.*

*Any employee wishing to transfer from one position to another will notify the Superintendent in writing, either on the job posting form or by letter, within the time limits outlined on the job posting form. A present employee applying for a position will be interviewed by the appropriate team.*

*Each administrator will develop the necessary forms for the interviewing team members to use in assessing each person interviewed. This information is to be submitted with the recommendation for employment form.*

The interviewing administrator will

1. notify the Superintendent of his/her interviewing schedule prior to the interviews;
2. refer all status inquiries to the Superintendent and will not notify the interviewees of the status of their interview; and,
3. whenever possible prior to recommending an applicant for a position, ask top applicants to demonstrate their ability to work in the position.

No employee is to start work or work a different schedule until approved by the Director of Personnel

Appointment

A. The procedure for appointing professional employees is:

1. The administrator or supervisor submits the payroll form to the Superintendent.
2. The Superintendent prepares a payroll form.
3. The administrator who chairs the interviewing committee notifies in writing all unsuccessful candidates interviewed.

B. The administrator who chairs the interviewing committee is responsible for the following:

1. A copy of the employee agreement.
2. Information about the community and the District.
3. An introduction and orientation to the position.
4. A personal follow-up with each new employee.

C. After the employment of the recommended candidate has been confirmed, the following information will be furnished to the Human Resource Office:

1. Health Status - Physical Exam Form (The new employee will furnish a completed Physician's Record of School Employee Examination prior to beginning work.)

2. Retirement

- a. Every teacher who works half time or more is eligible for the state teacher's retirement.
- b. the following information is needed from the employee for retirement employment reports:
  - 1) Full Name
  - 2) Social Security Number
  - 3) Starting Date of Work
  - 4) Salary
  - 5) Date of birth

This information must be given to the payroll clerk.

- c. After the employment record is sent to the state teacher's retirement, the teacher will receive forms from the retirement office. It is the obligation of the employee to see that these forms are filled out accurately and returned to the retirement office on or before the date designated on the form.
- d. These forms must be notarized. A notary is available in the Human Resource Office.

3. Social Security

The deduction for social security is according to law.

4. Tax Withholding -- W-4 Form

- a. Every employee is required to fill out an Employee's Withholding Exemption Certificate (W-4 Form) so that the payroll clerk can determine the amount of state and federal tax to withhold
- b. Any additional dependent(s) should be added as of the first of the calendar year.
- c. In case of death of a dependent, the change should be made immediately.
- d. The employee is required to notify the payroll clerk of any change in dependents, and a new W-4 Form must be filed in the office.

5. Insurance (forms)

Insurance programs provided to employees are initiated at the time of employment with the payroll office.

*D. The building principal is responsible for the following:*

- 1. District-wide Policies and Rules*
- 2. Building Policies and Rules*
- 3. Employee Evaluation Plan*
- 4. Payroll Approval Employment Form*

*Extra-curricular Assignments*

- 1. Hiring: The Superintendent and/or his/her designee will advertise, screen, interview, assign and recommend coaches and/or extra-curricular duties to the Board for approval.*
- 2. Payment: the rate of pay will be listed in the current edition of the Professional Employee Handbook and the Activities Handbook*
- 3. Assignment: Teachers will be assigned to extra-curricular duties by the administration after approval. Teachers who are presently employed in the District and who wish to be considered for an extra-curricular duty may be offered a limited duration contract by the Board. Other personnel who are assigned a teaching and extra-curricular assignment in the District will retain both assignments as a part of their continuing contract, except as provided under the provisions of "Release" as stated below. Every effort will be made to notify the teachers of their extra-curricular assignments not later than June 1.*
- 4. Release: A teacher can only be released from an extra-curricular duty with approval by the Board or its designee. Teachers assigned to extra-curricular duties may request a change in the assignment or to be relieved of the assignment for the following school year. Such requests must be submitted by April 15 of the previous school year. Such requests will be evaluated on their merits and the availability of a satisfactory replacement.*



### **VOLUNTEER COACHES / ADVISORS**

The Board recognizes that there are members of the community that have an interest in serving as a volunteer assistant for District athletic or other co-curricular activity programs. The Board also recognizes that it can be advantageous to District athletic coaches and activity advisors to use volunteer assistants for particular assignments. Therefore, volunteer coaches/advisors may be utilized in the District as needed in accordance with established administrative procedures.

No person may be involved in District athletic or other co-curricular activities as a volunteer coach or advisor without the appointment of the Activities Director and final approval by the Board or its designee. Volunteer coaches/advisors shall serve at the pleasure of the District and may be removed from the position at any time.

Volunteer coaches/advisors shall be expected to abide by all District policies, rules, and regulations applicable to their particular volunteer assignments, as well as all Wisconsin Interscholastic Athletic Association (WIAAA) Great Northern Conference (GNC) regulations/rules.

*Revised 12/16/2013*

School District of Rhineland

**Volunteer Coach / Advisor Contract**

I, (print name) \_\_\_\_\_, understand and agree that my involvement with the \_\_\_\_\_ team/organization in the athletic/activities program in the School District of Rhineland is performed with and under the following conditions:

1. I waive payment of any salary or stipend for my services, i.e. mileage, reimbursements, in-kind gifts.
2. I waive any eligibility for any benefits for my services.
3. I will familiarize myself with and adhere to all co-curricular policies and procedures/rules and regulations established by the Board of Education, the Administration, the School District of Rhineland, and the Wisconsin Interscholastic Athletic Association.
4. I will attend all in-service meetings designated to enhance student relationship skills as deemed necessary by the administration and/or activities director of the School District of Rhineland.
5. In the performance of my duties as a volunteer, I shall not intentionally or wantonly cause any injury or damage to person or property of said school district or of any participant, coaching staff, advisor, or spectators involved in such co-curricular events.
6. My services as a volunteer shall be performed on the condition that I am covered by and included as an insured under all applicable liability insurance policies of the School District of Rhineland.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of volunteer Coach/Advisor

\_\_\_\_\_  
Signature of Activities Director

### **CRIMINAL HISTORY RECORD CHECK**

To more adequately safeguard students and staff members, the Board requires an inquiry into the background of each applicant that the Superintendent recommends for employment on the District's professional staff. Any contracts with outsourced services, employment agencies or temporary services must require such providers to conduct and retain a criminal history record check of individuals providing service to the District.

Such an inquiry shall also be made for substitutes who may be employed by the District and for volunteers assisting District staff.

Should it be necessary to employ a person in order to maintain continuity of the program prior to receipt of the report, the Superintendent may employ the person on a provisional basis until the report is received.

All information and records obtained from such inquiries are to be considered confidential and shall not be released or disseminated to those not directly involved in evaluating the applicant's qualifications.

*Revised 10/19/15*

### **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

The Board of Education does not discriminate in the employment of professional staff on the basis of the Protected Classes of race, color, national origin, age, sex, creed or religion, genetic information, handicap or disability, marital status, citizenship status, veteran status, military service (as defined in 111.32, Wis. Stats.), sexual orientation, national origin, ancestry, arrest record, conviction record, use or non-use of lawful products off the District's premises during non-working hours, or declining to attend an employer-sponsored meeting or to participate in any communication with the employer about religious matters or political matters, or any other characteristic protected by law in its employment practices

The Superintendent shall appoint and publicize the name of the compliance officer who is responsible for coordinating the District's efforts to comply with the applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquires or complaints regarding discrimination or denial of equal access. The compliance officer shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act (GINA), and the Age Act (ADEA) is provided to students, their parents, staff members, and the general public.

111.31,et. Seq., 111.335(d)(2), 118.195, 118.195,118.20 Wis. Stats.  
42 U.S.C, 2000e et seq., Civil Rights Act of 1964  
42 U.S.C, 12112 Americans with Disabilities Act of 1990  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
29 U.S.C. 701 et seq., Rehabilitation Act of 1973  
20 U.S.C. 1681 et seq., Title IX  
29 C.F.R. Part 1635

*Revised 09/09/2003*  
*Revised 09/22/2008*  
*Revised 02/15/2010*  
*Revised 08/20/2012*  
*Revised 05/20/2013*

## **DRUG FREE WORKPLACE**

The Board believes that quality education is not possible in an environment affected by the use of illegal drugs and alcohol, as well as the abuse of prescription drugs. It will seek, therefore, to establish and maintain an educational setting which is free from illegal drugs.

The Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the District's professional staff at any time while on District property or while involved in any District-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District policy and applicable terms of the Professional Employee Handbook.

The Superintendent shall establish whatever programs and procedures are necessary to meet the federal certification requirements and shall provide these to staff.

### Use of Resources for Treatment

The District makes available resources to assist staff members in overcoming illegal drug use or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for illegal drug use or controlled substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Drug-Free Workplace Act of 1988, 41 U.S.C. 8101 et seq.

*Revised 03/16/2009*

*Revised 08/20/2012*

*Revised 04/20/2015*

*Revised 09/19/2016*

### **DRUG FREE WORKPLACE**

Professional staff members are responsible for the prevention of any controlled substance use by students when that substance has not legally been prescribed to them by a medical provider. A professional staff member may be prescribed a controlled substance (i.e. prescription medication) for health purposes, which may have to be taken by the staff member during the work day or while supervising students. The substance should not be kept on his/her person, in his/her desk, in his/her purse or carry-in bag/tote, or in any location that a student may obtain access to it. In the event a professional staff member needs to bring a controlled substance to school for health purposes, it must be locked in a secure location in the school office or in the professional staff member's personal vehicle.

#### *Use of Alcohol and/or Drugs in the Workplace*

The Board prohibits a professional staff member from being under the influence of alcohol and/or drugs at any time while on District property or while involved in any District-related activity or event. Any professional staff member whose physical characteristics, appearance, behavior, or breath odor suggests to a supervisor or any other District employee that he/she may be under the influence of alcohol and/or drugs is subject to the following:

- A. A meeting with his/her supervisor, a member of the Administration, and/or the Police-School Liaison Officer for a first-hand observation and/or conversation. All observations from this meeting will be well documented (see attached Behavior/Incident Documentation Form).
- B. Verification by an additional administrator that the professional staff member may be under the influence of alcohol and/or drugs.
- C. May be escorted from the building by an Administrator and/or Police-School Liaison Officer to a facility for alcohol/drug testing as determined appropriate. More than one person will escort the professional staff member if there is suspicion that he/she is a safety concern.
- D. May be requested to take a breathalyzer and/or blood test. The Superintendent or his/her designee may consult with another party to make the final determination to test. Should the professional staff member refuse to take such a test or should the results of the test be positive, he/she shall be disciplined for conduct unbecoming an employee by the Superintendent or his/her designee, which could result in disciplinary action up to and including a recommendation to the Board for termination of employment.

In the event any professional staff member talks about his/her drug use or drug use impairment or admits to his/her drug use or drug use impairment while in the workplace he/she will be subject to the following:

- A. May be escorted from the building by an Administrator and/or Police-School Liaison Officer to a facility for alcohol/drug testing as determined appropriate. More than one person will escort the staff member if there is suspicion that the employee is a safety concern.
- B. May be requested to take a breathalyzer, urine, and/or blood test. The Superintendent or his/her designee may consult with another party to make the final determination to test. Should the staff member refuse to take such a test or should the results of the test be positive, he/she shall be disciplined for conduct unbecoming an employee by the Superintendent or his/her designee, which could result in disciplinary action up to and including a recommendation to the Board for termination of employment.

For drug testing of the employee, the following steps are to be taken

- A. Call Aspirus Occupational Health at (715) 361-5482 and let its staff know that an employee of the District is being brought in for drug testing.
- B. Review Policy and Administrative Guidelines 3122.01, Drug Free Workplace, with the employee.
- C. Take the employee to the Aspirus Cardio Clinic (located next to St. Mary's emergency room).
- D. Results are to be shared immediately and, if positive, the sample will be sent for additional testing.

**SCHOOL DISTRICT OF RHINELANDER**

**BEHAVIOR/INCIDENT DOCUMENTATION FORM**

*(Reasonable Suspicion of Alcohol/Drug Use by a Professional Staff Member)*

Name of Person(s) Submitting this Report \_\_\_\_\_

District Employee(s)? \_\_\_ Yes \_\_\_ No    If Yes, Position/Title \_\_\_\_\_

Name(s) of Additional Witness(es) (if any) \_\_\_\_\_

Name of Professional Staff Member Suspected of Alcohol/Drug Use \_\_\_\_\_

Job Title of Professional Staff Member Suspected of Alcohol/Drug Use \_\_\_\_\_

Suspected Use of Alcohol \_\_\_\_\_ Suspected Use of Drugs \_\_\_\_\_ (check one or both)

Date of Suspected Use \_\_\_\_\_ Location of Reported Incident \_\_\_\_\_

Time of Reported Incident \_\_\_\_\_ Length of Time Professional Staff Member was Observed \_\_\_\_\_

Description of Professional Staff Member's Behavior (Report any of the following):

Appearance (check all that apply)

- Flushed complexion
- Disheveled clothing
- Blood-shot eyes
- Drowsiness
- Eye-hand coordination problems
- Trembling extremities
- Perspiring
- Runny nose; reddened or sore nose
- Sinus/Nasal problems; nosebleeds

Behavior (check all that apply)

- Loss of inhibitions (cursing, sexual advances, risk taking)
- Paranoid
- Frequent use of mouthwash, mints, breath drops, eye drops
- Complains of changes in body temperature
- Excessive sweating and shakiness
- Unexplained bursts of energy
- Hallucinations
- Staggered gait
- Impaired motor skills
- Lack of coordination
- Anxious behavior
- Aggressive behavior

Eye Movement (check all that apply)

- Spasmodic jerks
- Dilated pupils
- Glazed look
- Inability to focus
- Light sensitivity
- Reddened eyes

Odors (check all that apply)

- Odor of alcohol on breath
- Odor similar to burnt rope on clothing or breath

Speech (check all that apply)

- Loudness
- Incoherent
- Rapid
- Excessive talkativeness
- Slurred
- Inappropriate laughter
- Disconnected speech patterns
- Irrational speech
- Exaggerated pronunciation

Other observed behaviors (describe) \_\_\_\_\_  
\_\_\_\_\_

Physical Evidence of Professional Staff Member's Alcohol/Drug Use (describe) \_\_\_\_\_  
\_\_\_\_\_

Professional Staff Member's Explanation Given to Supervisor/Administrator/Police-School Liaison Office/Witness(es) for His/Her Unusual Behavior/Actions \_\_\_\_\_  
\_\_\_\_\_

Confirmation of Notification to Professional Staff Member Suspected of Alcohol/Drug Use

Professional Staff Member was Referred for: \_\_\_ Alcohol Test      \_\_\_\_\_ Drug Test      \_\_\_\_\_ Both

Professional staff member was advised that his/her refusal to submit to a reasonable suspicion test (alcohol/drug test) is considered the same as a positive test result.

