

School District of Rhinelander - Board of Education

**Policy Manual**

**SUPPORT STAFF (4000)**

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### CREATING A POSITION

The Board recognizes the need to establish positions which, when filled by competent, qualified support 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.

The Board reserves the right, subject to and consistent with any applicable terms of an agreement to:

- A. Fix and prescribe the duties to be performed by all personnel.
- B. To create new positions.
- C. To 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.
- D. The operational services of the District.

The Board may create a new position or increase the number of support staff in an existing position.

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

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

Immigration Reform and Control Act of 1986  
8 V.S.C. 1324a

*Adopted 11/18/2002*

### **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)

*Adopted 11/18/2002*

*Revised 09/28/2009*

## EMPLOYMENT OF SUPPORT 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 support staff.

All employees other than the Superintendent or professional employees are considered classified or support employees.

The Superintendent or his/her designee shall approve the employment and establish the term of employment for each support staff member employed by the District. Compensation shall be fixed by an established compensation structure for support employees.

Relatives of Board members may be employed by the District, provided the Board member does not participate in any way in the discussion or vote on any matter related to the relative's employment.

Relatives of staff members may be employed by the District provided the staff member being employed is not placed in a position in which he/she would be supervised directly by the relative staff member.

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

No candidate for employment as a support staff member shall receive recommendation for such employment without having proffered 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 in compliance with District procedures.

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

### Requirements for Title I Teaching Assistants

#### Newly Hired Teaching Assistants

All teaching assistants hired for a Title I supported program must have a secondary school diploma or its recognized equivalent and one of the following:

- A. Completed two (2) years study at an institution of higher education;
- B. Obtained at least an associate degree; or
- C. Met a rigorous standard of quality and demonstrate through formal state or local academic assessment as follows:
  1. Knowledge of and the ability to assist in instructing, reading, writing and mathematics; or
  2. Knowledge of and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

#### Existing Teaching Assistants

All current teaching assistants working for a Title I supported program must

- A. have a secondary school diploma or its recognized equivalent; and

- B. meet the requirements for newly hired teaching assistants as described above.

Exceptions

These requirements do not apply to a teaching assistant

- A. who is proficient in English and a second language and serves as a translator primarily to enhance the participation of children in Title I programs; or
- B. whose duties consist solely of conducting parental involvement activities.

Teaching Assistant Duties

Teaching assistants working for a Title I supported program may be assigned to

- A. provide one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;
- B. assist with classroom management, such as organizing instructional and other materials;
- C. provide assistance in a computer laboratory;
- D. provide support in a library or media center;
- E. conduct parental involvement activities;
- F. act as a translator;
- G. provide instructional services to students, if working under the direct supervision of a teacher; or
- H. perform limited duties beyond classroom instruction or that do not benefit program participants, so long as those duties are also assigned to non-Title I teaching assistants. Title I teaching assistants may not be assigned to more of these duties, proportional to their total work time, than the amount assigned to similar non-Title I teaching assistants in the same school.

20 U.S.C. 6319

*Adopted 11/18/2002*

*Revised 09/09/2003*

*Revised 10/20/2014*

*Revised 04/20/2015*

*Revised 02/20/2017*

*Administrative Guidelines*

**EMPLOYMENT OF SUPPORT STAFF**

Recruitment

*The Director of Personnel or the his/her designee will be responsible for:*

- A. the recruitment of applicants for all positions;*
- B. responding to all inquiries;*
- C. answering general questions for applicants pertaining to the District; and*
- D. maintaining a current list of vacancies*

*The Director of Personnel will perform the following when recruiting applicants:*

- A. Post the job after receiving the employee's resignation and a job posting form*
- B. Post the vacancy with the appropriate employee group(s)*
- C. Advertise the positions with appropriate placement agencies and media*

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

*When requested, the Director of Personnel or his/her designee will screen applications and submit credentials of qualified candidates to the administrator for interviewing. The administrator may screen all applications and select the candidates to be interviewed and will review the credentials to assure that candidates possess the necessary qualifications.*

*Whenever possible, the minimum number on the interviewing team will be three persons, including at least one building administrator and, where applicable, the supervisor of the department, a teacher, or a person in a similar position. If qualified candidates are available, a minimum of three candidates shall be interviewed for a permanent position.*

*In credentials and in interviews, the District will seek the following:*

- A. Concern for students*
- B. License eligibility (Special Education Program Paraprofessional)*
- C. Leadership potential*
- D. Response to evaluation, criticism, correction*
- E. Potential growth*
- F. Ability to work with peers and supervisors*
- G. Competency in their field, versatility*
- H. Experience and other job performance*

*The Director of Personnel or his/her designee will interview all final candidates and will discuss salary, fringe benefits, and special considerations with the candidate.*

*Any employee wishing to be considered for transfer from one position to another will notify the Director of Personnel or his/her designee, in writing, within the time limits outlined on the job posting form. A present employee applying for a position may be interviewed based on qualifications.*

*The Director of Personnel or his/her designee 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*

- A. notify the Director of Personnel of the interviewing schedule prior to the interviews;*
- B. notify the interviewees of the status of their interview; and*
- C. 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 of Support Staff*

*The procedure for appointing support staff personnel will be as follows:*

- A. The administrator or supervisor will submit the payroll form to the Superintendent or his/her designee.*
- B. The Director of Personnel or his/her designee will prepare a payroll form.*
- C. The administrator who chairs the interviewing committee will notify, in writing, all unsuccessful candidates interviewed.*

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

- A. A copy of the employee agreement*
- B. Information about the community and the District*
- C. An introduction and orientation to the position*
- D. A personal follow-up with each new employee*

*After the employment of the recommended candidate has been confirmed, the following information will be furnished to the Payroll Clerk's office:*

- A. Health Status - Physical Exam Form*

*The new employee will furnish a completed Physician's Record of School Employee Examination prior to beginning work.*

- B. Retirement*

*Every employee who works sufficient time is eligible for the Wisconsin Retirement System (WRS). Information needed from the employee for retirement employment reports is: 1) full name; 2) social security number; 3) starting date of work; 4) salary; and, 5) date of birth. This information must be given to the Payroll Clerk.*

*After the employment report is sent to WRS, the employee 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. These forms must be notarized. A notary is available in the Business/Personnel Office.*

C. *Social Security*

*The deduction for social security is according to law.*

D. *Tax Withholding--W-4 Form*

*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. Any additional dependent(s) should be added as of the first of the calendar year. In case of death of a dependent, the change should be made immediately. 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 Business/Personnel Office.*

E. *Insurance (forms)*

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

*The building principal is responsible for the following:*

A. *District-wide Policies and Rules*

B. *Building Policies and Rules*

C. *Employee Evaluation Plan*

D. *Payroll Approval Employment Form*

*Approved 11/18/2002*



## **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 support staff positions, and thereby promote organizational effectiveness and efficiency. Therefore, the Superintendent shall maintain a current, comprehensive, and coordinated set of job descriptions for support staff positions.