Professional Staff Member: \_\_\_ Agreed to Alcohol/Drug Testing      \_\_\_\_\_ Refused Alcohol/Drug Testing

Means of Transportation to Alcohol/Drug Testing Site \_\_\_\_\_

Name/Address of Alcohol/Drug Testing Site \_\_\_\_\_

Certification of Supervisor/Administrator/Police-School Liaison Officer/Reporting Person or Witness(es)

To the best of my knowledge and belief, this report documents the appearances, behaviors, or conduct of the above-named professional staff member observed by me/us and upon which I/we based my/our decision to require said professional staff member to submit to a reasonable suspicion test.

\_\_\_\_\_  
Supervisor/Administrator/Police-School Liaison Officer (please print)

\_\_\_\_\_  
Signature of Supervisor/Administrator/Police-School Liaison Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Reporting Person/Witness(es) (please print)

\_\_\_\_\_  
Signature of Reporting Person/Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Reporting Person/Witness

\_\_\_\_\_  
Date

Verification of Confiscation of Physical Evidence from Professional Staff Member Suspected of Alcohol/Drug Use (if applicable)

This is to verify that the physical evidence described above was confiscated from me prior to my being subjected to a reasonable suspicion alcohol/drug test. I also understand that I have been referred for a reasonable suspicion alcohol/drug test and will be escorted by my supervisor, an Administrator, and/or the Police-School Liaison Officer to a District-approved site for the test. My failure to complete the test process may result in termination of my employment with the School District of Rhinelander.

\_\_\_\_\_  
Professional Staff Member (please print)

\_\_\_\_\_  
Signature of Professional Staff Member

\_\_\_\_\_  
Date



### **WISCONSIN QUALITY EDUCATOR INITIATIVE**

The Board is committed to having a quality teacher in every classroom and a strong leader in every building. The Board encourages the use of best educational practices to improve instruction and increase student achievement. To this end, the board requires that the District hire the most qualified and experienced staff available and that all staff be licensed as required by law.

Attaining and maintaining proper state licensure under P.I. 34, which describes the requirement for attaining and maintaining educator licensing for practicing in the state, is primarily the licensee's responsibility. However, the Board recognizes its responsibilities under P.I. 34 and supports efforts that promote the effectiveness of staff through career-long preparation and learning, and performance-based assessment.

Under P.I. 34, the Board is required to develop a licensure support plan providing for, at a minimum, ongoing orientation, support seminars, and a qualified mentor for initial educators. Accordingly, the Board directs the Superintendent to develop a licensure support plan consistent with the requirements of P.I. 34.

The Superintendent shall also designate an administrator, subject to approval by the Board, to serve on each Initial Educator Team (IET).

The licensure support plan shall be submitted to the Superintendent. Upon approval, the plan shall be submitted to the Board for review and approval. On or before August 31, 2004, the Superintendent will also submit the plan to the Superintendent of Public Instruction for review.

The Superintendent will coordinate the participation of designated administrators serving on the plan review teams.

The Superintendent shall be responsible for the implementation of the approved plan.

P.I. 34, Wis. Adm. Code

*Adopted 07/19/2004*

### **EMPLOYMENT CONTRACT**

It will be the responsibility of the Superintendent to ensure that all members of the professional staff execute a written employment contract in accordance with the legal requirements related to their position in the District.

The Superintendent is authorized to execute employment contracts for the Board upon approval of employment.

118.21, 118.24 Wis. Stats.

## **PROFESSIONAL EMPLOYEE HANDBOOK**

The Board believes that the District staff should have an employee handbook(s) which describes for staff their roles and responsibilities, as well as the responsibilities of the District. In this regard, the Board has developed handbooks which will be maintained and revised as necessary with approval of the revisions to be determined by the Board.

Wisconsin Act 10, July 2011

*Adopted 08/15/2011*

### **STAFF DISCIPLINE**

The Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary, such action shall be consistent with any procedural and substantive due process rights of the individual, as well as the requirements of any applicable Board policy, agreement, and State and Federal law.

#### Investigation of Possible Criminal Activity

The District may be required to investigate potential wrongdoings on the part of its employees. Such investigations may require that the employee answer questions relating to the activity. Employees may be required to answer such questions, consistent with any applicable agreement. Failure to cooperate in an investigation may result in discipline, up to and including termination of the employee. In cases where this possible wrongdoing may involve criminal activity, the District shall inform the employee that answers to questions relating to the employee's conduct may be used by the District for determining appropriate discipline, but will not be provided to law enforcement officials in the course of their independent criminal investigation, unless otherwise required by law. Employees must also be informed that refusal to answer questions may be considered in determining discipline.

Franklin v. City of Evanston, 384 F. 3d 838 (7<sup>th</sup> Cir. 2044)  
Garrity v. New Jersey, 385 U.S. 493 (1967)

*Adopted 07/19/04*

## **TERMINATION, NON-RENEWAL, AND RESIGNATION**

### Termination and Non-Renewal

Professional employee contracts may be terminated or non-renewed upon a majority vote of the full membership of the Board.

All professional employees are at-will employees that may be terminated or whose contracts may be non-renewed for any reason provided that the decision is not arbitrary or capricious, or in violation of any applicable law.

In the event the Superintendent intends to recommend the non-renewal of a professional employee's contract, he/she shall comply with applicable statutory non-renewal procedures. No professional employee may be terminated or non-renewed solely on the basis of the results of mandatory student examination.

Any decision to terminate or non-renew a professional employee's employment contract shall be subject to review consistent with the procedures stated in the Professional Employee Handbook.

### Resignation

A professional staff member may resign in accordance with the terms of his/her employment contract. A resignation, once submitted, and accepted by an administrator or the Board is final and may not be rescinded without approval by the Board.

An administrator, other than a business manager, principal, or assistant principal may resign by filing a written resignation with the Superintendent.

- ◇ A resignation, once accepted, may not then be rescinded.
- ◇ The Superintendent may act for the Board in the acceptance of a resignation.

The District's business manager, principal, or any assistant principals employed by the District may resign employment with the District in accordance with the terms of his/her contract. A resignation once submitted and accepted by the Board may not be rescinded without further action by the Board.

118.22, Wis. Stats.

*Revised 09/17/2012*

### **EXIT INTERVIEW**

Each professional employee who has gained regular employee status and terminates his/her employment should have an exit interview prior to departure.

When possible, the immediate supervisor will conduct a personal exit interview. When it is not possible to conduct a personal exit interview, a questionnaire shall be mailed to the former employee to be completed and returned.

### **NON-RENEWAL OF A PROBATIONARY TEACHER**

The Board recognizes its obligation to employ only those professional staff members who are best trained and equipped to meet the educational needs of the students of the District. The Board shall discharge that obligation by retaining in service only those probationary teachers who meet those standards.

The Superintendent or his/her designee shall ensure that probationary teachers are evaluated in a timely manner by appropriate administrators, are notified of areas in which performance is not meeting expectations, and are provided assistance for improving their performance.

The Superintendent or his/her designee shall annually review the performance of all probationary teachers by a date adequate to ensure timely compliance with all statutory, contractual, or other applicable timelines. The Superintendent shall provide to the Board a written recommendation with regard to each such teacher specifically noting the extent to which the probationary teacher's performance is meeting District expectations. On the basis of its review, the Board may in its discretion offer a permanent contract, an additional year of probation, or non-renewal of employment. The Board's review of such recommendation shall comply with all applicable statutory, contractual, or other legal requirements.

The Superintendent or his/her designee shall ensure that appropriate notices of the Board's actions are sent and delivered in a timely manner to all affected probationary teachers.

118.22, 118.245(2) Wis. Stats.

### **NON-RENEWAL OF ADMINISTRATIVE CONTRACTS**

If the board intends to non-renew an administrator's contract, it shall give the administrator written preliminary notice by registered mail at least five (5) months prior to the expiration of the contract.

If the administrator files a written request for a private hearing with the Board within seven (7) days after receiving the preliminary notice, the administrator has the right to a hearing prior to being given the notice of non-renewal of the contract. The administrator may request a public or private hearing and may request that prior to the hearing, the Board provides its reasons for non-renewal in writing.

At least four (4) months prior to the expiration of the contract of an administrator, the board shall provide notice in writing of either renewal of the contract or refusal to renew such contract. No person may be employed or dismissed except by a majority vote of the full membership of the Board.

Non-renewal of administrative contracts shall be consistent with state law and with the provisions of the employment contract between the Board and the administrator.

By mutual agreement of the Board and the administrator, the employment contract may be modified or terminated.

See also Policy 1241, which applies to the Superintendent.

118.24 (6) and (7), Wis. Stats.

*Revised 09/19/2005*

*Revised 09/18/2006*



### **PHYSICAL EXAMINATION**

The Board requires any candidate, as a condition of employment, to submit to an examination, including a test for tuberculosis, in order to determine the physical capacity to perform assigned duties. Such examinations shall be done in accordance with 118.25 Wis. Stats., the Superintendent's guidelines, and/or the terms of an agreement.

The Board shall also require the candidate to submit to a test for controlled substances the results of which must indicate there is no evidence of non-prescribed drug use. Such examinations shall be done in accordance with the Superintendent's guidelines, the terms of any agreements, and/or due process of law.

The guidelines for the testing and reporting of drug use are to be in accordance with the Federal regulations related to drug testing for holders of a commercial driver license.

Reports of all such examinations or evaluations shall be delivered to the Superintendent or his/her designee, who shall protect their confidentiality. Reports will be discussed with the employee or candidate and made a part of an employee's confidential file. In the event of a report of a condition that could influence job performance, the Superintendent shall base a non-employment recommendation to the Board upon a conference with the examining physician and substantiation that the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities. Freedom from tuberculosis in a communicable form is a condition of employment.

The Board shall assume fees for required examinations.

118.25 Wis. Stats.  
42 U.S.C. 12101 et seq.  
29 C.F.R. Part 1630

### **PHYSICAL EXAMINATION**

1. *A physical examination and a chest x-ray or tuberculin test shall be required prior to the first day of employment. If a tuberculin test is returned positive, a chest x-ray shall be required.*
2. *Evidence of a satisfactory state of health and freedom from infectious disease shall be submitted on forms provided by the District except where other certifications of health from licensed physicians or health agencies contain all information required by the District.*
3. *All professional staff new to the District shall provide evidence of a physical examination, including a chest x-ray or tuberculin test. The Board may accept evidence of a physical examination and x-ray or tuberculin test taken prior to the first day of their employment. Personnel who fail to furnish such required evidence shall be suspended without pay until such evidence is presented. If personnel are unable to furnish such required evidence, only the Superintendent may waive the requirement after receiving a written request from the employee stating the reason for the delay.*
4. *When it is determined to be in the best interests of the District, additional physical examinations may be required by the Board.*
5. *Such examinations, x-rays or tests may be waived for teachers filing an affidavit stating that he/she depends exclusively on prayer or spiritual means for healing in accordance with the teachings of a bonafide religious sect, denomination, or organization and that he or she is in good health and exempt on these grounds. Notwithstanding the filing of such affidavit, if there is reasonable cause to believe that such employee is suffering from an illness detrimental to the health of the pupils, the school board may require a health examination of such school employee sufficient to indicate whether or not such school employee is suffering from such an illness.*
6. *The cost of the examination herein required shall be paid by the Board not to exceed the prevailing rate for such examination charged by physicians in the Rhinelander area.*

*The Board shall not pay for a chest x-ray unless a skin test is positive.*

*Revised 09/15/2015*

### **UNREQUESTED LEAVES OF ABSENCE/FITNESS FOR DUTY**

It is the policy of the Board to protect the students and employees of this District from the effects of contagious diseases and other circumstances that render professional employees unable to perform their duties.

The Board authorizes the Superintendent to place a professional employees on sick leave or suspend a professional staff member for physical or mental disability to perform assigned duties in conformance with the law.

The Superintendent shall require that the professional employee submit to an appropriate examination by a health care provider designated by the Board and compensated by the District.

The professional employee will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the District and to allow the Superintendent or his/her designee to speak to the healthcare provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action up to and including termination.

As required by Federal law and regulation, the Superintendent shall direct the designated healthcare provider conducting the examination not to collect genetic information or provide any genetic information in the report of the medical examination, including the individual's family medical history.

Pursuant to state law and in accordance with the Americans with Disabilities Act (ADA), as amended, and the Genetic Information Nondiscrimination Act (GINA), the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. If the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from a healthcare provider, it shall be treated as a confidential medical record as required by the ADA.

If, as a result of such examination the professional employee is found to be unfit to perform assigned duties, he/she shall be placed on leave of absence until proof of recovery satisfactory to the Superintendent is furnished.

Should a professional employee refuse to submit to an examination following requested by the Superintendent, such refusal shall subject the professional employee to disciplinary action.

The Board may designate any period of leave under this policy as qualifying leave under State and/or Federal Family Medical Leave of Absence (FMLA) leave entitlement consistent with Policy 3430.01, Family Medical Leave of Absence, as provided by law.

111.32 et seq., Wisconsin Fair Employment Act  
29 C.F.R. Part 1630  
29 C.F.R Part 1635  
42 U.S.C. 12101 et. seq., Americans with Disabilities Act of 1990, as amended  
42 U.S.C. 2000ff et seq., Genetic Information Nondiscrimination Act

*Revised 02/15/2010*  
*Revised 02/20/2017*

## **CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR EMPLOYEES THAT TRANSPORT STUDENTS**

### Policy Purpose

The Board believes that the safety of students while being transported to and from school or school activities in a District-owned vehicle is of utmost importance and is the primary responsibility of the driver of the vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with District vehicles, must be mentally and physically alert at all times while on duty. In addition, the Board recognizes that a drug-free and alcohol-free school and work environment is vital to workplace and school safety, and to the quality of the District's educational services.

To that end, the Board has established this policy, which includes an alcohol and controlled substances testing program. The Board expects all approved drivers to comply with Board Policy 3122.01, Drug-Free Workplace, which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on District property at all times.

Further, the Board concurs with the Federal requirement that all approved drivers should be free of any influence of alcohol or controlled substance while on duty. Therefore, participation in the alcohol and controlled substances testing program is a condition of employment for all approved drivers.

### Employees Covered Under this Policy

This policy covers all commercial driver's license (CDL) holders and regular and substitute bus drivers who operate a commercial motor vehicle while on duty. This policy also applies to other District employees who drive students in District-owned vehicles or those individuals who inspect, service, or condition these vehicles. The District views these as "safety sensitive" functions.

### Alcohol and Controlled Substance Testing Program

Participation in the alcohol and controlled substances testing program is a condition of employment for all approved drivers.

### Alcohol and Controlled Substance Training

District shall provide training for all employees, including approved drivers and their supervisors

### Certified Laboratory Contract and Selection of Other Agencies/Persons

The Board shall contract with a certified laboratory to provide services relating to alcohol and controlled substance testing, communications with the District's Medical Review Officer (MRO), methods and procedures for conducting random testing, and preparation and submission of all required reports.

An agency or person(s) will be selected by the Superintendent to conduct necessary alcohol breathalyzer tests, and will select the District's MRO and drug collection site(s) in accordance with the requirements of the law.

### Policy Definitions

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply:

- A. The term 'alcohol' means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl, or isopropyl alcohol. This term is a volume breath expressed in terms of grams of alcohol per 201 liters of breath as indicated by an evidential breath test as described herein.
- B. The term 'controlled substance' includes any illegal drug, the possession or use of which is unlawful pursuant to Federal, State and local laws and regulations, and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions. This term includes, but is not limited to, marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, phencyclidine (PCP).
- C. The term 'controlled substance abuse' includes excessive use of alcohol, as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.

- D. The term ‘safety-sensitive functions’ includes waiting to be dispatched, inspecting equipment, servicing, driving, loading or unloading District-owned vehicles, as well as repairing, obtaining assistance, or remaining in attendance upon a disabled District-owned vehicle. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
- E. The term ‘while on duty’ means all time - from the time the driver begins to work or is required to be in readiness for work until the time he/she is relieved from work and all responsibility for performing work.
- F. The term ‘driver’ means all CDL holders and regular and substitute bus drivers who operate a commercial motor vehicle while on duty, as well as other District employees who may drive students in District-owned vehicles or inspect, service, and condition District-owned vehicles.
- G. The term ‘employee’ in this policy and its administrative guidelines refers to the District’s professional personnel.

49 C.F.R. 382.101 et seq.

*Adopted 04/21/2014*

### **SUBSTANCE ABUSE**

The Board recognizes alcohol and drug abuse as treatable illnesses. When such illnesses impair the performance of professional employees, the Board recognizes the responsibility to assist in a manner recommended by appropriate specialists in the treatment of those illnesses.

A professional employee having an illness or other problem relating to the use of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to professional employees having any other illness. However, the responsibility to correct unsatisfactory job performance or behavior resulting from a suspected drug or alcohol problem rests with the professional employee. The Board will assist an employee with an alcohol or drug problem in developing reasonable accommodations so that the employee may perform his/her work consistent with state and federal law. Existence of a substance abuse problem does not excuse misconduct in employment or violation of Board policy.

No professional employee will have his/her job security or promotion opportunities jeopardized by his/her request for counseling or referral assistance.

Professional employees who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

This policy shall be administered in accordance with the Americans with Disabilities Act of 1990 and applicable state laws.

Americans with Disabilities Act of 1990  
Wis. Stats 111.34

*Revised 09/09/2003*  
*Revised 09/18/2006*

### STAFF ETHICS

An effective educational program requires the services of employees of integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board expects all staff members to maintain high standards in their working relationships and in the performance of their duties to

- A. recognize basic dignities of all individuals with whom they interact in the performance of duties;
- B. represent accurately their qualifications;
- C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;
- D. seek and apply the knowledge and skills appropriate to assigned responsibilities;
- E. keep in confidence legally-confidential information as they may secure;
- F. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private economic interests;
- G. avoid accepting anything of value offered by another for the purpose of influencing judgment;
- H. adhere to the policies of the Board; and,
- I. refrain from using position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes. This will in no way limit constitutionally or legally-protected rights as a citizen.

*Adopted 04/21/2008*  
*Revised 09/19/2016*

## WHISTLEBLOWER PROTECTION

The Board of Education expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative procedures. Pursuant to State law, the Board expects instructional staff members to report to their immediate supervisors any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare. Additionally, pursuant to State law, instructional staff members are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee should report the alleged misconduct to the Superintendent.

After such a report is made, the immediate supervisor will ask that the report be put in writing.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made such a report based on a reasonable and good faith belief that the report is accurate and not based on the employee's intent to harm, harass, intimidate, or retaliate against another individual.

Employees may be subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees may be subject to disciplinary action if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member, the employee shall report to the Superintendent who is authorized to engage the Board's legal counsel to manage an investigation concerning the matter. If the report concerns the Superintendent the employee shall make the report to the Board President, who is authorized to engage the Board's legal counsel to manage the investigation.

Upon receipt of a report made by an instructional staff member pursuant to this policy, an investigation shall be commenced as soon as possible and shall be handled expeditiously.

*Adopted 03/16/2015*



### **PROFESSIONAL DEVELOPMENT**

The Board believes that the development of the District's human resources should be given greatest importance in both budget and time. It also believes that the staff development program

- must be a systematic and on-going program designed to meet the continuing personal and professional needs of the staff;
- must reflect the ten (10) Wisconsin teaching standards;
- must reflect the mission, vision, and goals of the District;
- must help staff members develop specific knowledge, skills, and beliefs to successfully implement District programs;
- must foster and nurture team-building and building level leadership practices at all levels;
- must encourage effective decision-making and provide motivation for quality program improvement; and
- must reflect both the needs of the organization and the needs of the individual.

*Adopted 09/22/2003*

### **PROFESSIONAL DEVELOPMENT**

*The Board specifies that its staff development responsibilities include:*

- *Support the philosophy of continuous staff development;*
- *Allow for the initiation and support of staff development activities that support the goals outlined in the District's strategic plan through the school improvement teams with final recommendation by the Director of instruction;*
- *Provide staff development opportunities within the regular school calendar year.*

*The District's Administrative Leadership Team's responsibilities include:*

- *Determine long-range staff development need as reflected in the District's strategic plan, and develop a plan to meet those needs;*
- *Assist the Director of Instruction with the development of a staff development budget;*
- *Develop a means of evaluating the District's professional development program;*
- *Collect data from staff regarding the design, planning, and implementation of staff development activities;*
- *Assist in the preparation and dissemination of pertinent materials relating to staff development.*

*The School Improvement Team's responsibilities at each building are:*

- *Recommend appropriate building-level staff development specific to District goals as reflected in the District's strategic plan, as well as goals identified in the School Improvement Plan;*
- *Assist the administration in the planning, implementation, and evaluation of staff development activities.*

*Professional employee responsibilities are:*

- *Support the concept of staff development by writing an annual Professional Development Plan (PDP);*
- *Respond to questionnaires and evaluations regarding staff development;*
- *Interact and assist with staff development in the District and building levels which support the goals outlined in the District's strategic plan;*
- *Serve as a resource in the area of staff development;*
- *Remain at the meeting during its scheduled time period.*

*Professional Employee Conventions and Conferences:*

*Professional employees may attend those conferences and conventions that are viewed as beneficial to the District and to the continuous professional improvement of the staff members and professional colleagues.*

*Approval and funding support of attendance requests will be based upon the following considerations:*

1. *\*The need and value of the meeting to the District and the goals outlined in the District's strategic plan;*
2. *\*The relevance of the meeting as part of the continuous professional improvement of the staff member as delineated in the goals of the staff member's PDP;*
3. *\*Possible relevance to active building or District committee work or projects;*
4. *\*How what is learned at the meeting will be shared with professional colleagues;*
5. *Applicant is a meeting presenter or a committee member/officer of the sponsoring organization;*
6. *Availability of qualified substitutes to maintain adequate continuity of the instructional program;*
7. *Time and location of the meeting;*
8. *Budget limitations.*

*\*Staff MUST outline how considerations 1-4 above will be met by explaining in the "Justification for Release" section on the 'Meeting Attendance Request' form. Attachment of the meeting program without explanation will not be sufficient information for approval.*

*Approved 12/30/2008*

### **STUDENT SUPERVISION AND WELFARE**

Due to their proximity to students, professional employees are frequently confronted with situations which, if handled incorrectly, could result in liability to the District, personal liability to the professional staff member, and/or harm to the welfare of the student(s). It is the intent of the Board to direct the preparation of guidelines that would minimize that possibility.

A professional employee or a person who works or volunteers with children who is found to have had sexual contact with a student, including a student age sixteen (16) or older, shall be referred to the proper authorities and be subject to discipline up to and including discharge.

This policy should not be construed as affecting any obligations on the part of staff to report suspected child abuse under Wis. Stats. 48.981 and Policy 8462.

Most information concerning a child in school, other than directory information described in Policy 8330 - Student Records, is confidential under Federal and State laws. Any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the state and Policy 8462 - Student Abuse and Neglect, each professional employee shall immediately report to the proper legal authorities any sign of suspected child abuse or neglect.

The Superintendent shall develop guidelines to ensure the safe supervision and welfare of District students through proper professional employee supervision.

49.981, 948, 948.095 Wis. Stats.

*Revised 01/20/2014*

**STUDENT SUPERVISION AND WELFARE**

To ensure the safe supervision and welfare of District students, professional employees will act in accordance with the following:

- A. It is the responsibility of every professional employee to assure that students are safe at all times during the school day and while under their care and supervision.
- B. Each professional employee shall maintain a standard of care for supervision, control and protection of students commensurate with assigned duties and responsibilities.
- C. Each professional employee should not volunteer to assume responsibility for duties he/she cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
- D. Each professional employee shall provide proper instruction in the safety matters presented in assigned course guides.
- E. Each professional employee shall immediately report to the building principal any accident or safety hazard he/she detects.
- F. Each professional employee shall immediately report to the building principal any knowledge of threats of violence by students.
- G. A professional employee shall not send students on any personal errands.
- H. A professional employee shall not associate with students at any time or in any manner which gives the appearance of impropriety, including but not limited to the creation of or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs.

*This provision should not be construed as precluding a professional employee from associating with students in private for the legitimate or proper reasons, or to interfere with familial relationships that may exist between staff and students.*

*In accordance with Wis. Stats., any staff member who is found to have had sexual contact with a student shall be referred to proper authorities and be subject to discipline up to and including discharge.*

- I. *If a student comes to a professional employee to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, the staff member may help the student make contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's problem. Under no circumstances should a staff member attempt to counsel, assess, diagnose, or treat the student's problem or behavior unless properly licensed and authorized to do so.*
- J. *A professional employee shall not transport students in a private vehicle without the approval of the building principal.*
- K. *A student shall not be required to perform work or services that may be detrimental to his/her health.*
- L. *Professional employees are discouraged from engaging in social media or online networking media such as Facebook, Twitter, MySpace, etc. outside of their professional capacity (See Policy 7540, Technology). Professional employees' social media content shall be treated as an extension of the classroom and should always meet the high standards of professional discretion. Anything that would be inappropriate in the classroom would also be inappropriate in a staff member's social media content.*

- M. Professional staff members are prohibited from posting any video or comment on social networking media or similar forums such as YouTube pertaining to any student without permission from the student and a clear educational/instructional purpose.*
- N. Professional employees are responsible for the prevention of any controlled substance use by students when that substance has not legally been prescribed to them by a medical provider. A professional employee may be prescribed a controlled substance (i.e. prescription medication) for health purposes, which may have to be taken by the staff member during the school day or while supervising students. The substance should not be kept on his/her person, in his/her desk, in his/her purse or carry-in bag/tote, or in any location that a student may obtain access to. In the event a staff member needs to bring a controlled substance to school for health purposes, it must be locked in a secure location in the school office or in the staff member's personal vehicle.*

Approved 01/03/2013  
Revised 12/07/2015

### **USE OF TOBACCO BY PROFESSIONAL STAFF**

The Board of Education is committed to providing students, staff, and visitors with a tobacco and smoke-free environment. The negative health effects of tobacco use for both users and non-users, particularly in connection with second hand smoke, are well-established. Further, providing a non-smoking tobacco-free environment is consistent with the responsibilities of professional employees and other staff to be positive role models for our students. The Board also recognizes, however, the right of individuals under state law to use lawful products, including tobacco, during non-working hours off District premises.

For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes.

This policy also prohibits the use of/smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes on District premises/property, as well as any other lighted smoking devices for burning tobacco, nicotine, or any other substance.

Accordingly, the Board prohibits the use of tobacco in any form on District premises/property, in District vehicles, within any indoor facility owned, leased, or contracted for by the District, and on any premises/property used to provide education or library services to children, and at all District-sponsored events.

111.321, Wis. Stats.  
120.12(20), Wis. Stats.  
20 U.S.C. 6081 et seq.  
20 U.S.C. 7182

*Revised 08/15/2011*  
*Revised 04/21/2014*

### **PROFESSIONAL STAFF DRESS AND GROOMING**

The Board believes that professional employees set an example in dress and grooming for their students to follow. A professional staff member who understands this precept and adheres to it enlarges the importance of his/her task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

The Board retains the authority to specify the dress and grooming guidelines for professional employees that will prevent such matters from having an adverse impact on the educational process. When assigned to District duty, all professional employees shall

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their professional responsibilities;
- C. dress in a manner that communicates to students and others a pride in personal appearance;
- D. dress in a manner that does not cause damage to District property; and
- E. be groomed in such a way that their dress or hairstyle does not disrupt the educational process or cause a health or safety hazard.