As long as the provisions of the job descriptions are not inconsistent with Board policies, or with state and federal 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 provision:

The employee shall remain free of any alcohol or illegal substance, and shall not use controlled substances (other than as prescribed) in the workplace throughout his/her employment in the District.

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 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 10/20/2008*

*Revised 03/16/2009*

### **EMPLOYMENT OF SUBSTITUTES**

The Board recognizes its responsibility to procure the services of substitute support staff in order to prevent the interruption of the operation of the schools.

The names of potential substitute personnel and the positions in which they may substitute shall be maintained by the Superintendent.

Relatives of Board members may be employed by the Board, provided a member of the Board does not participate in any way in the discussion or vote on the employment when conflict of interest is involved.

*Adopted 11/18/2002*

### **CRIMINAL HISTORY RECORD CHECK**

To more adequately safeguard students and staff members, the Board of Education requires an inquiry into the background of each applicant the Superintendent recommends for employment on the District's support 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.

The Superintendent shall establish the necessary procedures for obtaining any criminal history on the applicant.

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.

*Adopted 11/18/2002*

*Revised 10/19/2015*

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

The Board of Education does not discriminate in the employment of support 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 state and federal laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries 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

*Adopted 11/18/2002*  
*Revised 09/09/2003*  
*Revised 09/22/2008*  
*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 alcohol and other drug abuse.

The Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance or alcohol, by any member of the District's support staff at any time while on District property or while involved in any District-related activity or event. Support staff members who use or possess a prescription drug that has been lawfully prescribed to the staff member and taken in accordance with the prescribed dosage shall not be deemed to be in violation of this policy. Whenever possible, a staff member should take prescribed medications at home and not bring them to school. Where that cannot be accomplished, any staff member in possession of prescribed medications while at school is responsible for taking appropriate precautions to assure that the drugs remain in the staff member's possession at all times and are taken only in private and out of the view of students. Nothing in this policy shall prohibit the Superintendent from evaluating a staff member's fitness for duty pursuant to Policy 3161, Unrequested Leaves of Absence/Fitness for Duty.

Any staff member who violates this policy shall be subject to disciplinary action in accordance with District policy and applicable terms of the support staff 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 alcohol, illegal drug use, or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for alcohol, 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.

*Adopted 11/18/2002*

*Revised 03/16/2009*

*Revised 08/20/2012*

*Revised 04/20/2015*

*Revised 09/19/2016*

*Revised 01/15/2018*

*Administrative Guidelines*

**DRUG FREE WORKPLACE**

*Support 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 support 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 support 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 support staff member's personal vehicle.*

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

*The Board prohibits a support 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 support 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 support 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 support 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 support 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 support 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. The staff member 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. The staff member 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.*

*Approved 11/18/2002*

*Revised 11/02/2017*

SCHOOL DISTRICT OF RHINELANDER

**BEHAVIOR/INCIDENT DOCUMENTATION FORM**

*(Reasonable Suspicion of Alcohol/Drug Use by a Support 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 Support Staff Member Suspected of Alcohol/Drug Use \_\_\_\_\_

Job Title of Support 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 Support Staff Member was Observed \_\_\_\_\_

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

Appearance (place and "X" by all that apply)

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

Eye Movement (place and "X" by all that apply)

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

Odors (place and "X" by all that apply)

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

Behavior (place and "X" by 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

Speech (place and "X" by 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 Support Staff member's Alcohol/Drug Use (describe)

\_\_\_\_\_

\_\_\_\_\_



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

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

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

\_\_\_\_\_ Support 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.

Support 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 support staff member observed by me/us and upon which I/we based my/our decision to require said support 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

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Verification of Confiscation of Physical Evidence from Support 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.

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

\_\_\_\_\_  
Signature of Support Staff Member

\_\_\_\_\_  
Date

### **ASSIGNMENT AND TRANSFER**

The Board believes that the careful placement of support staff within the District is vital to the utilization of qualified and competent support staff for the successful functioning of the District.

Responsibility for the assignment and transfer of support staff members shall be vested in the Superintendent, subject to and consistent with any applicable terms of an agreement.

*Adopted 11/18/2002*

### **STAFF DISCIPLINE**

The Board retains the right and the responsibility to manage the workforce. 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 07/19/2004*

### **TERMINATION / RESIGNATION**

#### Termination

It is the policy of the Board that support staff subject to termination be given an opportunity to resign.

#### Resignation

A support staff member may resign by filing a written resignation with the Superintendent or his/her designee.

A resignation, once accepted, may not then be rescinded.

The Superintendent or his/her designee may act for the Board in the acceptance of a resignation.

*Adopted 11/18/2002*

*Revised 01/15/2018*

### **PHYSICAL EXAMINATION**

The Board requires any candidate, as a condition of employment, to submit to an examination, including a tuberculosis screening questionnaire, subject to further tests, 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.

Employees will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider that conducted the medical examination in order to get clarification.

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. In compliance with the Genetic Information Nondiscrimination Act (GINA), the successful candidate who is required to submit to a medical examination, as well as the health care provider that is designated by the District to conduct the examination, are directed to not collect genetic information or provide any genetic information, including the candidate's family medical history in the report of the medical examination.

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act (ADA) as amended, and GINA..

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 examinations.