## WEAPONS

Without the permission of the Superintendent, the Board prohibits professional employees from possessing, storing, making, or using a weapon in any setting that is under the control or supervision of the District for the purpose of school activities that are approved and authorized by the Board, including but not limited to: property leased, owned, or contracted for by the District; a school-sponsored event; or, in a District vehicle.

The Board prohibits professional employees from knowingly possessing a firearm at a place the individual knows or has reasonable cause to believe is a school zone, or is within 1,000 feet of the grounds of a school.

Professional employees, including those who are licensed under Wis. Stats. 175.60, are prohibited from carrying and storing weapons in their personal motor vehicles while the vehicle is parked in or on District-owned property.

Professional employees of the District are prohibited from carrying weapons at any time while they are working for the District or acting within the course and scope of employment. These situations include but are not limited to attending training sessions or seminars; wearing an identification badge; and, working at other sites off District premises. In addition, no professional employee may carry a concealed weapon in a District-owned vehicle.

A staff member who is a concealed carry permit licensee may not carry a concealed weapon or otherwise store a weapon or ammunition in his or her personal vehicle while transporting students for school-sponsored events or school-related purposes in his or her own vehicle. This does not apply to the transportation of students related by blood or marriage to the staff member if only such students are being transported.

### Concealed Carry Permit Holders

Nothing in this policy prohibits a professional employee with a properly issued permit to carry a concealed weapon from exercising his/her rights consistent with Wisconsin's concealed carry law and the State and Federal gun free school zones laws. However, a professional employee who is the holder of a concealed carry permit license issued or recognized by the State of Wisconsin may not, by virtue of Wis. Stat. 948.605(2)(b)1r, possess a concealed weapon anywhere in or on school grounds, including parking areas.

### Definition of "Weapon"

For this policy, the term "weapon" means any object which, in the manner in which it is used, is intended to be used or is represented as capable of inflicting serious bodily harm or property damage or endangering the health and safety of persons. Weapons include but are not limited to firearms (including, but not limited to, firearms as defined in 18 U.S.C. 921(a)(3)); guns of any type including air and gas-powered guns (whether loaded or unloaded); knives; razors; clubs; electric weapons; metallic knuckles; martial arts weapons; ammunition; and, explosives.

Exceptions to this policy include the following:

- A. Weapons under the control of law enforcement personnel while on duty or off duty if there is an appropriate agreement between the District and the employer of the law enforcement personnel.
- B. Items approved by a principal or the Superintendent as part of a class or individual presentation under adult supervision, including but not limited to hunters' education courses if used for the purpose of and in the manner approved. (Working firearms, except those protected at all times by a cable or trigger lock, and live ammunition shall never be approved.)
- C. Theatrical props used in appropriate settings.
- D. Starter pistols used in appropriate sporting events.
- E. A lock-back knife having a blade no longer than three (3) inches in length, a knife lawfully used for food consumption or preparation, or a knife used for a lawful purpose within the scope of the person's employment.
- F. An individual in possession of a firearm in accordance with the exceptions to the Federal and State Gun Free School Zones Act (GFSZA).



- G. An individual who is licensed to carry pursuant to Wis. Stats. 175.60. *(As of November 1<sup>st</sup>, a person with a concealed carry license may now carry a concealed weapon within that 1,000 foot limit – but not on school grounds. This means that a licensee may carry a concealed weapon on private and public lands that are within 1,000 feet of the school, so long as that individual is licensed under the concealed carry law.*

The Superintendent may refer a professional employee who violates this policy to law enforcement officials. The employee may also be subject to disciplinary action up to and including termination as permitted by applicable District policy.

Any professional employee who has reason to believe that a person has or will violate this policy shall immediately report to the school principal or their supervisor. Failure to report such information may subject the employee to disciplinary action up to and including termination. The professional employee violating this policy may also be confronted by the person reporting the incident if that person believes the risk of injury to self or others is minimal or if immediate action is necessary to prevent injury to any person.

This policy shall be published and distributed to staff members annually. Publication is not a precondition to enforcement of this policy.

120.13(1), Wis. Stats.  
Wis. Stats. 175.60  
Wis. Stats. 943.13  
Wis. Stats. 948.605  
18 U.S.C. 921(a)(3)  
18 U.S. C. 922  
20 U.S.C. 7151

*Revised 12/19/11*  
*Revised 01/20/14*

## **PROFESSIONAL EMPLOYEE EVALUATION AND EDUCATOR EFFECTIVENESS**

The Board is responsible for the employment and discharge of all personnel. To carry out this responsibility, it delegates to the Superintendent the function of establishing and implementing staff job descriptions and a program of personnel assessment that identifies specific criteria and a systematic procedure to evaluate staff. This procedure shall include an appropriate and approved educator effectiveness program for the evaluation of teachers and principals in the District.

It is the purpose of the program for staff assessment to

- A. strive for the improvement of the total District program;
- B. stress the importance of personal improvement on the part of individual professional staff members so that each student may be provided a quality education;
- C. ensure the continuous improvement of administrative and supervisory services provided professional employees;
- D. evaluate the renewal or non-renewal of individual contracts and to assist in staff assignment; and,
- E. aid in determining the individual staff member's compensation.

The assessment and evaluation program shall aim at the early identification of specific areas in which an individual professional employee needs help so that appropriate assistance may be provided or arranged for. A supervisor offering suggestions for improvement to a professional employee shall not release that employee from the responsibility to improve. If a professional employee, after receiving a reasonable degree of assistance, fails to perform his/her assigned responsibilities in a satisfactory manner, dismissal or non-renewal procedures may be invoked. In such an instance, all relevant evaluation documents may be used in the proceedings.

A professional employee shall be given a copy of any documents relating to his/her performance that will be placed in the personnel file.

### Licensed Professional Employees and Principals

Evaluations shall be conducted in the first year of employment and at least every third year thereafter, or more frequently as determined by the administration or by the protocols of the educator effectiveness program adopted and used by the Board. Pursuant to Wisconsin's educator effectiveness law, the Board delegates to the Superintendent the task of selecting and implementing an approved educator effectiveness program such that the District is in compliance with state law.

Evaluations shall be conducted based on the model in place at the time and consistent with applicable state law and the District's guidelines.

The administration is authorized to implement additional evaluation procedures for specific personnel in need of additional or alternative evaluation in addition to the educator effectiveness program. A positive rating from the educator effectiveness model does not necessarily preclude the District from taking adverse employment action towards an employee for other performance or conduct related reasons, or from implementing remedial or performance improvement measures.

P.I. 8.02(2q), P.I. 47 Wis. Adm. Code  
118.225, 118.30, 121.02(1)(q) Wis. Stats.  
20 U.S.C. 6311

*Revised 09/17/2012*  
*Revised 10/15/2012*  
*Revised 03/16/2015*

***PROFESSIONAL EMPLOYEE EVALUATION AND EDUCATOR EFFECTIVENESS***

*Administrative guidelines are contained within the Professional Employee Handbook and the Professional Employee with Supervisory Responsibilities Handbook.*

*Revised 10/15/2012  
Revised 03/16/2015*

### **CONFLICT OF INTEREST**

The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by District employees is essential to ensure the proper performance of school business, as well as to earn and keep public confidence in the District. To accomplish this, administrative guidelines have been developed to ensure that conflicts of interest do not occur. The guidelines are not intended to be all inclusive or as a substitute for good judgment on the part of all professional employees. Professional employees are expected to perform their duties in a manner free from conflict of interest consistent with Wis. Stats. 19.59.

*Adopted 02/15/2016*

### **CONFLICT OF INTEREST**

*No professional employee shall engage in or have financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system. Professional employees shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the District.*

*Included, by way of illustration rather than limitation, are the following:*

- A. Soliciting on school premises or under circumstances which are coercive for the private sale of goods or services to students or other employees.*
- B. The use, sale, or improper divulging of any privileged information about a student or client granted in the course of the employee's employment or through his/her access to District records.*
- C. The referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals.*
- D. The requirement of students or clients to purchase any private goods or services provided by an employee or any business or professional practitioner with whom any employee has a financial relationship as a condition of receiving any grades, credits, promotions, approvals, or recommendations.*

*Professional employees shall not make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.*

*Professional employees shall not solicit gifts, travel packages, and other incentives from prospective contractors.*

*Professional employees shall not participate in the selection, award, or administration of any contract to an entity in which*

- they have a pecuniary interest from which they derive a profit;*
- a dependent of the employee has pecuniary interest; or*
- the dependent derives a profit.*

*"Dependent" includes the employee's spouse, un-emancipated child, stepchild, or adopted child under the age of eighteen (18), or an individual for whom the employee provides more than one-half (1/2) of the individual's Professional during the year.*

*A "pecuniary interest" means an interest in a contract or purchase that will result or is intended to result in an ascertainable increase in the income or net worth of the employee or the employee's dependent who is under the direct or indirect administrative control of the employee, or who receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the employee.*

*Should exceptions to these administrative guidelines or to Policy 3230, Conflict of Interest, be necessary in order to provide mandatory services to students or clients of the District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the Superintendent before entering into any private relationship.*

*Violation of these administrative guidelines and Policy 3230, Conflict of Interest, by a professional employee will result in disciplinary action being taken against the employee up to and including termination of employment.*

2 C.F.R. 200.318

7 C.F.R. 3016.36(B)(3) and 3019.42

Adopted 11/16/2015

### **OUTSIDE ACTIVITIES OF PROFESSIONAL STAFF**

The Board directs the Superintendent to share this policy and its administrative guidelines with professional employees in an effort to avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations threaten an employee's effectiveness within the school system, the Board reserves the right to evaluate the impact of such interest, activity, or association upon an employee's responsibilities.

*17 U.S.C. 101 et seq.*

*Adopted 11/16/2015*

### ***OUTSIDE ACTIVITIES OF PROFESSIONAL STAFF***

*Professional employees should not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.*

*Professional employees shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.*

*Professional employees shall not engage in business transactions on behalf of private enterprises in which they may profit by virtue of their official position or authority, or benefit financially from confidential information which employees have obtained or may obtain by reason of their position or authority.*

*Professional employees shall not campaign on school property on behalf of any political issue or candidate for local, state, or national office.*

*Professional employees may not accept fees for tutoring when such tutoring is conducted during the normal workday.*

#### **Research and Publishing**

*Professional staff members are encouraged to contribute articles to professional publications and to engage in approved professional research. Materials which might be considered for publication and/or production, which identify the District in any manner, shall be cleared with the Superintendent prior to publication and/or production. Publications and productions shall be subject to the following copyright provisions:*

- A. *Rights to copyrights or patents of books, materials, devices, etc. developed by professional employees on their own time will be relinquished by the Board upon request of the employee provided that*
  1. *the books, materials, devices, etc. were prepared without the use of District data, facilities, and/or equipment;*
  2. *the District is granted the privilege of purchasing the materials or products free of any copyright or royalty charges; and*
  3. *the staff member does not become involved in any way in the selling of the product to the District.*

*The final decision regarding whether materials were produced independently of any work assignment and/or without using school equipment, facilities, data, or equipment rests with the Superintendent.*

*Professional employees who desire to publish or produce materials on their own time should make such action known to the Superintendent prior to the time such work is started in order that proper procedures can be established to assure that District interests and the interests of the staff member area protected.*

- B. *All books, materials devices, or products which result from the paid work time and/or prescribed duties of professional employees shall remain the property of the District. The District shall retain all rights and privileges pertaining to the ownership thereof.*

*The Superintendent is authorized to negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall ensure fair and appropriate compensation, including sharing of royalties, for the professional employee(s) who developed the products.*

*Adopted 11/16/2015*

### **PROFESSIONAL MEETINGS**

The Board encourages opportunities for professional employees to develop increased competence beyond that which they may attain through the performance of their assigned duties through attendance at professional meetings.

For purposes of this policy, a professional meeting shall be defined as any meeting that is related to the activities, duties, or responsibilities of professional staff members as determined by the Superintendent.

On the basis of individual requests, simple in-service credits as defined in the Professional Employee Handbook may be authorized by the Superintendent or his/her designee.

The Superintendent shall prepare administrative guidelines to implement this policy.

The Board may reimburse actual and necessary expenses incurred in attending approved meetings.

118.24(5) Wis. Stats.



### **PROFESSIONAL MEETINGS**

*The Superintendent or his/her designee may authorize professional leave for a professional employee for attendance at state, regional, and national meetings workshops, clinics, or other appropriate professional growth activities.*

#### Procedure

- 1. A professional employee requesting professional leave for state, regional, and national meetings shall submit his/her request in writing to his/her immediate supervisor. Three (3) copies of this request must be provided.*
- 2. All professional employees shall use the approved request form.*
- 3. Request for leave should be submitted ten (10) school days in advance of the scheduled meeting.*
- 4. Final approval must come from the Superintendent or his/her designee*
- 5. Substitute personnel shall not be employed until verification of release approval is secured.*
- 6. The District may pay some or all of the expenses of such trips subject to the availability of funds and the Superintendent's approval.*

#### Conditions

- 1. In the event the District requests a professional employee to attend a meeting, workshop, or convention, it will pay all expenses involved according to the reimbursement rates in effect. However, pursuant to the Internal Revenue Service, meal reimbursement is made only if the employee stays overnight for the meeting, workshop, or convention.*
- 2. In the event an employee wishes to attend a meeting, workshop, or convention, the employee's immediate superior may recommend approval. The District may pay the cost of a needed substitute and may work out a shared expense plan.*
- 3. Members of the District professional employee group will make their general requests for attending workshops, meetings, and conventions at the time they prepare their budgets. A 'Meeting Attendance Request' for must be completed and approved in advance of each individual meeting.*
- 4. Attendance and expense payment for extra-curricular events will be determined by policies related to those activities. A 'Meeting Attendance Request' for must be completed and approved in advance of each individual activity.*

#### Simple Inservice Credit

- 1. The number of credits offered by the agency or school sponsoring an activity will be the number of credits normally granted unless it is in excessive contradiction to these administrative guidelines and Policy 3243, Professional Meetings.*
- 2. In the event the sponsoring agency does not indicate the amount of credits for actual classroom time to be given, the following credit schedule will apply:*

*1 quarter credit system = .66 of a semester system  
3 quarter credits = 2.0 semester credits*

*CEU's are normally 10 hours  
1 CEU normally = 5/8 inservice credit*

ACTUAL HOURS OF PARTICIPATION	CREDITS	ACTUAL HOURS OF PARTICIPATION	CREDITS
0 - 2.0	1/8	18.1 - 20	1-1/4
2.1 - 4.0	1/4	10.1 - 22	1-3/8
4.1 - 6.0	3/8	22.1 - 24	1-1/2
6.1 - 8.0	1/2	24.1 - 26	1-5/8
8.1 - 10.0	5/8	26.1 - 28	1-3/4
10.1 - 12.0	3/4	28.1 - 30	1-7/8
12.1 - 14.0	7/8	30.1 - 32	2.0
14.1 - 16.0	1.0	32.1 - 34	2-1/8
16.1 - 18.0	1-1/8	34.1 - 36	2-1/4

Any fraction beyond the above hours will be prorated accordingly (i.e. 40 hours = 2.5 credits)

Actual hours of participation means those hours when the professional employee is with the presenter or in an activity resulting from and under the presenter's direction. It is not meant to include such things as registration, breaks, and meals unless there is a program or presentation going on as part of the meal.

3. Prior approval from the Director of Personnel or the Superintendent is required. A copy of the program is required in determining the number of credits. Professional employees shall submit all applications to the Director of Personnel.
4. Every effort will be made to inform employees of professional opportunities as far in advance as possible.
5. Simple inservice credits are generally not earned when there is a cost to the District in fees, travel expense, or loss of normal working hours.
6. Proof of attendance at an activity is always required.

Tuition Reimbursement

1. The professional employee will provide evidence of enrollment and acceptance in an activity.
2. All activities will be approved by the Superintendent or his/her designee at least twenty (20) school days prior to starting an activity.
3. The District will make all tuition payments directly to the activity selected by the professional employee.
4. Repayment of tuition to the District will be made in one of two ways
  - a. One check for repayment in full no later than September 30 of the school year in which the credits were earned; or
  - b. A delay in reimbursement on the professional employee's contract until all advance tuition paid by the District is repaid in full.

If the course for which the District has already paid tuition is not completed successfully, the amount of the tuition will be withheld from the professional employees pay over the next school year.

5. In the event the employment relationship between the professional employee and the District is terminated, before advance tuition has been repaid by the employee, the balance will be withheld from the employee's final pay.
6. No payment will be made for graduate credits beyond a total of thirty (30).

Consultants

The following guidelines will govern consultant services:

1. Generally, consultants are paid a flat fee for their services. The fee is expected to cover their meals and minor travel.
2. Consultants are paid at a rate of:
  - a. approximately 2 hours of service –  $\frac{1}{4}$  the daily rate
  - b. approximately 2 to 4 hours of service –  $\frac{1}{2}$  the daily rate
  - c. approximately 4 to hours of service – the full daily rate

The daily rate is to be a rate that is reasonable for the services rendered. Compensation for consultants will be considered reasonable to the extent that it is consistent with that paid for similar services in other activities of the state or local government. In cases where the kinds of services required for the activities are not found in the other activities of the state or local government, compensation will be considered reasonable to the extent that it is comparable to that paid for similar work in the labor market in which the District competes for the kind of employees involved. Compensation surveys providing data representative of the labor market involved will be an acceptable basis for evaluating reasonableness.

3. If travel to the District is significant, then the mileage is a reasonable expense. If an individual is in the area of the District as part of normal duties for another job and a portion of their day is utilized as a consultant to the District, the mileage is not a reasonable expense.
4. If the nature of the service offered requires an early start or late ending time, then an overnight lodging expense is reasonable. If more than one individual is involved, people are encouraged to share a room and, therefore, keep expenses to a minimum when possible.
5. Current District rates for mileage, meals, and lodging are to be utilized. The claimed expenses should be documented with receipts and destination mileage.
6. All arrangements for consultant services must be made and approved prior to the date of the service. The approval must be between the Superintendent or his/her designee and the individual(s) who is/are to provide the service.

An agreement for consultant services should include the following:

- a. Anticipated number of days or hours
  - b. Anticipated services
  - c. Date(s) of service
  - d. Rate of pay for service
  - e. Names of individuals who will provide the service
7. Following consultant services and prior to payment, an itemized expense statement shall be submitted.

**PERSONAL PROPERTY COMMUNICATION DEVICES OF STAFF MEMBERS**

Professional employees may bring personal communication devices, to school either for reasons associated with professional responsibilities or for use during off-duty time. The owner of the personal communication devices bears all responsibility and assumes all risk of loss, damage, or misuse of said personal devices while on District property.

*Adopted 02/15/2016*

### **FREEDOM OF SPEECH IN NON-SCHOOL SETTINGS**

The Board acknowledges the right of its professional employees, as citizens in a democratic society, to speak out on issues of public concern. However, when those issues are related to the District and are including matters related to the performance of their job duties or responsibilities, a professional employee's expression must be balanced against the interests of the District.

The following guidelines are adopted by the Board to help clarify and therefore avoid situations in which the professional employee's expression could conflict with the District's interests. In such situations, the employee should

- A. state clearly that his/her expression represents personal views and not necessarily those of the District;
- B. refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials;
- C. not make threats or abusive or personally defamatory comments about co-workers, administrators, or officials of the District; and,
- D. refrain from making public expressions which he/she knows to be false or are made without regard for truth or accuracy.

*Revised 09/28/2009*

*Revised 09/19/2016*

### **USE OF RECORDING DEVICES DURING MEETINGS OR CONVERSATIONS**

The Board recognizes the importance of protecting the privacy interests of the District's professional staff members, and is committed to safeguarding their privacy during meetings and general conversations, and during such times when confidentiality and privacy is required.

To protect the privacy of all District professional staff members, electronic recording by audio, video, or other means is not permitted during any meetings or conversations unless each and every person present has been notified and consents to being electronically recorded. Persons wishing to record a meeting or conversation must also obtain consent from anyone who may arrive late to any such meetings or conversations.

No employee shall electronically record telephone conversations unless all persons participating in the telephone conversation have consented to be electronically recorded.

Provisions in this policy are not intended to limit or restrict electronic recording of publicly posted Board meetings, grievance hearings, and any other Board-sanctioned meeting being recorded in accordance with policy.

Provisions in this policy are not intended to limit or restrict electronic recordings involving authorized investigations conducted by District personnel or authorized agents of the District, or electronic recordings that are authorized by the District, (e.g. surveillance videos, extra-curricular activities, voicemail recordings).

Adopted 12/18/2017

### COMPLAINT RESOLUTION PROCEDURE

It is the policy of the District to treat all employees equitably and fairly in matters affecting their employment. Each employee of the District shall be provided an opportunity to provide information to Administration about matters affecting employment that the employee believes to be unjust. This procedure is available in the case of an employee's disagreement with discipline or termination of employment, as well as any matter relating to workplace safety. This section shall apply to all professional staff.

- A. A complaint shall mean a dispute concerning an employee's discipline or termination of employment, or a dispute concerning workplace conditions that affect workplace safety. Only one subject matter shall be covered in any one complaint and shall be reduced to writing in each step of the process.
- B. A written complaint form shall contain the name and position of the complainant, a clear and concise statement of the complaint, the issue involved, the relief sought, the date the complaint took place, and the signature of the and the date, as provided in this handbook.

Step 1 An earnest effort shall first be made to settle the matter formally between the professional employee and their immediate supervisor within ten (10) school days after the employee presents the complaint in writing to their immediate supervisor. The immediate supervisor shall give his/her written answer within fifteen (15) school days of the time the complaint was presented to him/her in writing.

Step 2 If not settled in Step 1, the complaint may, within five (5) school days of the date of the supervisor's response, be appealed in writing by the complainant to the Superintendent/Designee. The Superintendent/Designee shall have ten (10) school days to meet and attempt to resolve the complaint. The Superintendent/Designee shall give a written answer no later than fifteen (15) school days after the parties have met and discussed the complaint.

Step 3 If not settled in Step 2, the complaint may, within five (5) school days of the date of the Superintendent's/Designee's response in Step 2, be appealed in writing to an Independent Hearing Officer. The Independent Hearing Officer will discuss the matter with the complainant and Administration no later than twenty (20) school days after receipt of the written complaint. The Independent Hearing Officer will give a written answer within fifteen (15) school days after hearing the complaint.

Step 4 If not settled in Step 3, the grievant may within five (5) school days of the date of the Independent Hearing Officer's response in Step 3, be appealed in writing to the Board by the administration or complainant. The Board will only review written documentation at its subsequent regularly scheduled monthly Board meeting. The Board will give a final written answer within fifteen (15) school days after taking action on the complaint, which shall end the complaint.

- C. For the purposes of the complaint procedure, school days in summer will include Monday through Friday, excluding holidays.
- D. If the complaint is not acted upon at any step by the designated party within the prescribed number of days, the complaint moves automatically to the next step. If the complainant does not advance a decision to the next step within the prescribed number of days, the complaint is automatically dropped.

This procedure constitutes the exclusive process for the redress of employee complaints for the subject matter referred to herein. However, nothing in this complaint resolution procedure shall prevent any employee from addressing concerns regarding matters not subject to the complaint resolution procedure with administration, and employees are encouraged to do so. Subject to any applicable Board policy or directive, matters not subject to the complaint resolution procedure that are raised by employees shall be considered by administration. Administration has final authority to resolve the matter.

Time limits contained in this complaint resolution procedure outlined above may be extended by mutual consent of the parties. If any applicable time limit for advancing the complaint to the next step in the process is not met, the

complaint shall be deemed resolved. Each employee shall be afforded any opportunity to be represented at each step of the complaint resolution procedure by a representative of the employee's choice and at no expense to the District.

For purposes of this complaint resolution procedure, the following definitions shall apply:

- "Workplace safety" means those conditions related to physical health and safety of employees enforceable under Federal or State law, or District rule related to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risks.
- "Termination" does not include voluntary resignation or retirement, or the nonrenewal of an employment contract pursuant to 118.22 and 118.24 Wis. Stats.
- "Employee discipline" refers to unpaid suspensions written reprimands, or demotion, but excludes performance conferences/evaluations, staff assignments, improvement plans, or oral counseling or reprimand unless a written record of the reprimand is placed in the employee's file. Nonrenewal of a contract under Wis. Stats. 118.22 or 118.24 shall be considered disciplinary if for misconduct or performance reasons.

118.22, 118.24 Wis. Stats.

*Adopted 10/20/2014*



## **EMPLOYEE ANTI-HARASSMENT**

### Prohibited Harassment

The Board is committed to a work environment that is free of harassment of any form. The Board will not tolerate any form of harassment and will take all necessary and appropriate action to eliminate it. Any member of the District community who violates this policy will be subject to disciplinary action, up to and including termination of employment. Additionally, appropriate action will be taken to stop and otherwise deal with any third party who engages in harassment against District employees.

For purposes of this policy, "District community" means individuals subject to the control and supervision of the Board including, but not limited to, student teachers, staff, volunteers, and Board members. "Third party" means individuals outside the District community who participate in school activities and events authorized by the Board including, but not limited to, visiting speakers, participants on opposing athletic teams, and vendors doing business with or seeking to do business with the District.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as sex, color, race, ancestry, religion, national origin, age, handicap, disability, marital status, veteran status, citizenship status, sexual orientation, arrest record, conviction record, or other protected group status, which affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Harassment may occur employee-to-employee, student to employee, male-to-female, female-to-male, male-to-male, or female-to-female.

### Sexual Harassment

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitutes sexual harassment when:

- A. a supervisory employee engages in harassing behavior towards a subordinate employee, regardless of whether such conduct creates a hostile work environment;
- B. acquiescence in or submission to such conduct is an explicit or implicit term or condition of employment;
- C. an individual's acquiescence in, submission to, or rejection of such conduct becomes the basis for employment decisions affecting that individual;
- D. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Sexual relationships between staff members, where one staff member has supervisory responsibilities over the other, are discouraged as a matter of Board policy. Such relationships have an inherent possibility of being construed as sexual harassment because the consensual aspect of the relationship may be the result of implicit or explicit duress caused by uncertainty regarding the consequences of non-compliance.

### Reporting Procedures

The Superintendent shall prepare written administrative guidelines for employees to report alleged harassment prohibited under this policy to appropriate school administrators. The reporting procedures shall, at a minimum, provide as follows:

- A. Any employee who believes s/he has been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to appropriate school officials.
- B. Professional employees, administrators, and other school officials who have notice or receive notice that an employee has or may have been the victim of harassment prohibited under this policy shall immediately report the alleged harassment to an appropriate school official.
- C. Any other person with knowledge or belief that an employee has been or may have been the victim of harassment prohibited by this policy shall be encouraged to immediately report the alleged acts to an appropriate school official.

- D. The reporting party or complainant shall be encouraged to use a report form available from the principal of each building or available from the Administration Center, but oral reports shall be considered complaints as well. Use of formal reporting forms shall not be mandated. However, all oral complaints shall be reduced to writing. Further, nothing in the administrative guidelines to this policy shall prevent any person from reporting harassment directly to the Superintendent.
- E. To provide individuals with options for reporting harassment to an individual of the gender with which they feel most comfortable, each school building principal shall be advised to designate both a male and a female Complaint Coordinator for receiving reports of harassment prohibited by this policy. At least one Complaint Coordinator or other individual shall be available outside regular school hours to address complaints of harassment that may require immediate attention.

#### Investigation Procedures

The Superintendent shall prepare written administrative guidelines to this policy for investigating complaints of harassment. These procedures will, at a minimum, provide as follows:

- A. The Complaint Coordinator or another individual designated by the Superintendent (the "Investigator") shall conduct an investigation immediately upon receiving a complaint or report of harassment prohibited under this policy. The Superintendent, or his/her designee, shall oversee the investigation. The Superintendent will also take immediate action, as may be appropriate, to prevent further violations of this policy while the investigation is being conducted.
- B. The investigation shall consider all relevant facts, documents, witness accounts, and other relevant information.
- C. The investigation shall be completed no later than ten (10) calendar days from receipt of the complaint, unless additional time is needed to conduct a thorough and objective investigation. The Investigator shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report shall be filed directly with the Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. The Investigator may conduct the investigation regardless of the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

#### School District Action

Upon receipt of a report that a violation has occurred, the District will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation. Appropriate actions may include, but are not limited to, counseling, awareness training, warning, suspension, exclusion, transfer, remediation, termination, or discharge. District action taken for violation of this policy shall be consistent with the requirements of applicable agreements, state and federal law, and District policies for violations of a similar nature or similar degree of severity.