118.25 Wis. Stats.  
29 C.F.R. Part 1630  
29 C.F.R. Part 1635  
41 U.S.C. 2000ff et. seq. The Genetic Information Nondiscrimination Act.  
42 U.S.C. 12101 et. seq. Americans with Disabilities Act of 1990, as amended

*Adopted 11/18/2002*  
*Revised 04/16/2018*

*Administrative Guidelines*

**PHYSICAL EXAMINATION**

*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.*

*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.*

*All support 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.*

*When it is determined to be in the best interests of the District, additional physical examinations may be required by the Board.*

*Such examinations, x-rays or tests may be waived for support staff 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.*

*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.*

*Approved 11/18/2002  
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 the District from the effects of contagious diseases and other circumstances that render support staff members unable to perform their duties.

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

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

The staff member 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 of the staff member 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, including the individual's family medical history in the report of the medical examination.

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 the support staff member's examination, if he/she is found to be unfit to perform assigned duties, he/she shall be placed on leave with such compensation to which he/she is entitled until proof of recovery, satisfactory to the Superintendent, is furnished.

Should a support staff member refuse to submit to an examination following the exhaustion of proper appeals, the Superintendent shall consider the certification of charges for reasons of insubordination.

The Superintendent 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 4430.01, 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

*Adopted 11/18/2002*  
*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 4122.01, 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 a 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 state, Federal, 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 support 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. An employee needing assistance in dealing with drug or alcohol dependency or abuse is encouraged to contact his or her personal physician and to use available District resources as appropriate. A conscientious effort to seek assistance will not, in itself, jeopardize any employee's job.

However, the responsibility to correct unsatisfactory job performance or behavior resulting from drug or alcohol abuse rests with the support staff member. Accordingly the District reserves the right to discipline any employee, up to and including termination for misconduct or poor performance related to alcohol or drug abuse. Further, an employee may not avoid disciplinary action by seeking assistance.

Rehabilitation Act of 1973, 29. U.S.C. 794

*Adopted 11/18/2002*

*Revised 09/09/2003*

### **SUPPORT 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 as follows:

- 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;
- F. Ensure that their actions or those of another on their behalf are not made with specific intent of advancing private interests;
- G. Avoid accepting anything of value offered by another for the purpose of influencing judgment;
- H. Adhere to the policies of the Board;
- 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 legally protected rights as a citizen.

*Adopted 04/21/2008*

### **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 state, federal, 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 state or federal 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*

### **STUDENT SUPERVISION AND WELFARE**

Support staff members, because of their proximity to students, are frequently confronted with situations which, if handled incorrectly, could result in liability to the District, personal liability to the Support 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 support staff member, 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 state and federal 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 (see Policy 8330).

Pursuant to the laws of the state and Board Policy 8462, Student Abuse and Neglect, each support staff member 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 support staff supervision.

49.981, 948, 948.095 Wis. Stats.

*Adopted 11/18/2002*

*Revised 01/20/2014*

### **STUDENT SUPERVISION AND WELFARE**

*To ensure the safe supervision and welfare of District students, support staff will act in accordance with the following:*

- A. Each support staff member shall immediately report to the building principal any accident or safety hazard he/she detects.*
- B. Each support staff member shall immediately report to the building principal knowledge of threats of violence by students.*
- C. A support staff member shall not send students on any personal errands.*
- D. A support staff member shall not associate with students at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation 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 support staff member from associating with students in private for legitimate or proper reasons or to interfere with familial relationships that may exist between staff and students.*

*In accordance with statute, 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.*

- E. If a student comes to a staff member 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.*
- F. A support staff member shall not transport students in a private vehicle without the approval of the building principal.*
- G. A student shall not be required to perform work or services that may be detrimental to his/her health.*
- H. Support staff members are discouraged from engaging students in social media and online networking media, such as Facebook, Twitter, MySpace, etc. as stated in Policy 7540, Technology Use. Staff members' 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.*
- I. Support staff members are prohibited from posting any video or comment pertaining to any student on social networking media or similar forums, such as YouTube without the permission from the student and a clear educational /instructional purpose.*

*Approved 01/08/2013*

### **USE OF TOBACCO BY SUPPORT 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 teachers and 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 and any other lighted smoking devices for burning tobacco, nicotine, or any other substance on District premises.

Accordingly, the Board prohibits the use of tobacco in any form on District premises, in District vehicles, within any indoor facility owned or leased or contracted for by the District, and used to provide education or library services to children, as well as 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

*Adopted 11/18/2002*  
*Revised 08/15/2011*  
*Revised 04/21/2014*

### **SUPPORT STAFF DRESS AND GROOMING**

The Board believes that support staff members are an important and integral part of the District. Also, since the support staff is highly-visible staff to the students, the professional staff, and the public, the Board believes the support staff should at all times be well dressed and groomed. Support staff members who understand this precept and adhere to it enlarge the importance of their task, present an image of dignity, and encourage respect.

The Board retains the authority to specify the following dress and grooming guidelines for support staff when assigned to District duty:

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

*Adopted 11/18/2002*



## WEAPONS

Without the permission of the Superintendent, the Board prohibits support staff 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, to the extent permitted by law.

### Concealed Carry Permit Holders

Nothing in this policy prohibits a support staff member 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 support staff member 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.

A support 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 support staff member if only such students are being transported.

### 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 knife lawfully used for food consumption or preparation, or a knife used for a lawful purpose within the scope of the person's employment.

The Superintendent may refer a support staff member 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 support staff member 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 support staff member 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 support staff annually. Publication is not a precondition to enforcement of this policy.

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

*Adopted 11/18/2002*  
*Revised 12/19/2011*  
*Revised 01/20/2014*

### **EVALUATION OF SUPPORT STAFF**

The Board recognizes the importance of implementing a program of support staff member evaluations for the purpose of promoting individual job performance and improving services to students.

The goals of the Board's evaluation plan for support staff are as follows:

- A. To improve and reinforce the skills, attitudes, and abilities which enable a support staff member to be effective in achieving assigned job goals.
- B. To identify and remediate weaknesses which prevent a support staff member from achieving the goals of assigned duties.