If the evidence suggests that the harassment at issue is also a crime, the Board shall also direct the Superintendent to report the results of the investigation to the appropriate social service and/ or law enforcement agency charged with responsibility for handling such crimes.

In accord with state and federal laws regarding privacy and other rights, the Superintendent shall provide the complainant and other parties with a written answer to the complaint within 30 calendar days of receiving the Investigator's report.

#### Reprisal

Submission of a good faith complaint or report of harassment will not affect the complainant's or reporter's work status or work environment. However, the Board also recognizes that false or fraudulent claims of harassment or false or fraudulent information about such claims may be filed. The Board reserves the right to discipline any person filing a false or fraudulent claim of harassment or false or fraudulent information about such a claim.

The District will discipline or take appropriate action against any member of the District community who retaliates against any person who reports an incident of harassment prohibited by this policy or participates in a proceeding,

investigation, or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Miscellaneous

The District shall conspicuously post a notice, including this policy against harassment, in each school in a place accessible to the District community and members of the public. This notice shall also include the name, mailing address, and telephone number of the Complaint Coordinators, the name, mailing address, and telephone number of the State agency responsible for investigating allegations of discrimination in educational opportunities, and the mailing address and telephone number of the United States Equal Opportunity Employment Commission.

A copy or summary of this policy and any related administrative guidelines shall appear in the employee handbook and a copy shall be made available upon request of employees and other interested parties.

The Board will ensure that methods are developed for discussing this policy with the District community. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to the District community on an annual basis, and at such other times as the Board in consultation with the Superintendent determines is necessary or appropriate.

This policy shall be reviewed at least annually for compliance with local, state, and federal law.

The Board will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as practicable, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery, disclosure, or other legal obligations.

111.31, Wis. Stats

118.195 Wis. Stats.

118.20, Wis. Stats.

20 U.S.C. 1681 et seq., Title IX

29 701 et. seq., Rehabilitation Act of 1973

29 U.S.C. 794

42 U.S.C. 1983

42 U.S. C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 12101 et seq.

42 U.S.C. 12112, Americans with Disabilities Act of 1990

*Revised/Replaced 03/20/06*

*Revised 02/15/2010*

**EMPLOYEE ANTI-HARASSMENT**  
(Complaint Procedures)

*In fulfilling the District's obligation to maintain a positive and productive work environment, the District will make every attempt to halt any harassment which they become aware of by calling attention to this policy or by more direct disciplinary action, if necessary.*

*Individuals who experience any form of harassment are encouraged to make it known to the offender(s) that such behavior is offensive to them.*

*Any person who believes he/she has been harassed in violation of this policy may file a complaint in accordance with the procedure below.*

Informal Action

*If a person feels they have a problem of a sensitive nature, for example, sexual harassment, pregnancy, handicap, etc., the District suggests that they talk it over with someone they trust such as a teacher, counselor, or administrator before filing a formal complaint. No documentation would be required at the informal level.*

Formal Procedure

Section I

*Any parent, student, employee or visitor of the District who has a complaint pertaining to harassment may file such complaint with the Director of Personnel who is designated to investigate allegations of violations.*

- A. *The employee designated is the Director of Personnel, 665 Coolidge Avenue – Suite B, Rhinelander, WI 54501. Telephone 715-365-9700.*
- B. *Complaints and resolution agreements must be in written form, dated and signed by the complainant and the Director of Personnel.*
- C. *In order for the complainant's basis to be fully known for alleging the violation, the written grievance must:*
  1. *five the name, address, and telephone number of the person(s) filing the grievance;*
  2. *state all the facts giving rise to the complaint including names, dates, places, acts; and*
  3. *indicate the specific relief requested.*
- D. Progressive Discipline  
*Progressive discipline is a process that is generally followed. However, depending on the nature of the situation, it is possible for discipline to be implemented at any level. For example, if a behavior is declared to be misconduct, it is possible for dismissal on the first offense.*

Four Steps

1. Oral reprimand  
*A conference/meeting supported by notes.*
2. Written reprimand  
*Conference/meeting supported by written/typed reports, signed and dated by both parties and any witnesses.*
3. Suspension from work
  - a) *Without pay - written/typed reports with signatures and dates.*
  - b) *With pay - full information delayed or pending further investigation.*

4. Dismissal

*Written/typed reports with signatures and dates.*

Level 1

*The Director of Personnel shall promptly, upon receipt of the written complaint, commence an investigation of the alleged harassment. After ten (10) working days, the Director of Personnel shall notify the complainant and other involved parties in writing of the findings regarding the alleged discrimination.*

- a) *If the Director of Personnel determines there is no harassment, the grounds for so finding must be presented; carefully rebutting the allegations of the written complaint.*
- b) *Should the Director of Personnel find probable cause to believe there is harassment, he/she shall advise the Superintendent of steps necessary to stop it.*

Level 2

*The complainant may appeal the determination rendered by petitioning the Superintendent in writing for an investigation of the complaint. The petition for review shall be filed with the Director of Personnel who shall forward the petition to the Superintendent. The Superintendent will make findings and notify the complainant thereof after fifteen (15) working days.*

- a) *Subsequent to the finding of probable cause by the Director of Personnel, pursuant to Level 1.b., complainant may not petition the Superintendent for thirty (30) days to allow time for corrective action.*
- b) *If the Superintendent finds no violations, the grounds for the finding shall be outlined carefully rebutting the allegations of the written complaint.*
- c) *If the Superintendent finds probable cause, the necessary steps will be taken to stop it.*

Level 3

*If the complainant is not satisfied with the findings of the Superintendent, within ten (10) working days after receiving a copy of the determination, he/she may petition the Board for a review.*

Section II

*The above procedures do not apply to those complaints involving other written policy of the Board. Such complaints shall follow Policy and Administrative Guidelines 9130, Public Complaints/Concerns.*

*Additionally, the Director of Personnel will refer complaints involving employment to existing procedures (i.e. Professional Employee Handbook procedures) when such procedures are available to resolve the dispute.*

- A. *The Board may, at its option, commission a neutral third party to conduct a hearing regarding the complaint or an appeal from Level 3. The hearing examiner shall make written recommendations to the Board. The Board will rule on said recommendations.*

Section III

*Appeal beyond the Board would be to the appropriate agencies and/or courts having proper jurisdiction.*

### **THREATENING BEHAVIOR TOWARD EMPLOYEES**

The Board believes that a professional employee should be able to work in an environment free of threatening speech or actions. Threatening behavior consisting of any words or deeds that intimidate a professional employee or cause anxiety concerning his/her physical and/or psychological well-being is strictly forbidden. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened any employee will be subject to discipline and reported to the appropriate law enforcement authorities.

The Superintendent shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

Chapter 947, Wis. Stats.

### **THREATENING BEHAVIOR TOWARD EMPLOYEES**

*In fulfilling the District's obligation to maintain a safe and non-threatening work environment, the District will make every attempt to investigate any threatening behavior toward its employees.*

*Employees who experience any form of a threat (speech or actions) are to report it immediately to their building principal and/or immediate supervisor. The building principal/supervisor shall promptly, upon receipt of the reported threat, commence an investigation. If the building principal/supervisor deems it necessary, the school-police liaison officer should become involved with the investigation.*

*If the building principal/supervisor determines that there is a threat, the grounds for so finding must be presented, carefully rebutting the allegations of the report. Should the building principal/supervisor find probable cause to believe there has been a threat, he/she shall advise the Superintendent and determine what steps should be taken for the safety of the employee.*

*If the building principal/supervisor determines there is no threat, the staff member may appeal the determination rendered by the building principal/supervisor by petitioning the Superintendent in writing for a re-investigation of the reported threat. The petition for review shall be filed with the Superintendent. The Superintendent will investigate the report and notify the employee of his/her findings.*

*If the Superintendent finds that there has been no threat, the grounds for so finding shall be outlined carefully, rebutting the allegations of the staff member. If the Superintendent finds a threat was made, steps will be taken to protect the staff member and necessary action will be taken against the person(s) who made the threat(s).*

*Approved 12/21/2007*

### **GROUP HEALTH PLANS**

The Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. These group health plans may provide health benefits through insurance or otherwise as permitted by law.

*Adopted 07/19/2004*



### **PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following insured group health plans:

- Medical Plan
- Prescription Drug Plan
- Dental Plan

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPPA) Privacy Rule. Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The fully insured group health plans established by the board shall

- A. refrain from taking any retaliatory action against any individual from exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule; provided that the individual has a good faith belief that the practice opposed is unlawful;
- B. not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits;

If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the amended plan document for six (6) years from the date of its amendment or the date when it was last in effect, whichever is later.

Fully insured group health insurance plans established by the Board shall not create or receive protected health information, except for

- A. summary health information; or
- B. information on whether an individual is participating in a group health plan or is enrolled in or has dropped enrollment from a health insurance issuer or HMO offered by the plan.

(Note: Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.)

*Adopted 08/16/2004*

## **FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA)**

### Introduction

In accordance with Federal and State law, the Board will provide family and medical leave to professional employees. The District's Family and Medical Leave Act policy is intended to conform to and comply with, but not exceed, the requirements of the Federal Family and Medical Leave Act of 1993 ("FMLA") and the Wisconsin Family and Medical Leave Act ("WFMLA"). To the extent that this policy is ambiguous or conflicts with the FMLA or the WFMLA, the FMLA and the WFMLA will govern.

Family and medical leave taken under this policy may be covered by federal law, state law, or both. When leave taken by an employee under this policy is governed by both federal and state law, the more generous provision will control in the event of a conflict. However, when leaves are governed by state or federal law but not both, the applicable law will control under this policy. In this regard, professional employees should note that certain leaves may be covered by both state and federal law for only a portion of the leave. To the extent permitted by law, leave under the FMLA, leave under the WFMLA, and leave granted under the Board's other policies will run concurrently (at the same time).

### Eligibility Requirements

To be eligible for leave under the FMLA, professional employees must have been employed by the Board for at least twelve (12) months in the past seven (7) years, and must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave. All full-time professional staff members are deemed to meet the 1250-hour requirement.

To be eligible for leave under the WFMLA, professional employees have been employed for more than fifty-two (52) consecutive weeks and have worked or been paid for at least 1,000 hours in the preceding fifty-two (52) weeks. The kind and amount of leave available to professional employees under this policy, as well as their rights during leave, depend upon whether they satisfy the above requirements.

### Qualifying Reasons for Leave

The Board provides family and medical leave for eligible employees under the qualifying circumstances as provided in the administrative guidelines to this policy.

### Amount of Leave Available

Under the FMLA, if the staff member satisfies all eligibility requirements set forth in the administrative-guidelines to this policy, he/she is entitled to a total of twelve (12) work weeks of leave in a calendar year, with the exception of leave to care for an injured service member.

Board policy calls for concurrent federal/state leave coverage whenever an employee is eligible for leave under both the FMLA and WFMLA to the extent available under the law. All periods of absence from work due to or necessitated by the Uniformed Services Employment and Reemployment Rights Act (USERRA), covered service is counted in determining an employee's eligibility for FMLA leave.

### Definitions of Serious Health Conditions

In conjunction with the certification provided by a health care provider, the Board or its designee reserves the right to determine whether an illness, injury, impairment or physical or mental condition constitutes a serious health condition entitling an employee to family or medical leave under state or federal law.

In general, a "serious health condition" under this policy means an illness, injury, impairment, or physical or mental condition as described in the administrative guidelines to this policy.

### Required Employee Notice

If the need for leave is foreseeable, professional employees must provide the Superintendent with notice in a reasonable and practicable manner before leave taken under this policy is to begin (e.g. an expected birth, placement for adoption or foster care, or planned medical treatment for your own serious health condition or that of a family member).

#### Certification By Health Care Provider

If an employee requests leave due to his/her own serious health condition or the serious health condition of his/her spouse, child, or parent, the Board requires that the leave request be supported by certification issued and signed by the health care provider for the individual with a serious health condition. For service member leave, any certification permitted under 29 C.F.R. 825.310 shall be allowed.

The Superintendent may request re-certifications on a periodic basis as permitted by law.

#### Designation of Leave

In all circumstances, it is the responsibility of the Superintendent to designate leave, whether paid or unpaid, as FMLA leave and to give the employee notice of the designation and his/her rights and responsibilities under this policy.

#### Manner In Which Leave Can Be Taken

Leave available under this policy may be taken in full and, under certain circumstances, may also be taken intermittently or on a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. Reduced schedule leave is leave that reduces the usual number of working hours per day or week. Intermittent or reduced schedule leave due to a serious health condition must be medically necessary. The employee must consult with his/her supervisor and make a reasonable effort to schedule intermittent or reduced schedule leave so it does not unduly disrupt the District's operations.

#### Coordinating Leaves - Substitution

Generally, leave taken under this policy is unpaid. However, for leave governed exclusively by the FMLA, the employee must use the following leaves provided by the Board, if available:

- A. Vacation or personal leave, if available, for any family or medical leave.
- B. Accrued paid family leave (i.e., paid leave covering the particular circumstances for which the employee is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member.
- C. Accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the employee's own serious health condition.

An employee may not substitute paid leave for unpaid FMLA leave taken under this policy in any situation where the Board would not normally provide such paid leave.

For leaves governed by the WFMLA, an employee may substitute paid or unpaid leave, which he/she has earned and accrued for leave taken under this policy, if available. The Board reserves the right to deny substitution as permitted by law.

Any paid leave substituted for unpaid FMLA leave or WFMLA leave will decrease, in whole or in part, the employee's FMLA and/or WFMLA leave entitlement.

#### Coordinating Leaves – Substitution

Generally, leave taken under this policy is unpaid. However, for leave governed exclusively by the FMLA, the staff member may use leaves as indicated in the administrative guidelines to this policy.