The Superintendent shall prepare administrative guidelines for the conduct of support staff member evaluations.

*Adopted 11/18/2002*

*Administrative Guidelines*

**EVALUATION OF SUPPORT STAFF**

Definitions

Job Performance

*Job performance is defined as the ability or lack thereof to perform the primary job responsibilities of the job classification and/or any task that may be assigned from time to time by the supervisor/co-supervisor.*

Evaluation

*An evaluation is the supervisor's determination of job performance with a specific reference to the level of proficiency on the performance standards. An evaluation may consist of more than one observation of an employee's job performance, professional behavior and other appropriate data.*

Appropriate Data

*Appropriate data is directly related to job performance (e.g. a supervisor's personal notes, inservice, self-improvement, and keeping current and prepared to meet the changing needs of the job classification.*

Conference

*A conference is a meeting at which the employee and the immediate supervisor discuss evaluations.*

Objective

*An objective is a plan for change or improvement.*

- *Development Objective: Initiated by the employee for personal growth, not necessarily related to job performance, and will not result in a negative evaluation.*
- *Improvement Objective: Initiated by the supervisor due to a specific problem(s) related to job performance. If this objective is not met it will result in a negative evaluation.*

Performance Ratings

- *Exceeds Requirements: Master of job requirements and meets or exceeds performance standards.*
- *Requirements: Achieves and maintains performance in all aspects of the job at near maximum expectations for this classification.*
- *Unsatisfactory: Performance has not been maintained at satisfactory levels*
- *N/A: Not Applicable.*

Probationary Employee

- *New Employee: The employment period of six (6) months from the date of hire. The employer may extend the probationary period for an additional three (3) months. Summer vacation is excluded for school year employees.*
- *Current Employee: Upon being promoted or transferred, the current employee shall serve a sixty (60) working day probationary period.*
- *Non-probationary Employee: An employee who has met the job requirements beyond the probationary period.*

Action Plan

*An action plan contains required improvements and a reasonable timeframe for completion as individually set by the supervisor.*

Procedures

*Employees have the right to read all evaluations before they are placed in their personnel files. After reading and conferencing with their immediate supervisor, the employee will sign the evaluation to indicate that they have received a copy.*

*The employee may file a permanently attached letter of approval or dissent within ten (10) days of the conference.*

*A copy of all evaluations and addenda will be given to the employee, supervisor, employee's personnel file, and co-supervisor.*

*The evaluation period runs from the date of employment through probation or from July 1 to June 30 for full year employees and the beginning and ending date of the school term for school year employees.*

*Each year an evaluation between the employee and supervisor will take place, including a Job Description review and update in the employee's work category.*

*NOTE: See Attached Appendix A - Support Staff Evaluation Report*

*Approved 11/18/2002*

**SUPPORT STAFF EVALUATION REPORT**

Employee Name \_\_\_\_\_ Date \_\_\_\_\_

Job Classification \_\_\_\_\_ Job Assignment \_\_\_\_\_

PERFORMANCE RATING

- 1. **EXCEEDS REQUIREMENTS:** Master of job requirements and meets or exceeds performance standards.
- 2. **MEETS REQUIREMENTS:** Achieves and maintains performance in all aspects of the job at near maximum expectations for this classification.
- 3. **UNSATISFACTORY:** Performance has not been maintained at satisfactory levels.
- 4. **N/A:** Not Applicable.

(NOTE: Attach pages for additional written comments or a written action plan.)

A. Job Knowledge: Understands the requirements, methods, systems and technology pertaining to the job; implements technical knowledge necessary to perform the duties of the work assignment.

\_\_\_\_\_ 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4.

Comments:

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

B. Productivity/Proficiency: Has the ability to perform varying quantities of work thoroughly, safely, and accurately; uses time management organizational skills.

\_\_\_\_\_ 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4.

Comments:

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

C. Attitude/Cooperation/Interpersonal Relations: Work interest, loyalty; enthusiasm; courtesy and cooperation with fellow staff, students, and public; accepts and implements constructive criticism; rapport with supervisor(s) staff, students and other citizens; ability to listen to and empathize with others.

\_\_\_\_\_ 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4.

Comments:

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

D. Communication: Uses efficient, effective, written and verbal communication as related to the job; displays discretion, tact, and sensitivity to the feelings of others; directs others effectively.

\_\_\_\_\_ 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4.

Comments:

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

E. Initiative/Resourcefulness: Anticipates problems; ability to proceed without supervision; works well with minimum supervision; assumes responsibility as required.

\_\_\_\_\_ 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4.

Comments:

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

F. Judgment: Uses generally accepted practices and discretion in determining the proper course of action; good decision-making ability; maintains confidentiality as related to the job.

\_\_\_\_\_ 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4.  
Comments: \_\_\_\_\_  
\_\_\_\_\_

G. Versatility/Flexibility: Adaptable; demonstrates the ability and willingness to perform other types of work (cross-training), learns new duties and adjusts to changing conditions; functions effectively under pressure/stress.

\_\_\_\_\_ 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4.  
Comments: \_\_\_\_\_  
\_\_\_\_\_

H. Personal Qualities: Job appropriate attire; cleanliness; neatness; organization of work area and materials; care of equipment.

\_\_\_\_\_ 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4.  
Comments: \_\_\_\_\_  
\_\_\_\_\_

I. Professional Growth: Participates in inservice and professional growth activities in order to keep abreast of current technology and skills.

\_\_\_\_\_ 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4.  
Comments: \_\_\_\_\_  
\_\_\_\_\_

JOB DESCRIPTION REVIEW

\_\_\_\_\_ Completed \_\_\_\_\_ Employee's Initials \_\_\_\_\_ Supervisor's Initials

RECOMMENDATION FOR PROBATIONARY EMPLOYEE

\_\_\_\_\_ Successfully Completed Probationary Period \_\_\_\_\_ Extension of Probationary Period \_\_\_\_\_ Termination

RECOMMENDATION FOR REGULAR EMPLOYEE

\_\_\_\_\_ Satisfactory Performance \_\_\_\_\_ Unsatisfactory Performance \_\_\_\_\_ Action Plan Attached \_\_\_\_\_ Termination

\_\_\_\_\_  
Supervisor's Signature \_\_\_\_\_ Date

\_\_\_\_\_  
Employee's Signature \_\_\_\_\_ Date

*White Copy - Personnel Office*  
*Yellow Copy -Employee*  
*Pink Copy - Supervisor*  
*Goldenrod Copy - Co-Supervisor*

### 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, the Board has adopted the following guidelines to ensure that conflicts of interest do not occur. These are not intended to be all inclusive, or to substitute for good judgment on the part of all support employees. Support employees are expected to perform their duties in a manner free from conflict of interest consistent with Wis. Stats. 19.59.

No support 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. Support 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. The provision of any private lessons or services for a fee.
- B. Soliciting on school premises or under circumstances which are coercive for the private sale of goods or services to students or other employees.
- C. 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.
- D. 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.
- E. 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.

Support 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.

Support employees shall not solicit gifts, travel packages, and other incentives from prospective contractors and shall not participate in the selection, award and 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, unemancipated 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 support 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 this policy 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 this policy by a support 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 02/15/2016*

### **OUTSIDE ACTIVITIES OF SUPPORT STAFF**

The Board directs the Superintendent to promulgate the following guidelines so that employees may 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.

- A. Employees should not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.
- B. Employees shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
- C. Employees shall not engage in business transactions on behalf of private enterprises in which he/she may profit by virtue of his/her official position or authority or benefit financially from confidential information which the employee has obtained or may obtain by reason of his/her position or authority.
- D. Employees shall not campaign on school property on behalf of any political issue or candidate for local, State, or National office.
- E. Employees should avoid conduct and associations outside the school which, if known, could have an adverse or harmful effect upon the school community.
- F. Employees should refrain from expressions that would disrupt harmony among their co-workers or interfere with the maintenance of discipline by school officials.

*Adopted 11/18/2002*

**PERSONAL PROPERTY COMMUNICATION DEVICES OF STAFF MEMBERS**

Support 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 device(s) 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 support staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the District, however, including matters related to the performance of their job duties or responsibilities, the support staff member'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 support staff member's expression could conflict with the District's interests:

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

*Adopted 11/18/2002*

*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 support 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 support 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 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 support staff.

### Preliminary Complaint Resolution Steps

#### Step 1 - Discuss Complaint with Immediate Supervisor

Prior to filing a written complaint, employees should discuss any problem or complaint with his/her immediate supervisor to determine if the complaint can be resolved.

#### Step 2 - File Written Complaint with Immediate Supervisor

If the complaint cannot be resolved at Step 1, the employee must file a written complaint with his/her immediate supervisor no later than ten (10) calendar days from the date the employee first becomes aware of the termination, discipline, or workplace safety condition causing the complaint. The written complaint shall include: (1) a summary of the facts pertaining to the complaint; (2) a listing of all parties involved; (3) the remedy sought by the employee; and, (4) the employee's signature. The immediate supervisor shall respond to the complaint in writing within seven (7) calendar days of receipt of the written complaint.

#### Step 3 - File a Written Appeal to the Superintendent

If the complaint is not resolved at Step 1 or 2, the employee may appeal a denial by filing a written appeal of the complaint to the Superintendent within ten (10) calendar days from the immediate supervisor's decision. The Superintendent or his/her designee shall meet with the parties to discuss the matter at a time that both parties are available. Within seven (7) calendar days of the meeting, the Superintendent or his/her designee shall issue a written decision sustaining or denying the complaint.

### Hearing Officer Arbitration

#### Appeal to a Hearing Officer

If the complaint is not resolved at Step 3, the employee may appeal a denial by filing a written request for a hearing before a Hearing Officer. This request must be received by the Superintendent no later than fourteen (14) calendar days after the employee receives the Superintendent's or his/her designee's written response.

On appeal, the Superintendent or his/her designee shall transmit the complaint and all responses to the Hearing Officer. As soon as is practicable thereafter, the Hearing Officer shall schedule a date for a hearing. The hearing shall be held at a mutually agreeable time in a public building and shall be open to the public unless the Hearing Officer otherwise directs.

#### Hearing Procedure

The Hearing Officer shall have the authority to administer oaths and issue subpoenas at the request of the parties, and shall be responsible for the fair and orderly conduct of the hearing and the preservation of the record. The hearing shall be conducted in accordance with the hearing procedures of the American Arbitration Association. Any party requesting a subpoena from the Hearing Officer is responsible for the fees associated with the subpoena. All testimony shall be taken under oath and shall be recorded by a court reporter under the supervision and control of the Hearing Officer, unless another method of recording is mutually agreed to by the parties and approved by the Hearing Officer. All costs associated with the court reporter and preparation of a transcript of the hearing shall be evenly split between the parties. The Hearing Officer may only overrule a disciplinary action if the action taken was arbitrary, capricious, and/or discriminatory.

#### Hearing Officer Decision

The Hearing Officer shall submit his or her decision affirming or reversing the action with the reasons therefore in writing to the Superintendent within thirty (30) calendar days of the close of the hearing or the submission of the parties' written briefs, if any, whichever is later, or on a later date mutually agreed upon by the parties. The

Superintendent or his/her designee shall mail a copy of the Hearing Officer's decision to the last known address of each of the parties.

### School Board Review

#### Appeal to School Board

Within fourteen (14) calendar days of the date that the Hearing Officer's decision is mailed, either party may file with the Superintendent a written notice of appeal of the Hearing Officer's determination to the Board. Any such appeal shall be on the written record, the preparation of which shall be the responsibility and at the cost of the party seeking the appeal. The appealing party shall supply a copy of the written record to the other party without charge. The written record shall be filed with the Superintendent within twenty (20) calendar days of the notice of appeal. The Board shall receive no further evidence on the matter, but may request additional briefs of the parties on matters which were raised before the Hearing Officer. The Board may retain outside counsel if necessary during the process. The board will review only written documents.