#### Continuation of Benefits

An employee will remain eligible for group health insurance benefits under the Board's group health plan during leave taken under this policy, under the same conditions as coverage would have been provided if he/she had been actively employed during the entire leave. However, the employee has the option of choosing not to retain such coverage during family or medical leave. (See Administrative Guidelines to this Policy)

#### Accrual of Benefits

The use of leave under this policy will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. The employee will not continue to accrue seniority or any other employment benefit during leave taken under this policy, except that such benefit shall accrue if he/she elects to use other leaves provided by the Board, and if such benefits would normally accrue during such leave.

### Employment Restoration

An employee will generally be reinstated to the same position s/he held when leave began or a position with equivalent pay, benefits, and other terms and conditions of employment, if such position remains available, and the employee possesses the ability to perform the essential functions of the job satisfactorily with or without any accommodation that may be required by the Americans With Disabilities Act of 1990. The employee, however, has no greater right to reinstatement or benefits than if he/she had been actively employed during the leave. Further, if the employee gives unequivocal notice of intent not to return to work, he/she is not entitled to be reinstated.

An employee who exceeds his/her FMLA/WFMLA leave, but remains off work under a non-FMLA/WFMLA leave policy, is not entitled to reinstatement to the same or a similar position under the FMLA/WFMLA; however, the employee may be eligible to be reinstated under the non-FMLA/WFMLA leave policy.

Special re-employment rules apply to professional employees who return from leave during the three (3) week period before the end of the term. Employees should confer with their supervisor or the Human Resource Department for additional information.

### Fitness for Duty Certification

If leave is due to the employee's serious health condition, he/she must present certification to return to work to his/her supervisor upon returning to work. No certification will be required when the employee returns from intermittent leave, except as otherwise permitted or required by the Americans with Disabilities Act of 1990.

### Confidentiality

All medical information relating to leave, whether written or verbal, shall be kept confidential to the maximum extent possible. All medical documents including but not limited to medical certifications and return-to-work statements must be maintained in confidential, secure files separate from personnel files.

### No Discrimination

Leave under this policy and administrative guidelines will not be used as a negative factor in employment actions, such as hiring, promotions, disciplinary actions or under attendance policies.

### Miscellaneous

The Superintendent may designate another administrator to perform his/her duties under this policy.

An employee who fraudulently obtains leave under this policy is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall see that the policy and administrative guidelines are posted properly.

The Superintendent shall provide a copy of this policy and administrative guidelines upon the request of an employee.

29 U.S.C. 2601 et. Seq.

29 C.F. R. Part 825

103.10 Wis. Stats.

Wis. Admin. Department of Workforce Development (DWD) 225

National Defense Authorization Act of 2010

*Revised 09/22/2008*

*Revised 09/28/2009*

*Revised 03/17/2014*

*Revised 10/19/2015*

### **FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA)**

#### Eligibility Requirements

As provided in Policy 3430.01, to be eligible for leave under the FMLA, professional employees must have been employed by the Board for at least twelve (12) months in the past seven(7) years, and must have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the requested leave. All full-time professional employees are deemed to meet the 1250-hour requirement.

To be eligible for leave under the WFMLA, professional employees must have been employed for more than fifty-two (52) consecutive weeks and have worked or been paid for at least 1,000 hours in the preceding fifty-two (52) weeks. The kind and amount of leave available to employees under this policy, as well as their rights during leave, depend upon whether they satisfy the above requirements.

#### Qualifying Reasons for Leave

Qualifying circumstances under which eligible professional employees qualify for family and medical leave are as follows:

- A. The birth of the eligible employee's child and to care for a newborn child.
- B. Placement with the eligible employee of a child for adoption or foster care.
- C. Care for an eligible employee's spouse, child, or parent with a "serious health condition".

The term "child" generally includes a legal ward or a biological, adopted foster 'or stepchild. For leaves governed exclusively by the FMLA, the term also includes a son or daughter for whom the employee has assumed the day-to-day obligations of a parent. A child must be either under eighteen (18) years of age or unable to care for himself/herself due a physical or mental disability or, for leave under state law only, unable to care for himself/herself due to a serious health condition.

"Parent" includes an employee's spouse's legal guardian only if the employee is requesting leave under the WFMLA.

"Spouse" includes a qualified domestic partner for leaves governed by the WFMLA. Domestic partnerships must be registered with the county of residence and proof of such registration may be requested prior to approval of leave. Unregistered domestic partners must demonstrate that they are 1) both over age eighteen (18); 2) not in a domestic partnership or marriage with another individual; 3) they share a common residence; 4) they are not related in any way that would prohibit marriage under Wisconsin Law; 5) they consider each other to be immediate family members and agree to be responsible for the other's living expenses.

- D. Due to a serious health condition that makes the eligible employee unable to perform the essential functions of his/her position.
- E. Due to a qualifying emergency resulting from active military services in contingency operations by the employee's spouse, son, daughter, or parent.
- F. To care for a service member who is the employee's parent, spouse, child or next of kin who, while on active military duty sustains a serious injury or illness in the line of duty which renders the service member medically unfit to perform the member's office, grade, rank, or rating. Covered active duty means deployment with the Armed Forces to a foreign country. This leave is also available to care for veterans of the United States Armed Forces, including the National Guard and Reserves, provided the veteran was a service member at any time within the five (5) years prior to the start of the treatment, recuperation, or therapy. In accordance with applicable regulations, a veteran's serious injury or illness incurred or aggravated in the line of active duty can also be manifested by 1) a physical or mental condition with a VA Service Disability Rating of 50% or greater and is the condition precipitating the need for leave; or 2) a physical or mental condition that substantially impairs the ability to secure or substantially follow a gainful

occupation or would do so absent treatment; or, 3) an injury, including psychological, for which the veteran has been enrolled in the Dept. of Veteran Affairs (V.A.) Program of Comprehensive Assistance for Family Care Givers. Leave is available for up to twenty-six (26) weeks in a twelve (12) month period. This type of leave is available for serious injury or illness which results in

1. inpatient medical treatment, recuperation or therapy;
2. outpatient services at a military treatment facility or assignment to a unit established for the purpose of providing command and control of service members receiving outpatient medical services; or
3. assignment to the temporary disability retired list.

The maximum twenty-six (26) weeks of Federal leave to care for a service member includes, and is not in addition to, all other FMLA leave. In other words, employees may not take more than a total of twenty-six (26) weeks of FMLA leave during a single twelve (12) month period for any qualifying reasons under the FMLA. For instance, if an employee takes the maximum twelve (12) weeks of Federal FMLA leave for his/her own serious health condition, the employee may then only take fourteen (14) weeks of FMLA leave within that same twelve (12) month period to care for a military family member injured in the line of duty.

See the Superintendent to determine whether your request for leave qualifies under one (1) of the above categories.

#### Amount of Leave Available

Under the FMLA, if the staff member satisfies all eligibility requirements as set forth above, s/he is entitled to a total of twelve (12) work weeks of leave in a calendar year, with the exception of leave to care for an injured service member as described in F above.

Under the WFMLA, if the employee satisfies the eligibility requirements set forth above, he/she is entitled to ten (10) work weeks of leave in a calendar year as follows:

- A. A total of six (6) weeks of leave for the birth of his/her natural child and/or placement of a child with staff member for, or as a precondition to, adoption.
- B. A total of two (2) weeks of leave to care for a covered family member with a serious health condition.
- C. A total of two (2) weeks of leave due to the employee's serious health condition.

Board policy calls for concurrent Federal/State leave coverage whenever a staff member is eligible for leave under both the FMLA and the WFMLA to the extent available under the law. All periods of absence from work due to or necessitated by uniformed Services Employment and Reemployment Rights Act (USERRA)-covered service is counted in determining an employee's eligibility for FMLA.

#### Definitions of Serious Health Conditions

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- A. Hospital Care  
Inpatient care (i.e., an overnight stay) in a hospital or other care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
- B. Absence Plus Treatment  
A period of incapacity of more than three (3) consecutive calendar days \* (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
  1. Treatment two (2) or more times by a health care provider, a nurse, physician's assistant or physical therapist under a health care provider's supervision, order, or referral, as appropriate within thirty (30) days of the first date of incapacity; or

2. Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider and occurs within seven (7) days of the first day of incapacity.

*\*Under the WFMLA, leave may also be available for a "serious health condition" of less than three (3) consecutive days in duration.*

C. Pregnancy

*Any period of incapacity due to pregnancy, or for prenatal care.*

D. Chronic Conditions Requiring Treatment

*A chronic condition which:*

1. Requires periodic visits of at least two (2) times per year for treatment by a health care provider, or by a nurse or physician's assistant under a health care provider's supervision.
2. Continues over an extended period of time (including recurring episodes of a single underlying condition).
3. May cause episodic rather than continuing periods of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

E. Permanent/Long-Term Conditions Requiring Supervision

*A period of incapacity, which is permanent or long-term due to a condition for which treatment may not be effective. The employee and his/her family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider (e.g., Alzheimer's disease, a severe stroke, or the terminal states of a disease). The continued existence of such a chronic condition is subject to certification no more than once every six (6) months.*

F. Multiple Treatments (Non-Chronic Conditions)

*Any period of absence to receive multiple treatments (including pay period of recovery therefrom) 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 (3) consecutive calendar days in the absence of medical intervention or treatment, including cancer.*

Required Professional staff Member Notice

*When requesting partial or intermittent leave in connection with childbirth or adoption, the employee must provide at least as much notice as required for taking other non-emergency or non-medical leave, as well as a definite schedule for the leave. Where advance notice is not practical due to uncertainty as to when leave will be required to begin, a change in circumstances or medical emergency, notice must be given as soon as practical. Employees must provide an explanation as to why proper advance notice was not provided in such cases and may be required to verify the explanation. Notice that was not provided timely without reasonable explanation may result in the denial of the leave request.*

*The employee must provide a written request for leave, the reasons for the requested leave, and the anticipated beginning date and duration of the leave by submitting a FMLA leave request form to the Superintendent (forms available from the U.S. Department of Labor).*

*When planning medical treatment, the employee should consult with his/her supervisor and make a reasonable effort to schedule the leave so as not to disrupt unduly the District's operations, subject to the approval of the employee's health care provider. The employee is ordinarily expected to consult with his/her supervisor in order to work out a treatment schedule which best suits his/her needs, as well as the District's.*

*If an employee must take more leave than originally anticipated, he/she must notify the Superintendent within two (2) business days of learning of the circumstances necessitating the extension.*

Certification By Health Care Provider

*If an employee requests leave due to his/her own serious health condition or the serious health condition of his/her spouse, child, or parent, the Board requires that the leave request be supported by certification issued and signed by the health care provider for the individual with a serious health condition. The Board reserves the right to certify all information permitted by law.*

*The employee must provide the fully completed certification to the Superintendent within fifteen (15) calendar days of the date that the certification is provided to the employee, unless it is not practicable to do so despite his/her diligent, good faith efforts. If it is not practicable to return the certification within fifteen (15) calendar days, it must be returned to the Superintendent as soon as practicable.*

*If the employee fails to submit the certification, the leave or continuation of leave may be delayed until the certification is submitted. Further, any absence prior to the date the certification is furnished may be considered unauthorized. An employee who is absent without authorization may be disciplined, up to and including termination.*

*The Superintendent will give an employee a reasonable opportunity to cure any deficiency in a certification, but not fewer than seven (7) calendar days. It is the responsibility of the employee or family member with a serious health condition to use a health care provider who will complete and furnish an accurate certification in a timely manner.*

*A member of the administration, other than the employee's direct supervisor, may contact the health care provider to clarify illegible answers and to authenticate the certification. If the certification is incomplete or otherwise unclear, the administrator must request that the employee obtain updated or completed information from the healthcare provider and return it directly to the administrator.*

*If the Superintendent doubts the validity of a certification, it may require, at the Board's expense, that the employee obtain a second opinion from a Board-designated provider not regularly employed by the Board. If the opinions of the employee's and the Board's health care providers differ, a third, final and binding opinion may be obtained. The employee must cooperate in obtaining a second or third opinion, including facilitating the transfer of pertinent records to the subsequent health care providers.*

*The Superintendent may request re-certifications on a periodic basis as permitted by law.*

Designation of Leave

*In all circumstances, it is the responsibility of the Superintendent to designate leave, whether paid or unpaid, as FMLA leave and to give the employee notice of the designation and his/her rights and responsibilities under this policy.*

*The Superintendent will give the employee the notice on each occasion that he/she notifies his/her supervisor of the need for leave that may be FMLA-qualifying, including, but not limited to, when the employee requests another type of leave for an FMLA-qualifying reason. In the case of intermittent or reduced schedule leave, only one notice will be provided unless the circumstances regarding the leave have changed.*

*Absent extenuating circumstances, within five (5) business days, the Superintendent will provide to the employee a "Designation Notice" stating whether a request of leave has been approved or denied. At a minimum, the employee will be verbally notified whether leave is being designated as FMLA leave within five (5) business days of the date the employee provides information to the Superintendent sufficient to enable him/her to determine that the leave is being taken for an FMLA-qualifying reason.*

*The Superintendent will confirm the verbal notice with the written notice as soon as feasible, but no later than the first payday following the verbal notice (unless the payday is less than one week after the verbal notice, in which case the notice must be no later than the subsequent payday).*

Manner In Which Leave Can Be Taken

*Leave available under this policy may be taken in full and, under certain circumstances, may also be taken intermittently or on a reduced leave schedule. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason. Reduced schedule leave is leave that reduces the usual number of working hours per day*



or week. The employee must consult with his/her supervisor and make a reasonable effort to schedule intermittent or reduced schedule leave so it does not unduly disrupt the District's operations.