#### School Board Decision

Within sixty (60) calendar days of the receipt of the written record, the Board shall make and file its written decision with the Superintendent. The Superintendent or his/her designee shall, within five (5) calendar days, mail a copy of the decision to the last known address of the employee or the employee's representative. The Hearing Officer's determination shall be affirmed if the Board determines that credible evidence in the record supports it. If the determination is not supported by a majority of the Board, the Board may reverse the Hearing Officer's determination or modify it. The Board's decision shall be final and binding on the parties. There shall be no subsequent right of appeal.

### Hearing Officer Selection

#### Qualifications/Selection

The District may contract with a Hearing Officer to hear and determine appeals. Any Hearing Officer so engaged shall not be a District employee or be receiving any compensation or benefits from the District other than those described below.

The Superintendent or his/her designee shall create a panel of at least five (5) individuals, when needed, who have indicated a willingness to serve in the capacity of Hearing Officer, who are experienced in personnel matters, or who are active or retired attorneys, retired members of the judiciary, retired administrative employees, or who are currently on the list of arbitrators or mediators for the Wisconsin Employment Relations Commission or the Federal Mediation and Conciliation Service. Hearing officers with arbitration and mediator experience are preferred.

The Hearing Officer hearing a matter shall be selected by a random drawing of one out of the names chosen, with the parties present when the drawing takes place, unless otherwise agreed upon. A "flip" of a coin shall determine which party draws the first name. The party winning the "flip" may choose to draw or defer the draw to the other party.

#### Compensation

The Hearing Officer shall be compensated at the Hearing Officer's regular rate for the hearing, travel time, and time spent composing the decision. The compensation for the Hearing Officer will be split evenly between the parties.

### Settlement of Complaint

A complaint shall be considered waived if not filed or appealed within the complaint timelines. Dissatisfaction is implied in recourse from one step to the next step. A complaint shall be deemed settled and dismissed at the completion of any step in the complaint procedure if all parties concerned are mutually satisfied or the complaint has not been timely processed to the next level. All settlements shall be in writing and signed by the employee in question, and the appropriate District official(s) involved at the step levels will be notified that the complaint was settled.

*Adopted 03/16/2015*

## EMPLOYEE ANTI-HARASSMENT

### Prohibited Harassment

The Board of Education 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 our 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; and
- 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 he/she has been the victim of harassment prohibited under this policy will be encouraged to report the alleged harassment to appropriate school officials.
- B. Teachers, administrators, and other school officials who have 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 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 District office, 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 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's 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 (1) 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 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 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.

#### 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 accordance 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.

Sec. 118.20, Wis. Stats.

Sec. 111.31, Wis. Stats.

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. Sanderson v. Handi Gadgets Corp., (LIRC, 03-31-2005)

*Adopted 11/18/2002*

*Revised/Replaced 03/20/2006*

*Administrative Guidelines*

**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 provided below.*

*Informal Action*

*If a person feels they have a problem of a sensitive nature, for example, sexual harassment, pregnancy, handicap, etc., we suggest 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. The Director of Personnel for support staff is located at 665 Coolidge Avenue-Suite B, Rhinelander, WI and can be reached by phone at 715-365-9700.*

*Complaints and resolution agreements pertaining to harassment complaints must be in written form, dated and signed by the complainant and the Director of Personnel.*

*In order for the complainant's basis to be fully known for alleging the violation, the written complaint must include the following:*

- *Give the name, address, and telephone number of the person(s) filing the grievance*
- *State all the facts giving rise to the complaint including names, dates, places, acts*
- *Indicate the specific relief requested*

*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 of Progressive Discipline*

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

Dismissal - 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.*

*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.*

*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.*

Dismissal - 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.*

*Subsequent to the finding of probable cause by the Director of Personnel and pursuant to Level 1 above, the complainant may not petition the Superintendent for thirty (30) days to allow time for corrective action.*

*If the Superintendent finds no violations, the grounds for the finding shall be outlined carefully rebutting the allegations of the written complaint.*

*If the Superintendent finds probable cause, the necessary steps will be taken to stop it.*

Dismissal - Level 3

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

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. Support Staff Handbook procedures) when such procedures are available to resolve the dispute.*

*The Board may, at its option, commission a neutral third party to conduct a hearing regarding the complaint or an appeal from Dismissal - Level 3 above. 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.*

*Approved 03/20/2006*

### **THREATENING BEHAVIOR TOWARD STAFF MEMBERS**

The Board believes that a staff member 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 staff member 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 a member of the staff 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

*Adopted 11/18/2002*

*Administrative Guidelines*

***THREATENING BEHAVIOR TOWARD STAFF MEMBERS***

*Physical Assaults on District Employees or Officers*

*Physical assault on a District employee or officers by a student will result in an immediate three day suspension from school as a minimum penalty. A parent/guardian conference will be scheduled prior to re-admittance to school. Physical assault on a District employee by a student may result in recommendation for expulsion. Criminal and/or civil action may also be taken by the school employee.*

*Verbal or Physical Threats Toward District Employees or Officers*

*Students violating this policy will be subject to disciplinary action which may include recommendation for expulsion. This may follow a minimum suspension of three days. Parent(s)/guardian(s) will be notified. Depending on the seriousness of the offense, police may be notified.*

*Approved 11/18/2002*

**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*

### **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)

*Adopted 04/18/2016*



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

### Introduction

In accordance with state and federal law, the Board will provide family and medical leave to support staff. 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 a staff member under this policy is governed by both state and federal 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, support staff 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, support staff 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 support staff members are deemed to meet the 1250-hour requirement.

To be eligible for leave under the WFMLA, support staff 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 support staff 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 staff members 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 state and federal leave coverage whenever a staff member 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 healthcare 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 a staff member 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 Staff Member Notice

Staff members must provide the Superintendent with notice in a reasonable and practicable manner before leave taken under this policy is to begin, if the need for leave is foreseeable (e.g., an expected birth, placement or 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 a staff member 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 staff member 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 staff member 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 FMLA, the staff member must use the following leaves provided by the Board, if available:

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

A staff member 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, a staff member may substitute paid or unpaid leave, which he/she have 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 staff member'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

A staff member 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 the staff member had been actively employed during the entire leave. However, the staff member 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 staff member's leave. A staff member will not continue to accrue seniority or any other employment benefit during leave taken under this policy, except that such benefit shall accrue if the staff member elects to use other leaves provided by the Board, and if such benefits would normally accrue during such leave.

### Employment Restoration

A staff member will generally be reinstated to the same position he/she 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 staff member 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 staff member, however, has no greater right to reinstatement or benefits than if he/she had been actively employed during the leave. Further, if the staff member gives unequivocal notice of intent not to return to work, he/she is not entitled to be reinstated.

A staff member 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 staff member may be eligible to be reinstated under the non-FMLA/WFMLA leave policy.

Special re-employment rules apply to support employees who return from leave during the three (3) week period before the end of the term. Please see your supervisor or Human Resource Department for additional information.

### Fitness for Duty Certification

If leave is due to the staff member'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 staff member 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.

A staff member 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 a staff member.

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

*Adopted 11/18/2002*  
*Revised 10/19/2015*

*Administrative Guidelines*

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

Eligibility Requirements

*As provided in Policy 4430.01, to be eligible for leave under the FMLA, support staff 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 support staff members are deemed to meet the 1250-hour requirement.*

*To be eligible for leave under the WFMLA, support staff 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 support 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 support staff members qualify for family and medical leave are as follows:*

- *The birth of the eligible staff member's child and to care for a newborn child.*
- *Placement with the eligible staff member of a child for adoption or foster care.*
- *Care for an eligible staff member'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 support 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 a staff member's spouse's legal guardian only if the support 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.*

- *Due to a serious health condition that makes the eligible staff member unable to perform the essential functions of his/her position.*
- *Due to a qualifying emergency resulting from active military services in contingency operations by the employee's spouse, son, daughter, or parent.*
- *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:*

- ❖ inpatient medical treatment, recuperation or therapy;*
- ❖ 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*
- ❖ 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, 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 as described above.*

*Under the WFMLA, if the staff member 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 staff member's serious health condition.*

*Board policy calls for concurrent state and federal leave coverage whenever a staff member 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 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

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 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; continues over an extended period of time (including recurring episodes of a single underlying condition); or 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 is 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 Support Staff Member Notice

When requesting partial or intermittent leave in connection with childbirth or adoption, the staff member 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 staff member 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 staff member 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 staff member's health care provider. The staff member 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 a staff member 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 a staff member 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 staff member must provide the fully completed certification to the Superintendent within fifteen (15) calendar days of the date that the certification is provided to the staff member, unless it is not practicable to do so despite the staff member's 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 staff member 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. A staff member who is absent without authorization may be disciplined, up to and including termination.*

*The Superintendent will give a staff member a reasonable opportunity to cure any deficiency in a certification, but not fewer than seven (7) calendar days. It is the responsibility of the staff member 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 staff member'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 staff member obtain a second opinion from a Board-designated provider, not regularly employed by the Board. If the opinions of the staff member's and the Board's health care providers differ, a third, final and binding opinion may be obtained. The staff member 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 staff member notice of the designation and his/her rights and responsibilities under this policy.*

*The Superintendent will give the staff member 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 staff member 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 staff member will be verbally notified whether leave is being designated as FMLA leave within five (5) business days of the date the staff member 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 staff member 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 a staff member 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 staff member 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 a staff member 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 staff member takes such leave for the birth of a child or for placement of a child for adoption or foster care. The staff member 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 staff member in an alternative position will not count against the employee's FMLA leave entitlement.*

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

*The Superintendent may require staff members 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.*

*Staff members 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, a staff member 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 staff member 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 staff member's own serious health condition.*

*A staff member may not substitute paid leave for unpaid FMLA leave taken under Policy 4430.01 and these administrative guidelines in any situation where the Board would not normally provide such paid leave.*

*For leaves governed by the WFMLA, a staff member may substitute paid or unpaid leave, which he/she have earned and accrued, for leave taken under Policy 4430.01 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 staff member's FMLA and/or WFMLA leave entitlement.*

#### Continuation of Benefits

*During leave taken under Policy 4430.01 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 staff member 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 staff member'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 staff member 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 staff member'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 a staff member is on other types of leave.*

*If a staff member 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 staff member'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

*A staff member 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 staff member 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 staff member's notification of his/her ability to return to work, provided the early return was foreseeable by at least two (2) business days.*

*Staff members are to contact their supervisor or Human Resource Department for information pertaining to the special re-employment rules that apply to support staff 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 staff member is returning from intermittent leave unless otherwise permitted or required by the Americans With Disabilities Act of 1990. The staff member's principal attending physician must complete the certification and it must indicate that the staff member has been released to return to work. It must also specify any physical or other limitation on the staff member'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 staff member's need for leave, except as otherwise permitted by the Americans with Disabilities Act of 1990. If the staff member 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 staff member submits the certification. Under such circumstances, if the staff member does not promptly provide a certification or qualify for another leave of absence, he/she may be disciplined, up to and including termination.*

*With the staff member's permission, the Board's health care provider may contact the staff member's health care provider to clarify and authenticate the certification, but no additional information may be requested or required, and the staff member'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.*

*Approved 11/18/2002*

*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 Support Staff Handbook and other policies relating to leave, including Policy 4430.01, Family and Medical Leave of Absence.

### Sick Leave

Up to three (3) days of accumulated sick leave may be used per occurrence in the event of serious illness of a member of the immediate family of any employee. Immediate family shall be defined as spouse, parents, sibling, child, spouse's parents, foster parents, or grandchildren.

Up to one (1) day sick leave may be used per occurrence in the event of serious illness of the employee's sister in-law or brother-in-law, grandparent, or spouse's grandparent.

The District would have the right in the event of use for serious illness in the immediate family, defined above, to require a physician's statement that the employee's presence is necessary.

In no event shall this Article prevent an employee from using their Wisconsin or federal Family Medical Leave Act (FMLA) provisions.