*Intermittent or reduced schedule leave due to a serious health condition must be medically necessary. Medically necessary means there must be a medical need for the leave and the leave can be best accommodated through an intermittent or reduced leave schedule, as certified by the health care provider in the Certification. When leave is governed only by the FMLA, the Superintendent may temporarily transfer an employee to another position for which he/she is qualified with equivalent pay and benefits that better accommodates the intermittent or reduced schedule leave when the need for leave is foreseeable based on planned medical treatment or the employee takes such leave for the birth of a child or for placement of a child for adoption or foster care.*

*When leave is governed only by the FMLA, the Superintendent may offer an employee a temporary transfer to another position for which he/she is qualified with equivalent pay and benefits that better accommodates the intermittent or reduced schedule leave when the need for leave is foreseeable based on planned medical treatment or the employee takes such leave for the birth of a child or for placement of a child for adoption or foster care. The employee may reject this offer in which case there will be no adverse effect on the leave or entitlement to return to the same or similar position following leave. Any time spend by the employee in an alternative position will not count against his/her FMLA leave entitlement.*

*Professional employees (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced-leave schedule governed only by the FMLA, which would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave, must elect either to:*

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or*
- B. transfer temporarily to an available alternative position offered by the Superintendent for which the employee is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the employee's regular position.*

*The Superintendent may require employees who take Federal leave near the end of an academic term to extend their leave through the end of the academic term if:*

- A. the leave is commenced more than five (5) weeks from the end of the term but the employee intends to return during the final three (3) weeks of the term and the leave is no longer than three (3) weeks in duration;*
- B. the leave is commenced within five (5) weeks of the end of the term and the employee intends to return during the final two (2) weeks of the term and the leave period was at least two (2) weeks in duration; or*
- C. the leave commences within three (3) weeks of the end of a term and the leave was at least five (5) working days in duration.*

*Professional employees whose leave is extended at the end of an academic term under this section will be charged against their FMLA entitlement only the time that they required for purposes of their leave.*

#### Coordinating Leaves – Substitution

*For leave governed exclusively by the FMLA, an employee may use the following leaves, if available:*

- A. Vacation or personal leave, if available, for any family or medical leave;*
- B. Accrued paid family leave (i.e. paid leave covering the particular circumstances for which the employee is seeking leave), if available, for birth, adoption, or to care for a seriously ill family member;*
- C. Accrued paid medical or sick leave, if available, to care for a seriously ill family member, or for the employee's own serious health condition.*

*An employee may not substitute paid leave for unpaid FMLA leave taken under Policy 3430.01 and these administrative guidelines in any situation where the Board would not normally provide such paid leave.*

*For leaves governed by the WFMLA, a professional employee may substitute paid or unpaid leave which he/she has earned and accrued for leave taken under Policy 3430.01 and these administrative guidelines, if available. The Board reserves the right to deny substitution as permitted by law.*

*Any paid leave substituted for unpaid FMLA leave or WFMLA leave will decrease, in whole or in part, the employee's FMLA and/or WFMLA leave entitlement.*

#### Continuation of Benefits

*During leave taken under Policy 3430.01 and these administrative guidelines, the Board will continue to pay any portion of group health insurance premiums for coverage that it was responsible for paying immediately prior to the leave as required by law. The employee will be responsible for paying his/her portion of health insurance premiums regardless of whether his/her family and medical leave is paid or unpaid. It is the employee's responsibility to make arrangements with the Superintendent for making premium payments for group health insurance during leaves.*

*To the extent permitted by law, the Board reserves the right to require the employee to place up to eight (8) weeks of health insurance premiums in escrow prior to leave, or to discontinue coverage if such premiums are received more than thirty (30) days late.*

*The employee's entitlement to benefits other than group health benefits during a period of family or medical leave is determined by the Board's policy regarding provision of such benefits when an employee is on other types of leave.*

*If an employee fails to return to work or fails to remain at work for a period provided under the law, the District may recover its portion of the premiums paid for medical benefit coverage during the leave, unless the reason for the employee's failure to return to work is due to the continuation of the serious health condition or the onset of a new serious health condition.*

#### Employment Restoration

*An employee who is able to return to work prior to the expiration of leave must notify his/her supervisor immediately. Upon such notice, the Superintendent will promptly reinstate the employee to active employment, provided he/she has the present skill and ability to perform the essential functions of his/her job satisfactorily with or without accommodation. However, the reinstatement need not occur until the third business day following the employee's notification of his/her ability to return to work, provided the early return was foreseeable by at least two (2) business days.*

*Employees are to contact their supervisor or Human Resource Department for information pertaining to the special re-employment rules that apply to professional employees who return from leave during the three (3) week period before the end of the term.*

#### Fitness For Duty Certification

*A certification to return to work must be presented to an employee's supervisor prior upon returning to work, except in the event that the employee is returning from intermittent leave unless otherwise permitted or required by the Americans With Disabilities Act of 1990. The employee's principal attending physician must complete the certification and it must indicate that the employee has been released to return to work. It must also specify any physical or other limitation on the employee's ability to perform regular or other duties and the duration of the limitations.*

*The certification will be limited to the particular health condition that caused the employee's need for leave, except as otherwise permitted by the Americans with Disabilities Act of 1990. If the employee is an "individual with a disability" within the meaning of the ADA, any fitness-for-duty physical examination or inquiry by the District will be job-related and consistent with business necessity.*

*Reinstatement may be delayed until the employee submits the certification. Under such circumstances, if the employee does not promptly provide a certification or qualify for another leave of absence, s/he may be disciplined, up to and including termination.*

*With the employee's permission, the Board's health care provider may contact the employee's health care provider to clarify and authenticate the certification, but no additional information may be requested or required, and the employee's return to work may not be delayed while the contact is being made. No second or third fitness for duty certification may be required.*

*Revised 12/04/2017*

## EMPLOYEE LEAVE

The Board recognizes that there may be instances in which employees cannot report to work and recognizes that in certain circumstances it is appropriate to provide compensation or job protection during those absences. The leave provided for in this policy is provided in conjunction with the Professional Employee Handbook and other policies relating to leave, including Policy 3430.01, Family and Medical Leave of Absence (FMLA).

### Emergency Leave

Emergency leave shall not exceed three (3) school days, unless extended by the Superintendent or his/her designee. Any extension days will be deducted from the employee's sick leave. The employee is expected to verbally communicate with his/her immediate supervisor in a timely manner and in advance to be eligible for this leave or it will be considered unpaid leave.

### Personal Leave

Personal leave shall be deducted from the professional employee's sick leave. Three (3) days per year shall be available to professional employees for personal leave. Prior approval shall be obtained through the administration and shall be determined by the administration on an individual and case-by-case basis.

### Sick Leave

Annually, professional employees will be allowed days of absence for sickness. These days will be prorated based on the employee's FTE.

1, 2, or 3 years in the District	12 days per year
4+ years in the District	10 days per year

Sick leave cannot be used in conjunction with long-term disability insurance benefits.

The purpose of the sick leave bank is to assist professional employees in the event sick leave is needed due to emergencies and/or serious health issues of self or immediate family members. The intent of sick leave bank is not for day-to-day illness of self or immediate family members and is not to be used on a recurring basis.

### Disability Leave

Disability leave shall be requested of the Superintendent or his/her designee by the professional employee. It shall be the employee's obligation, supported by his/her physician's written certification, to inform the Superintendent/designee when he/she will be unable to perform his/her contractual duties. The length of disability leave shall be based upon a written recommendation of his/her physician. An employee on disability leave shall be allowed to use accumulated sick leave during this period.

### Funeral Leave

- A. Up to ten (10) days of funeral leave will be granted upon the death of the following: Spouse, parents, sibling, child, or grandchild.
- B. Up to three (3) days of funeral leave will be granted upon the death of a close friend or relative.
- C. Funeral leave shall be deducted from sick leave.
- D. Use of additional leave may be granted by the Superintendent.

### Sabbatical Leave

A professional employee employed in the system for the equivalent of five (5) years may apply to the Superintendent or his/her designee for sabbatical leave.

### Jury Duty Leave

Employees who are called for jury duty shall notify their immediate supervisor immediately. The immediate supervisor may request the employee's release from jury duty due to a hardship to the District.

Employees who do serve on jury duty shall receive full salary during the period of absence

Employees who do serve shall remit to the Board the compensation paid them for such jury duty service, or authorize an adjustment equal to such compensation, and attaché a summons to the absence request form or payroll adjustment form.

will be granted jury duty leave. Employees must give reasonable advance notice of their intended absence for jury duty. If an employee is dismissed from jury duty on any given day prior to the end of his/her regularly scheduled working hours, he/she shall report to work for the balance of the working day.

### Military Leave

Upon request, the District shall grant a military leave of absence for mandatory annual duty for training not to exceed ten (10) school days, provided such duty is performed with the assigned unit.

Periods of military leave for mandatory service will be allowed upon request in addition t leave for annual duty for training, provided such duty is performed with the assigned unit.

### Volunteer Fire Fighter, Emergency Medical Technician, First Responder, or Ambulance Driver

A staff member who is a volunteer fire fighter, emergency medical technician, first responder, or ambulance driver for a volunteer fire department or fire company, a public agency, or a nonprofit corporation may be late for or absent from work without pay if the lateness or absence is due to the staff member responding to an emergency that begins before the staff member is required to report to work and if the staff member complies with all of the following requirements:

- A. By no later than thirty (30) days after becoming a member of a volunteer fire department or fire company, or becoming affiliated with an ambulance service provider, a staff member submits a written statement to the District, signed by the chief of the volunteer fire department or fire company or by the person in charge of the ambulance service provider notifying the District that the staff member is a volunteer fire fighter, emergency medical technician, first responder, or ambulance driver for a volunteer fire department or fire company, a public agency, or a nonprofit corporation;
- B. When dispatched to an emergency, a staff member makes every effort to notify the District that he/she may be late for or absent from work due to responding to an emergency or, if prior notification cannot be made due to the extreme circumstances of the emergency or the inability of the staff member to contact the District, submits to the District a written statement from the chief of the volunteer fire department or fire company or from the person in charge of the ambulance service provider explaining why prior notification could not be made; and,
- C. When late for or absent from work due to responding to an emergency, on the request of the District, the staff member provides written statement from the chief of the volunteer fire department or fire company or by the person in charge of the ambulance service provider certifying that the staff member was responding to an emergency at the time of the lateness or absence and indicating the date and time of the response to the emergency.

When the status of a staff member as a member of a volunteer fire department or fire company or as an affiliate of an ambulance services provider changes, including termination of that status, the staff member shall notify the District of that change in status.

### Organ Donor Leave

A staff member may take up to six (6) weeks of leave in a twelve (12) month period as necessary to undergo bone marrow or organ donation procedure and to recover from that procedure. The staff member may be required to provide written medical certification that she/he will serve as a donor and the amount of leave time that may be necessary.

Leave taken for this purpose is unpaid; however, a staff member is eligible to substitute available accrued paid leave for all or some of the leave taken under this policy. The staff member must provide as much advance notice as possible so as not to unduly disrupt the District's operations. The staff member will be returned to the same position upon return or if that position is no longer available, an equivalent position and he/she shall not lose any benefits during leave, including the right to continue health insurance coverage as provided for in the District's Policy 3430.01, Family & Medical Leave of Absence (FMLA).

#### Leave of Absence

A leave of absence without pay for a period of up to one (1) year may be granted provided that a professional employee has been offered a contract for the eleventh (11th) consecutive year of professional service in the District and a suitable replacement can be found.

Wis. Stats. 103.11, 103.88

*Adopted 12/21/2015*

*Revised 07/19/2017*

### **JOB-RELATED EXPENSES**

The Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any professional staff member of the District incurred in the course of performing services for the District, whether within or outside the District, under the direction of the Board and in accordance with the Superintendent's administrative guidelines.

The validity of payments for job-related expenses shall be determined by the Superintendent.

The Board shall pay the expenses of professional employees when they attend professional meetings approved in accordance with policy of the Board, in accordance with administrative guidelines of the Superintendent, and in accordance with Internal Revenue Service and Wisconsin tax regulations. District personnel and officials who incur expenses in carrying out their authorized duties shall be reimbursed by the District upon submission of a properly completed voucher and such supporting receipts as required. Such expenses may be approved and incurred in line with budgetary allocations for the specific type of expense.

When official travel by personally-owned vehicle has been authorized, mileage payment shall be made at up to the currently allowed Internal Revenue Service business mileage deduction rate. For the employees covered by a flat allowance per year for in-district travel, the mileage rate shall apply only when the employee uses his/her personal vehicle outside of the District.

*Revised 10 16 2006*

**JOB RELATED EXPENSES**

Expense Reimbursements

1. **Travel:** *Actual beginning and ending mileage records must be kept and submitted. The District will pay up to the current allowed Internal Revenue Service business mileage deduction rate toward driving cost when driving a personal car on school business. Receipts for all other forms of travel (air fare, rent-a-car, etc.) are required.*
2. **Motel/Hotel:** *Receipts for all lodging are required. When traveling in state, a purchase order or tax exempt certificate must be presented to the motel/hotel upon check-in to avoid sales tax charges. The District will not reimburse sales tax paid on in-state lodging.*
3. **Meals:** *In accordance with Internal Revenue Service and Wisconsin tax regulations, no meal reimbursement will be issued unless the individual requests reimbursement due to an overnight stay.*

*Receipts for meal costs are required and the maximum allowance (including tips) per meal is:*

<i>Breakfast</i>	<i>\$8.00</i>
<i>Lunch</i>	<i>\$12.00</i>
<i>Dinner</i>	<i>\$20.00</i>

*Any meals beyond the allowances will be borne by the individual.*

**NOTE:**

- A. *An exception can be made when conference fees or special banquet fees force meal costs beyond the allowances.*
  - B. *When meals are included as part of the conference registration, the conference participant will not be reimbursed for meals purchased in lieu of the meals included with the registration fees.*
4. *Reimbursement will not be made for alcoholic beverages.*



### **LACTATION IN THE WORKPLACE**

As required by the Fair Labor Standards Act (FLSA), it shall be the policy of the District to support the decision of employees who wish to breastfeed their infants by providing unpaid breaks during the workday for those employees who need to express breast milk for their infants.

The building administrator shall designate a private area, other than a restroom, where the employee can express breast milk. The designated area shall be a space where intrusion from co-workers, students, and the public can be prevented and one where an employee who is using this area can be shielded from view.

Prior to returning to work from maternity leave, the employee shall notify their supervisor of their intent to continue breastfeeding their infant(s), and of their need to express milk during work hours. It shall be the responsibility of the employee to keep their supervisor informed of their needs in this regard throughout the period of lactation, or until such time as the child reaches the age of one.

29 U.S.C. 207 (Section 4207)

*Approved 04/18/2016*