### Bereavement Leave

- A. Up to five (5) days of leave with pay may be used per occurrence in the event of the death of a member of the immediate family of any employee. Immediate family shall be defined as spouse or significant other, parents, sibling, child, step-child, spouse's parents, foster parents, grandchildren, or other relatives as approved by the District. Bereavement leave shall be deducted from sick leave.
- B. Up to three (3) days of leave with pay may be used per occurrence in the event of the death of the employee's sister-in-law, brother-in-law, grandparent, spouse's grandparent, close friend or other relatives as approved by the District. Bereavement leave shall be deducted from sick leave.
- C. The Superintendent or his/her designee in his/her sole discretion shall have the right to extend the provisions of A. and B. above, given extenuating circumstances asked for in writing and confirmed.

### Military Leave

Employees who are enrolled members of the Reserve components of the Armed Forces of the United States are entitled to a leave of absence as is necessary to enable them to attend field training exercises or military deployments which have been duly ordered. Such leaves shall be without pay. Employees shall be allowed to use accumulated leave time while fulfilling their military obligations.

Upon returning from their military obligations, employees shall return to their former positions with the District without loss of credit for time worked and other benefits as provided by law.

### Emergency Unpaid Leave

The District may grant a leave of absence in emergency situations without pay to any employee upon written request to the District at least two (2) weeks in advance, if possible. Such requests may be granted for up to a period not to exceed six (6) months. In no case shall a leave of absence be granted for the purpose of accepting or securing other employment or for self-employment.

If the employee wishes to continue health insurance and disability insurance coverage, such coverage may be continued, provided the full monthly premium is paid by the employee in advance. However, the District will pay the insurance premiums for the first five (5) days of unpaid leave per year.

The number of unpaid days will be limited to five (5) on any one occasion, except in rare instances in which unusual events occur or those "once in a lifetime" experiences happen.

### Jury Duty

Employees who receive a summons to serve on jury duty 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.

Employees on jury duty shall receive their regular daily rate of pay and shall be required to provide the District with the jury duty pay (excluding mileage reimbursement).

### Personal Business Leave

An employee shall be allowed the use of up to two (2) personal leave days paid per year. The leave cannot extend a vacation or holiday. Employees shall notify their immediate supervisor, in writing, at least twenty-four (24) hours prior to taking the leave, except in the case of an emergency. Such leave shall be non-accumulative.

### Volunteer Firefighter, Emergency Medical Technician, First Responder, or Ambulance Driver

A staff member who is a volunteer firefighter, 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 firefighter, 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 4430.01, Family & Medical Leave of Absence (FMLA).

Wis. Stats. 103.11, 103.88

*Adopted 12/21/15*

*Revised 07/17/17*

### **JOB-RELATED EXPENSES**

The Board may provide for the payment of the actual and necessary expenses, including traveling expenses, of any support 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.

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. 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 the District.

The Superintendent shall prepare administrative guidelines to implement this policy.

*Adopted 11/18/2002*

*Administrative Guidelines*

**JOB RELATED EXPENSES**

Expense Reimbursements

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.*

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.*

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 will be as follows:*

<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.*

Other Reimbursement

*An exception can be made when conference fees or special banquet fees force meal costs beyond the allowances.*

*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.*

*Reimbursement will not be made for alcoholic beverages.*

*Approved 11/18/2002*

*Revised 11/06/2006*



## OVERTIME PAY

This policy shall ensure that the District complies with the overtime pay, compensatory time, and record-keeping requirements of the Fair Labor Standards Act (FLSA). The FLSA requires that overtime be paid to nonexempt employees either in the form of monetary compensation or compensatory time, as described below, at the rate of 1.5 times the regular hourly rate of pay for the number of hours worked in excess of 40 hours per week.

### **Covered Employees**

Employees in the following job classifications are covered under the FLSA: Paraprofessionals (aides), bookkeepers, clerks, custodians, food service workers, maintenance personnel, receptionists, secretaries, bus drivers, mechanics, software support specialists, network support specialists, and computer technicians. Some employees in the above positions may be exempt from coverage if they have supervisory responsibilities and their supervisory duties exceed 50 percent of their work time or for other reasons.

### **Exempt Employees**

Certain employees are exempt from coverage under the FLSA and are not subject to compensation for overtime work. Exempt employees include executive, administrative, and professional employees, such as teachers, counselors, supervisors, administrators and certain computer personnel. Employees or supervisors who are unsure if an employee is exempt from coverage shall consult the District's Superintendent, Assistant Superintendent -Human Resources, or Director of Business Services.

### **Hours Worked**

The District's work week begins on Sunday and ends on Saturday. Employees are expected to arrive and depart at or about the time specified by the District, unless requested to work overtime by their immediate supervisor. Covered employees shall accurately record hours worked during each week, including all regularly assigned work, extra duties and all overtime, by timesheet or time card. Supervisors and building principals shall review, approve, and submit all timesheets or time cards to the payroll office prior to each pay period. The District is not obligated to offer work to employees which will result in overtime pay.

### **Overtime Pay**

Employees covered by the FLSA shall be paid not less than 1.5 times their regular rate of pay for all hours worked over 40 in a week. For those employees working two or more jobs for the District, overtime pay shall be calculated on the basis of a blended hourly rate on all jobs worked by a formula set by the District.

### **Compensatory Time**

The District reserves the right to grant compensatory time in lieu of paying employees monetary compensation. Prior to employees' overtime work, the district and employees must agree to compensatory time arrangement. Employees may accumulate a maximum of 240 compensatory time hours while employed by the district. Employees must get their supervisor's approval on when to take the compensatory time and must take the time off within one hundred twenty (120) days after when it was earned.

### **Authorization for Overtime Required**

Employees shall not work overtime without prior permission from their immediate supervisors, except in cases of emergency.

### **Overtime Work Without Prior Approval**

Employees covered by FLSA who work overtime without prior approval will be allowed to claim the hours worked in accordance with the FLSA. If the supervisor determines that the work was unforeseen or emergency in nature, it will be approved. If the supervisor determines that the performance of the work was unnecessary at the time it was performed, the employee will receive pay for the hours worked, but disciplinary action may be taken for failure to follow established policy.

### **Recordkeeping and Posters**

All records on wages, hours, and other items listed in the record-keeping regulations will be kept by the Business Office and/or the Human Resources Office for the time specified by the FLSA. The District will display minimum wage posters at each District work site where employees will be likely to see them.

*Adopted 12/15/2003*